County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report
Agenda Item No. 3
December 6, 2018

SUBJECT: **Unclassified Conditional Use Permit (CUP) Application Nos. 3550, 3551, 3552, 3553, and 3577 and associated Environmental Impact Report No. 7225 (State Clearinghouse No. 2016011008)**

Allow the construction, operation, maintenance, and ultimate decommissioning of an up to 180-megawatt (MW) photovoltaic (PV) electricity generating facility and associated infrastructure, to be known as Little Bear Solar 1, 3, 4, 5, and 6 on an approximately 1,288-acre site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. (Note: No Little Bear 2 facility is proposed.) The solar facility will consist of five individual facilities, ranging from approximately 161 to 322 acres in size, with a 60-foot monopole design telecommunications tower and associated equipment proposed at the Little Bear Solar 1 site. Each individual facility would include a substation, inverters, transformers, and a 34.5-kilovolt (kV) overhead collection system, and could include an energy storage system. Other necessary infrastructure would include a permanent operation and maintenance (O&M) building, water storage, meteorological data system, access roads, telecommunications infrastructure, and security fencing.

LOCATION: **The Project site is located approximately 13 miles east of Interstate 5, approximately two miles southwest of the City of Mendota, and adjacent to and west of State Route 33 (SR 33), in unincorporated Fresno County. The Project site is comprised of approximately 1,288 acres of Westlands Water District-owned lands, and would encompass six parcels. A new 115 kV generation tie-line will be strung along the existing North Star generation tie-line, which has been constructed within private easements along W. California Avenue (Solar Facility APNs: 019-110-03ST, -04ST, -05ST, -06ST, and -13ST) (Sup Dist. 1).**

OWNER: **Westlands Water District**

APPLICANTS: **Little Bear Solar 1 LLC, Little Bear Solar 3 LLC, Little Bear Solar 4 LLC, Little Bear Solar 5 LLC, and Little Bear Solar 6 LLC**

STAFF CONTACT: **Christina Monfette, Planner**
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RECOMMENDATION:

- Move to adopt the CEQA Findings of Fact and certify Environmental Impact Report (EIR) No. 7225 prepared for the Little Bear Solar Project, Unclassified CUP Application Nos. 3550, 3551, 3552, 3553, and 3577, as complete and adequate in conformance with the California Environmental Quality Act (CEQA);

- Move to determine the required Findings can be made and move to approve Unclassified CUP Application Nos. 3550, 3551, 3552, 3553, and 3577, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Elevation/Details
7. Applicant's Operational Statement
8. Final Environmental Impact Report No. 7225
9. CEQA Findings of Fact
10. Reclamation Plan

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	**Existing**	**Proposed**
General Plan Designation	Agriculture	No Change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No Change

Criteria	Existing	Proposed
Parcel Size	APN 019-110-03ST: 314.60 acres APN 019-110-04ST: 156.38 acres APN 019-110-05ST: 156.38 acres APN 019-110-06ST: 156.38 acres APN 019-110-13ST: 472.70 acres	No Change
Project Site	The site intermittently has been dry-farmed for grain or forage crops (such as sorghums, wheat, and barley) or has lain fallow in recent years.	Solar facilities will cover the extent of the parcels (see Structural Improvements below).
Structural Improvements	An approximately 5,000 square-foot metal storage shed and approximately 2,500 square feet of metal storage silos are located on parcel 019-110-06ST.	The existing structures on parcel 019-110-06ST (a 156-acre parcel) would be removed. The solar facility would consist of up to five individual facilities with arrays of solar PV modules (or panels) and support structures. Each facility also would include a substation, inverters, transformers, and a 34.5 kV overhead collection system, and may include an Energy Storage System. Other necessary infrastructure may include a permanent operation and maintenance building, water storage, meteorological data system, telecommunications infrastructure, access roads, and security fencing.
Nearest Residence	Approximately 3,900 feet (0.75 mile) west of the Project site	No Change
Surrounding Development	Agricultural production, scattered rural farm residences, solar energy and transmission-related uses, and a medium-security federal prison	No Change
Operational Features	N/A	See above “Project site”

Criteria	Existing	Proposed
Employees	Unknown	A peak work force of up to 750 on-site personnel would be expected during Project construction. On a typical day during operation, the number of staff on site may range from none to 20 during periodic, routine maintenance events.
Customers	N/A	None
Traffic Trips	Seasonal trips associated with harvesting during years with sufficient rainfall to support a crop, or trips associated with the transport of machinery for discing in years without sufficient rainfall to support harvesting	Construction and Decommissioning activities are estimated to generate 1,234 daily trips (1,122 construction worker vehicle trips and 112 haul trips). The Project would not generate a substantial amount of trips due to periodic, routine maintenance events during its operation.
Lighting	None	Motion-activated security lighting would be used on the on-site storage and operations structures and adjacent parking area and facility substations. No security lighting is planned for fence lines or interior roads. All lighting would be shielded or downward facing consistent with local design requirements.
Hours of Operation	N/A	The solar modules at the site would operate during daylight hours, 7 days a week, 365 days a year. Operations and maintenance staff typically would work during regular business hours Monday through Friday. Non-routine (emergency) maintenance or major repairs could require additional workers and may also require work to occur at night when the Project is not generating power to the grid.

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

As stated in CEQA Guidelines §15121(a), "[a]n EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. An EIR is not intended to recommend either approval or denial of a project. Rather, an EIR is a document whose primary purpose is to disclose the potential environmental impacts associated with an action or 'project.'"

In addition, CEQA Guidelines §15151 contains the following standards of adequacy:

> *An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.*

As required by CEQA Guidelines §15120(c), an EIR shall:

- Provide a sufficiently detailed project description;
- Discuss the existing environmental setting;
- Identify and evaluate potential environmental impacts of the project, the cumulative effects of the project, and other existing or proposed activities in the vicinity;
- Describe feasible mitigation measures that could substantially lessen or avoid the project's significant adverse environmental impacts; and
- Identify and evaluate alternatives to the project that could substantially lessen or avoid any of the project's significant environmental impacts.

CEQA does not require evaluation of all possible alternatives, only evaluation of "a range of reasonable alternatives" to encourage both meaningful public participation and informed decision making [CEQA Guidelines §15126.6(a)]. "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds" [*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines §15126.6(f)(3)]. In addition, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) (134 Cal.App.3d 1022, 1029), "Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned."

Unclassified CUP applications for the Project were submitted to Fresno County in October 2016 and February 2017 (Little Bear Solar 6, CUP No. 3577). The EIR was prepared in compliance with CEQA (Pub. Res. Code §21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.). Technical analyses were conducted and public comment was solicited and considered to ensure that potential environmental impacts of the Project have been evaluated and disclosed in the EIR. A summary of the steps of environmental review and public comment process is below:

- A Notice of Preparation was prepared for the Project and circulated to all trustee agencies, responsible agencies, and interested parties beginning on September 7, 2017, for a 30-day review period ending on October 9, 2017.
- On September 14, 2017, the County Department of Public Works and Planning, Development Services and Capital Projects Division, hosted an agency and public scoping meeting at the City of Mendota City Council Chambers in Mendota, California, to discuss the scope of the analysis to be conducted for the EIR.
- A Notice of Completion for the Draft EIR was filed with the State of California Clearinghouse on August 31, 2018.
- A Notice of Availability of the Draft EIR was published in the Business Journal and on the County's website (http://www.co.fresno.ca.us/EIR) on August 31, 2018; and notification of the document's availability was mailed to the Project's distribution list to inform individuals, organizations, and agencies that previously expressed interest in the Project.
- The Draft EIR was circulated for review and comment during a 45-day period that began on August 31, 2018, and ended on October 15, 2018.
- The Draft EIR was made available for public review at the Fresno County Main Library, the Fresno County Library Mendota Branch Library, the County Public Works and Planning offices, and on the County's website.
- Copies of the Draft EIR were provided to responsible, trustee, and other federal, state, and local agencies expected or known to have expertise or interest in the resources that the Project may affect.
- Copies of the Draft EIR or notices of the Draft EIR's availability were sent to organizations and individuals with special expertise on environmental impacts and/or who had previously expressed an interest in this Project or other activities.
- On October 2, 2018, the County Department of Public Works and Planning, Development Services and Capital Projects Division, hosted a public meeting at the City of Mendota City Council Chambers, Mendota, California, to discuss the Draft EIR and Project review process and to receive public comments.
- On October 31, 2018, the Final EIR, which includes responses to comments on the Draft EIR, was made available in electronic form via the County's website and on CD. Printed copies also were made available for public review at the Fresno County Main Library, the Fresno County Library Mendota Branch Library, and the County Public Works and Planning offices.
- On November 2, 2018, the Final EIR or notice that the Final EIR was available on the County's website was provided to agencies, organizations, and members of the public who were included on the Project's distribution list (33 total) and those who had specifically requested notice.

The EIR found that the Project would have no impact to land use and planning, mineral resources, public services, and recreation. The Project would have a less-than-significant impact, or a less-than-significant impact with the implementation of recommended Mitigation Measures, regarding aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy conservation, geology, soils, paleontological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise and acoustics, population and housing, transportation and traffic, tribal cultural resources, and utilities and service systems.

The Project would have no significant and unavoidable impacts. Documents associated with the EIR, including the Draft EIR may be viewed on the County's Website: www.co.fresno.ca.us/EIR.

PUBLIC NOTICE:

Notices of this public hearing were sent to seven property owners within 1,320 feet (1/4 mile) of the subject parcels, exceeding the 300-foot minimum notification requirements prescribed by California Government Code Section 65091 and the County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit (CUP) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

In April, 2015, the Applicant submitted applications for four separate Unclassified Conditional Use Permits (Unclassified CUP Nos. 3492, -93, -94, and -95) to the County requesting the construction, operation, and eventual decommissioning of four 20 MWac solar PV power generating facilities. The project site for those applications included APNs 019-110-03ST, -04ST, and -05ST, which are proposed as part of the site for the current applications.

Due to the contiguous nature of the parcels and the similarity of the proposed uses, it was determined that one Initial Study would be prepared which considered impacts from all four projects. A Mitigated Negative Declaration was prepared for those projects and they were heard at the February 18, 2016 Planning Commission Hearing where the Applicant requested a continuance to a date uncertain in order to address the extensive comments provided by the Law Office of Adams Broadwell Joseph and Cordozo. The continuance was granted; however, the Applicant withdrew the applications on July 8, 2016 and the item did not return to the Planning Commission.

On October 27, 2016, the Applicant filed the subject applications (this project), requesting to allow four separate PV solar generating facilities capable of producing approximately 180 MWac of power. The fifth application (CUP No. 3577) was submitted on February 23, 2017. The Applicant requested that an Environmental Impact Report be prepared to identify potential environmental impacts from the projects. As with the original application, it was determined that the proximity of the projects and the identical proposed uses should be considered as a single 'project' under the provisions of CEQA and one EIR would consider impacts from all five proposed use permits.

The Little Bear Solar Project (Project) consists of two major components: the Solar facility and the generation tie-line (gen-tie line). The Solar facility would consist of up to five individual facilities with arrays of solar PV modules (or panels) and support structures. The approximate generating capacity of each facility would range between 20 MWac and 50 MWac. Each facility would include a substation, inverters, transformers, and a 34.5-kilovolt (kV) overhead collection system, and could include an energy storage system. Other necessary infrastructure would include a permanent operation and maintenance (O&M) building, water storage, meteorological data system, access roads, telecommunications infrastructure, and security fencing.

Little Bear Solar 1 would require the installation of a new 115 kV interconnection to the North Star Solar Project's existing substation, which is located on the northeast corner of San Bernardino Avenue and California Avenue. Interconnection of Little Bear Solar 3, 4, 5, and 6 would require the installation of a new, approximately two-mile 115 kV gen-tie line across the Project site. The new gen-tie line would tie in to the existing North Star gen-tie line at the southwest corner of San Bernardino Avenue and California Avenue to complete the interconnection to PG&E's existing Mendota Substation. The Project would operate year-round to generate electricity during daylight hours.

If approved, the Project would be implemented in three phases. The first phase, Demolition and Construction, would require up to 14 months and up to 750 on-site personnel to complete. The second phase, Operation and Maintenance, is assumed for purposes of this EIR to be coterminous with the CUP period (30 years). There would be on-site personnel consisting of plant operators, maintenance technicians, and security personnel during the Operation and Maintenance phase. On a typical day, the number of staff on site may range from none (it is not necessary for staff to be present during plant operations) up to 20 during periodic, routine maintenance events. Non-routine (emergency) maintenance could require additional workers. The final phase, Decommissioning and Site Reclamation, would begin within 6 months after the conclusion of each facility-specific CUP period (including any extension that may be granted by the County). Each facility site would be returned to a stable condition comparable to pre-Project conditions in accordance with applicable land use regulations in effect at that time via the implementation of the County-approved Closure, Decommissioning, and Reclamation Plan.

Westlands Water District (WWD) currently owns the proposed site, which is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The site intermittently has been dry-farmed for grain or forage crops (such as sorghums, wheat, and barley) or has lain fallow in recent years. Abandoned irrigation and drainage features are present throughout the site, including piping. However, irrigation is not allowed on any of the land within the Project site due to restrictive covenants recorded against the parcels. Because cultivation occurs without the benefit of irrigation, crop productivity depends entirely on rainfall.

An approximately 5,000 square-foot metal storage shed and approximately 2,500 square feet of metal storage silos are located on parcel 019-110-06ST (Little Bear Solar 3), just east of South Ohio Avenue. These structures would be removed as part of the Project (see EIR Section 2.5.4, *Demolition and Construction*). Electric and phone lines are present along the perimeter. An electric line bisects the Project site, running north-south, parallel to South Ohio Avenue. These would not be affected by the Project.

Finding 1: *That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood*

	Current Standard:	**Proposed Operation:**	**Is Standard Met (y/n)**
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Project infrastructure to be set back at least 50 feet from the property line	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Parking	One parking space for every two employees on site; one of which shall be an ADA parking stall (van accessible) located as close as possible to the main entrance of main building	Operations structures would include an adjacent parking area.	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	No requirement	N/A	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent for existing system	Development of septic system would be in compliance with the Local Area Management Plan (LAMP)	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; Disposal field: 100 feet; Seepage pit/cesspool: 150 feet	A septic system may be installed to serve the O&M building; the closest well is over 1,000 feet from the proposed O&M building.	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Fresno County Department of Public Works and Planning Site Plan Review: Off-street parking requirements shall be one parking space for every two (2) employees on site. One parking space shall be an ADA parking stall (van accessible) located as close as possible to the main entrance of the main building. All parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. A site plan showing parking dimensions, back-up space, width of aisles, turn around radius, etc. shall be submitted to confirm parking requirements.

No building height or structure erected in this Zone District shall exceed thirty-five (35) feet in height, per Section 816.5.D of the Zoning Ordinance. An Encroachment Permit will be required for any improvements within the County right-of-way prior to commencement of construction. All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site advertising for commercial uses is prohibited in the AE (Exclusive Agriculture) Zone District.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

The "Solar Facility Guidelines" approved by the Fresno County Board of Supervisors on May 3, 2011 and amended on March 13, 2012, May 21, 2013 and December 12, 2017 require a buffer between proposed solar facilities and adjacent agricultural operations, including a 50-foot setback between proposed solar facility improvements from the edges of the property boundaries to the closest structural improvements or equipment. In this case, the Project Site Plans demonstrate that the proposed solar panels would be set back from the surrounding property lines by a minimum of 50 feet and confirmation of those setbacks will be reviewed as part of the SPR process, proposed as a Condition of Approval.

The Zoning Ordinance Section 816.5.D requires that no structure shall exceed 35 feet in the Exclusive Agricultural Zone District; however, communication towers and transmission lines are not restricted by this height limit. Therefore a variance was not required to accommodate these proposed improvements.

In general, the proposed 1,288-acre solar facility would not affect existing agricultural uses due to setbacks and buffers. Specific concerns regarding the impacts of the solar panels on adjacent agricultural facilities were submitted by an adjacent property owner who was concerned about a local 'heat island' affect. Studies indicated that while temperatures in the vicinity of a solar field have the potential to be 3.4°F higher than surrounding areas, such increased temperatures were greatly reduced at 98 feet from the solar array and no temperature difference was noted at 131 feet away. The proposed improvements near the adjacent property owner's pomegranates will be constructed approximately 140 from the nearest solar panel proposed as part of this project. Therefore, impacts would be less than significant on farming operations on the abutting westerly property.

The EIR considered the potential for this project to produce impacts that could be significant when considered cumulatively with other similar projects in the vicinity. The Project is adjacent to and south of the existing North Star Solar Project and there are four other PV Solar Facilities located within two miles (Citizen Solar B, E, and F; and Silverado Power, LLC). Given the distance between these sites and the pomegranate trees, there is no potential for cumulative heat island effects to occur. Cumulative impacts relating to the conversion of farmland to non-agricultural uses were also considered; however, the subject parcels and other parcels in this area have been removed from Westlands Water District's service area and do not receive irrigation water. The land was retired due to its poor quality. Consistent with the Solar Facility Guidelines, solar facilities should not be placed on active farmland. The poor quality of the soil on this and surrounding parcels makes them ideal for solar facilities and results in less than significant impacts to farmlands, even when considered cumulatively.

Portable restrooms will be provided for construction and decommissioning activities. The permanent Operation and Maintenance building will require a permanent restroom facility, which must be served by a private septic system because no public sewer connections are available at the site. If constructed, an in-ground septic system would include a septic tank (up to 750 gallons) and an approximately 3,000 square-foot leach field located in proximity to the O&M building. The septic system design would adhere to the California Plumbing Code and the Fresno Local Agency Management Plan (LAMP). The closest well is over 1,000 feet from the proposed O&M building.

Adherence to a Site Plan Review (SPR), which has been required as a Condition of Approval, will ensure compliance with the setback requirements and other design standards. Conditions of the SPR may include, but are not limited to, design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

Based on the above information, and with adherence to the Conditions of Approval described above and the Mitigation Measures described in the EIR, staff believes the site will be adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

See Mitigation Measures, Design Measures, and recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

Finding 2: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use

		Existing Conditions	**Proposed Operation**
Private Road	Yes	Two private dirt roads bisect the Project site.	The Project would include an estimated 42 acres of private perimeter roads and interior access ways for construction and operation. These access ways would be approximately 20 feet wide and composed of native compacted soil.
Public Road Frontage	Yes	State Route (SR) 33: ~1 mile California Avenue: ~4 miles S. Ohio Avenue: ~1 mile W. Adams Avenue: ~2 miles San Bernardino Avenue: ~ 1 mile W. Jensen Avenue: ~2 miles	No change
Direct Access to Public Road	Yes	One drive onto N. Ohio Avenue	Access to the Project will be provided at driveways along California Avenue, Ohio Avenue, and San Bernardino Avenue, which will meet applicable County standards.
Road Average Daily Traffic (ADT)		SR 33: 2,000 California Avenue: 900	During peak construction activities (Passenger Car Equivalent [PCE]): 1,342

	Existing Conditions	Proposed Operation
	SR 180: 7,000	• SR 33: 2,134 • California Ave: 1,034 • SR 180: 8,074 The Project would not generate a substantial amount of trips due to periodic routine maintenance events during its operation.
Road Classification	SR 33: Expressway California Avenue: Local SR 180: Proposed Freeway	No change
Road Width	SR 33: two 12-foot-wide travel lanes and gravel shoulders California Avenue: two 12-foot-wide travel lanes and gravel shoulders SR 180: two 12-foot-wide travel lanes and paved shoulders	No change
Road Surface	SR 33: Paved California Avenue: Paved S. Ohio Avenue: Dirt W. Adams Avenue: Dirt San Bernardino Avenue: Dirt W. Jensen Avenue: Dirt SR 180: Paved	Overlay (2-inch Hot Mix Asphalt) California Avenue from Derrick Avenue to the Ohio Street alignment.
Traffic Trips	Seasonal agricultural-related trips associated with harvesting during years with sufficient rainfall to support a crop, or trips associated with the transport of machinery for discing in years without sufficient rainfall to support harvesting	Construction and Decommissioning activities are estimated to generate 1,234 daily trips (1,122 construction worker vehicle trips and 112 haul trips) or 1,342 PCE trips. Up to 20 daily trips for operation and maintenance

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	Yes	N/A	A Traffic Technical Report was prepared for this project by VRPA Technologies, Inc. dated December 2017.
Road Improvements Required		N/A	Overlay (2-inch Hot Mix Asphalt) and restripe California Avenue from Derrick Avenue to the Ohio Street alignment (one mile). Maintain California Avenue (two miles) along the frontage of the Project site throughout the construction duration. A temporary traffic signal at SR 33/West California Avenue/West Panoche Road during construction Repair County roads which are demonstrably damaged by project traffic.

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Road Maintenance and Operations Division of the Department of Public Works and Planning: The driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. A dust palliative will be required on all parking and circulation areas.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis:

Access to the Project site would be provided from driveways located at 10 access points. Construction access to the Project site is proposed to occur primarily from West California Avenue. No driveways onto SR 33 are proposed.

All access points would meet applicable County standards. County road rights-of-way are 60 feet wide along San Bernardino Avenue (western edge of the Project site) and West Adams Avenue (which bisects the Project site in an east-west direction), and 30 feet wide along South

Ohio Avenue (which bisects the site in a north-south direction) and West Jensen Avenue (which is the southern boundary of the Project site). Project infrastructure would be set back at least 50 feet from all property lines.

The Project would include an estimated 42 acres of private perimeter roads and interior access ways for construction and operation. These access ways would be approximately 20 feet wide and composed of native compacted soil. The final design of access ways and driveways would be subject to Fresno County Fire Department review prior to construction.

Currently, the SR 33/West California Avenue/West Panoche Road intersection operates as a two-way stop controlled intersection. Results of the Project-specific traffic analysis indicate that the addition of Project construction and decommissioning traffic will cause unacceptable levels of service (LOS F) in the westbound movement during the AM peak hour and the eastbound movement during the PM peak hour. Mitigation Measures 3.18-1a and 3.18-2a (See Exhibit 1) would reduce the construction impact at the SR 33/West California Avenue/West Panoche Road intersection to a less-than-significant level by requiring the preparation of a Traffic Management Plan and by installing a temporary stop sign at the SR 33/West Panoche Road intersection. The roadway segments expected to be used by the Project construction traffic would maintain their existing LOS throughout peak periods of construction, which are well within the County and Caltrans' acceptable capacities and performance standards.

The majority of heavy shipments will occur during the construction and decommissioning phases of the project. The majority of these shipments will weigh approximately 50,000 pounds; however, the four substation transformers will weigh approximately 190,000 pounds each. The proposed Project will not generate a substantial amount of trips during its operation. Up to twenty employees may be on site during operations; however, the number may be as low as zero, and Project-related operational traffic would not cause a significant increase in congestion and would not significantly affect the existing LOS on area roads.

In addition to the requirement to install a two-inch overlay on California Avenue, the developer is required to enter into an agreement to ensure that any County roads which are demonstrably damaged by project traffic are repaired, paved, and/or slurry-sealed, as is necessary. Based on the above information, and with adherence to Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1, the surrounding streets and highways serving the Project site will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

See Mitigation Measures, Design Measures, and recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

Finding 3: *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

Surrounding Parcels				
	Size:	**Use:**	**Zoning:**	**Nearest Residence:**
North	9.11 acres 321.04 acres 152.03 acres 161.06 acres 240.82 acres 629.82 acres 40.11 acres 2.60 acres 19.07 acres 16.48 acres 2.32 acres 237.29 acres 79.09 acres 77.43 acres	Electrical Substation Agricultural land Non-irrigated agricultural land owned by Westlands Water District PV electricity generating facility Federal correctional facility Dry Farming	AE-20 (all)	The correctional facility houses approximately 813 inmates and is located approximately 3,150 feet from the Project site.
South	476.38 acres 156.38 acres 158.18 acres 158.18 acres 156.39 acres 158.32 acres 158.18 acres	Agricultural land Non-irrigated agricultural land owned by Westlands Water District	AE-20 (all)	None
East	20.81 acres 41.19 acres 1.29 acres 236.78 acres 78.23 acres 79.30 acres 78.39 acres 157.07 acres	Agricultural land Non-irrigated agricultural land owned by Westlands Water District	AE-20 (all)	None
West	156.38 acres 312.77 acres 240.82 acres 158.18 acres	Agricultural land Non-irrigated agricultural land owned by Westlands Water District	AE-20 (all)	Rural farm residences located approximately 3,900 feet (0.75 mile) west of the Project boundary

Reviewing Agency/Department Comments:

Fresno County Department of Agriculture: A comprehensive exit strategy has been submitted in the form of a Reclamation Plan which will be provided when the Project is approved. A crop history was provided. The Project site was farmed with winter wheat and barley. Both crops are solely dependent on winter rains to meet water requirements. The Project site is retired agricultural field which receives no irrigation water. The Fresno County "Right to Farm" Ordinance 17.04.100 and 17.72.075 shall be presented to the Applicant so that any necessary Mitigation Measures can be considered to minimize any potential discomfort or risk to employees. This Project, as part of the conditional use designation, should acknowledge the need to control weeds and rodents within the Project area to prevent this Project from becoming a nuisance to neighboring properties.

Fresno County Department of Public Health, Environmental Health Division: The potential adverse impacts caused by this Project could include (but are not limited to) water quality degradation, odors and vector.

Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

California Department of Fish and Wildlife: The Project has the potential to impact several special-status wildlife species, including those known to occur in the Project site vicinity identified either through the California Natural Diversity Database (CNDDB) or through California Department of Fish and Wildlife (CDFW) staff's personal knowledge. Comments from CDFW discussed potential impacts to Swainson's hawk, San Joaquin kit fox, blunt-nosed leopard lizard, burrowing owl, and in general, bats and birds who might breed on site.

U.S. Fish and Wildlife Service: A review of aerial imagery shows that the proposed project is located within the range of the federally-endangered San Joaquin kit fox (SJKF) and blunt-nosed leopard lizard (BNLL). Although the Service believes that the probability of encountering SJKF or BNLL is low, it cannot be discounted entirely because both of these species have been documented within five miles of the proposed project sites. In addition, the proposed project is located within a designated kit fox linkage area, which has been identified as an important corridor for maintaining kit fox movement between populations. Upland habitats, such as fallow or low-production agriculture may support both SJKF and BNLL. Specifically, burrows found within the proposed project site may provide sheltering and breeding habitat for either of these species, as well as indicate a local prey base and foraging habitat for SJKF. If either species is on site or in the vicinity during construction, there is potential for take to occur.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

The proposed approximately 180-megawatt solar power generation facility will be located on five parcels (1,288 acres) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Located approximately 2.5 miles southwest of the City of Mendota, the Project site has historically been used for agricultural production, and in recent years, has been periodically dry-farmed for grain and forage crops or lain fallow. Surrounding land uses consist primarily of agricultural production to the east, south, and west of the Project site (including field crops, pomegranate and other orchards) and a few scattered rural farm residences (the nearest of which is approximately 0.75 mile west of the Project site). Solar energy and transmission-related uses are associated with the North Star Solar Project and a medium-security federal prison that houses approximately 813 inmates located to the north of the Project site.

Input was received during the scoping process from an adjacent property owner who asked about the Project's potential impact on their pomegranate trees and the bees required to pollinate them; whether solar project construction could disrupt newly-planted trees; whether the power lines or solar panels could affect the trees and fruit; how much water would be required to serve the project; expressed concern about weeds or invasive plants that might migrate onto their farm; and encouraged a 0.5-mile buffer between their farm and the Project's solar panels (see Letter A of Appendix A of the Draft EIR, which is available at www.co.fresno.ca.us/EIR).

Since the closest proposed edge of the Little Bear Solar 1 solar array is approximately 149 feet from the property line of the adjacent orchard and the closest proposed edge of the Little Bear Solar 4 solar array is approximately 140 feet away from it, the EIR found that the Project would have a less-than-significant impact to the neighboring orchard as a result of a photovoltaic heat island effect. Additionally, due to the limited duration of glare and the distance of approximately 150 feet between the easternmost trees and the closest panels, the EIR found that potential glare from the fixed-tilt panels would result in a less-than-significant impact. Any lighting that is proposed will be hooded and pointed downward so that light doesn't shine on adjacent properties or the right-of-way.

A Pest and Weed Management Plan (Appendix B-2 of the Draft EIR) would be implemented during construction and operation which would manage the introduction or establishment of pests and weeds during the Project's initial demolition and construction, operation and maintenance, and decommissioning and site restoration. A glare analysis (Appendix D of the DEIR) found that no glare impact would be experienced by aircraft, motorists, or residents of nearby homes.

A reclamation plan (Exhibit 10, DEIR Appendix B-1), including the need to provide financial assurances, has been prepared by the Applicant. This will ensure that all project materials are removed from the site following the life of the project and that the installed infrastructure will not become a visual blight on the area.

The visual impact of installing solar panels in this area was also considered, especially when taken as a whole with the North Star Solar Facility and the Citizen Solar B, which are both located north of W. California Avenue. In general, this area is not considered to have high visual sensitivity because the majority of viewers are motorists traveling along West California Avenue or State Route 33. Other persons who may be impacted by the visual change include the incarcerated at the Mendota Correctional Facility, visitors to the Mendota Wildlife Area, and visitors at the three parks in the City of Mendota. Due to the limited time that motorists will be within sight of the project and the long angles at which park attendees would view the improvements, the EIR found no adverse impacts to the aesthetic quality of the area, even

when the existing impacts of the nearby solar facilities were considered. Ongoing maintenance and cleaning will be required, thereby ensuring that panels will generally be in good working order and will present an orderly and industrial view. North Star and Citizen Solar both operate under similar requirements and therefore approval of this application would extend the industrial backdrop. Further, solar facilities tend to be located in the same area as each other because they often share a single point of interconnection to the grid. In this case, all three solar facilities (Little Bear, North Star, and Citizen Solar B) connect to the Mendota Substation.

Comments from CDFW recommended the preparation of a preliminary biological assessment and also included recommendations to mitigate or avoid impacts to special-status species which had the potential to be present on the project site. A Biological Technical Report was prepared by Dudek (Appendix F, DEIR). Based on the results of that survey, impacts to special-status species could have been significant and therefore, Mitigation Measures 3.5-1, 3.5-2, and 3.5-3 were proposed in order to reduce the severity of impacts. These measures generally implement the recommendations from CDFW and published avoidance and minimization guidelines. These measures also cover the concerns raised by the U.S. Fish and Wildlife Service. Preconstruction surveys will establish if special-status species are present and if so, appropriate avoidance and minimization actions are required as Mitigation Measures.

Potential impacts to subsurface cultural resources may occur; however, consultation under the provisions of Assembly Bill 52 did not identify any resources or features that should be protected. If such resources are encountered during construction, the developer will stop all work and a qualified archaeologist will inspect the findings and report the results of the inspection to the developer and the County. The developer is also required to discuss how to recognize cultural resources as part of the Worker Environmental Awareness Program (WEAP), which is required training for employees prior to starting work at the project site.

The EIR found that the Project would have no impact to land use and planning, mineral resources, public services, and recreation. The Project would have a less-than-significant impact, or a less-than-significant impact with the implementation of recommended Mitigation Measures regarding aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy conservation, geology, soils, paleontological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise and acoustics, population and housing, transportation and traffic, tribal cultural resources, and utilities and service systems. The Project would have no significant and unavoidable impacts.

Based on the above information and with adherence to Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan*

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.1: The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.	The project site has been subject to litigation which restricts it from receiving irrigation water from Westlands Water District. The condition of the soil is not conducive to economical farming and is recommended for use as a Solar facility. In addition, infrastructure for this project is available in this area in the form of the existing Mendota Substation, which has the capacity to support interconnection.
General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following applicable criteria: a) The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b) The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c) The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4)-mile radius; d) A probable workforce should be located nearby or be readily available.	a) The proposed use will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large undeveloped land in the subject area. b) Settlements with Westlands Water District determined that this farmland was not of suitable quality to receive irrigation water. c) The EIR found available water supplies to satisfy the water demands of the Project, while still meeting other existing and planned future uses, including agricultural and manufacturing uses. d) Based on demographics and experience with the adjacent North Star Solar Project, a majority of the construction workforce is expected to come from the Fresno regional area.
General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.	The proposed solar facility has been proposed on agricultural land where irrigation is prohibited. In addition, weed and rodent control plans will be implemented during the life of the Project to reduce weed and rodent impacts to adjacent farmland. Solar panels are required to adhere to a 50-foot setback from adjacent agricultural operations.
General Plan Policy LU-A.13: County shall require buffers between proposed non-	The Project site will have perimeter fencing for security purposes and to separate the use

Relevant Policies:	Consistency/Considerations:
agricultural uses and adjacent agricultural operations.	from farming and other non-agricultural operations on adjacent properties. Further, the Project will have an at least 50-foot-wide buffer between the proposed use and adjacent operations.
General Plan Policy PF-C.17: County shall undertake a water supply evaluation.	A Project-specific and site-specific Hydrology and Water Quality Technical Report (Appendix J1 of the Draft EIR), a Water Supply Assessment (Appendix J2 of the Draft EIR), an Identification of Sources of Water for the Little Bear Solar Project Pursuant to Requirements of Fresno County Solar Facility Guidelines (Appendix J3 of the Draft EIR), and a letter report regarding water supply (Appendix J4 of the Draft EIR) were prepared for the Project. The water supply for construction and operation of the Project would be satisfied using the adjacent North Star Solar Project groundwater supply well and Municipal and Industrial (M&I) water supply contract with WWD, respectively. Alternate water sources may be used on an as-needed basis. The groundwater supply from the North Star Solar Project well and WWD M&I water delivery would be sufficient to meet the projected water demand associated with the Project, in addition to existing and planned future uses.
General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.	The project was routed to the Fresno County Fire Protection District for review. They did not provide any preliminary comments; however, the developer will be required to obtain Fire District approval prior to construction, in accordance with Fresno County development regulations.
General Plan Policy HS-E.2: The County shall ensure that new development, including public infrastructure projects, does not create safety hazards such as glare from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards.	Environmental Impact Report No. 7225 considered the increased risk due to this project of public safety hazards from glare and hazardous chemicals. Development is required to adhere to existing safety standards, including those related to electrical conduction and hazardous materials handling.
General Plan Policy HS-G.1: The County shall require that all proposed development incorporate design elements necessary to	Noise impacts from this project include construction noise and potential noise from the HVAC systems for the Energy Storage

Relevant Policies:	Consistency/Considerations:
minimize adverse noise impacts on surrounding land uses.	Systems. Construction will be compliant with the Fresno County Noise Ordinance, and a Mitigation Measure requires the developer to show that the proposed systems will operate in compliance with the Ordinance at all times.
General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	Review of this project did not identify any designs or operational standards that would be in conflict with existing regulations regarding hazardous materials and waste management.
General Plan Policy TRA-A.3: The County shall require that new or modified access to property abutting a roadway and to intersecting roads conform to access specifications in the Circulation Diagram and Standards section.	Prior to development, this project is required to prepare a Traffic Management Plan, which will include conformance with access specifications in the Circulation Diagrams and Standards Section of the Fresno County General Plan.

Reviewing Agency Comments:

Westlands Water District: Since the Applicant is proposing a solar development, the Applicant is eligible to receive water through the District's Municipal and Industrial (M&I) supply and the land will continue to have access to the District's distribution system. The Applicant must comply with the District's Backflow Prevention guidelines for this connection to the water system.

The District has no objections to the Project, however, prior to initiating construction, the Applicant shall be required to contact Underground Service Alert (811) so District staff can locate and mark its facilities. The District has water distribution Lateral 4-5.5, Lateral 4-5.5-2.0, and Lateral 4-6.5 in the vicinity of the Project site.

Policy Planning Unit of the Fresno County Department of Public Works and Planning: In addition to identifying relevant policies discussed above, the Policy Planning Unit provided the following comments: The proposed project involves establishing a photovoltaic solar power generation facility on land designated for agricultural uses. Establishing a photovoltaic solar power generation facility involves construction of footings, installation of solar panels and transmission lines, and construction of maintenance buildings, etc. Photovoltaic solar power generation facilities are generally established on leased land and their operation may cease upon expiration of the lease term or sooner. Photovoltaic Solar applicants are required to address the topics in the Solar Guidelines.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

As discussed above, this proposal is consistent with the General Plan Policies applicable to the Project. The proposed development will: 1) be fenced and set back from the exterior boundary

of the site to provide a buffer between the subject solar facility and adjoining agricultural uses; 2) protect adjoining farmland through implementation of a Weed and Pest Management Plan (Appendix B-2 of the Draft EIR); and 3) result only in a temporary conversion of agricultural land which could be restored to the prior farming state upon cessation of the solar use. Said agricultural land does not currently receive irrigation water from Westlands Water District and is not likely to receive an allotment in the future due to its status as retired farmland. None of the Project site qualifies as protected farmland pursuant to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP), and none of its acreage is enrolled under an Agricultural Land Conservation Contract.

Large solar facilities, such as this application, require placement outside of urban areas to take advantage of the large stretches of flatland where panels may be constructed. Further, this project site has been identified as a preferable location for solar power because it has been retired from Westlands Water District service due to poor soil quality. Alternative uses for this retired farmland discourage the placement of similar facilities on more productive land, which General Plan Policies have been designed to protect.

Regarding Policies HS-G.1, HS-F.1, and TRA-A.3, which relate to noise impacts, hazardous materials handling, and conformity to the circulation plan, the EIR prepared for this project identified that this project could have potentially significant impacts in violation of these policies. However, adoption of the proposed Mitigation Measures will ensure that this project is in compliance with these policies. Regarding the potential for noise impacts, the developer is required to prepare a noise analysis which shows that the proposed Energy Storage system (ESS) can be operated in conformance with the Noise Ordinance, either through the installation of noise buffers/buildings or through the choice of low-noise-producing components. Hazardous materials will be handled in accordance with all existing regulations and special care shall be taken to ensure that asbestos-containing materials, which have the potential to be present on site in the form of lining for irrigation pipes, do not release asbestos into the environment. As discussed under Finding 2, the developer is required to prepare a Traffic Management Plan, which will ensure that the project does not adversely impact the circulation system. In addition to preparing and adhering to this plan, the project must install a temporary stop sign at the intersection of SR 33 and West Panoche Road during construction and decommissioning.

On May 3, 2011, the Fresno County Board of Supervisors took action requiring supplemental application information based on the Nine-Point Solar Facilities Guidelines to be provided by solar utility applicants as part of their project submittal packages. The Guidelines were amended by the Board on March 13, 2012 and May 21, 2013 to include historical information on the agricultural use of the property, crop yield information, the source of water, the soil type, information on improvements and site buffering, the submittal of a Reclamation Plan, pest management information, and acknowledgement of the County's Right-to-Farm Ordinance. Required supplemental application information includes historical information on the agricultural use. The most recent amendment (December 12, 2017) required solar applicants to commit to make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction-related items necessary for the project and to hire employees from the local workforce. They also require the developer to identify the weight of shipments and commit to purchasing products and equipment from local (Fresno County) manufacturing facilities and venders.

In this instance, the Applicant has provided this information (Appendix K2 of the Draft EIR), included as a separate supplemental document in the Commission Agenda packets, which indicates that the Project site has not been irrigated for the last 10 years, and sufficient water supply is available to serve the Project. Acknowledgment of the Right to Farm Ordinance has been made a Condition of Approval to this project. The Pest Control and Reclamation Plans have been reviewed by the

Department of Public Works and Planning and were determined to be sufficient to prevent the general operation of this solar facility from becoming a nuisance on adjacent properties.

Based on the above information, staff believes the proposal is consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

The County received one letter in response to the Notice of Preparation: on September 19, 2017, Steve Barsoom of Ensher, Alexander & Barsoom submitted a letter which detailed his concerns regarding the proximity of the proposed solar panels and their potential impacts on pomegranate trees and pollination (see Letter A of Appendix A of the Draft EIR). The concerns raised in this letter were included as part of the consideration of Environmental Impacts, specifically in Section 3.3, which discusses the project's impacts to Agriculture.

The County received one letter regarding the Draft EIR on October 8, 2018: a letter from the Law Offices of John A. Belcher on behalf of an organization called Save Our Mojave. This correspondence requested that the EIR be recirculated to address concerns regarding air quality, water usage, endangered species, and cumulative impacts. A response to this comment was provided in Chapter 2 of the Final EIR (Exhibit 8).

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permits can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit Nos. 3550, 3551, 3552, 3553, and 3577, subject to the Mitigation Measures and recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the CEQA findings of Fact and certify Environmental Impact Report (EIR) No. 7225 prepared for the Little Bear Solar Project CUP Application Nos. 3550, 3551, 3552, 3553, and 3577 as complete and adequate in conformance with CEQA; and

- Move to determine the required Findings can be made and move to approve Unclassified CUP Nos. 3550, 3551, 3552, 3553, and 3577, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified CUP Nos. 3550, 3551, 3552, 3553, and 3577; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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Mitigation Monitoring and Reporting Program
Conditional Use Permit Application Nos. 3550, 3551, 3552, 3553, and 3577
(Including Design Measures, Conditions of Approval and Project Notes)

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.4-2	Air Quality	**Voluntary Emission Reduction Agreement for NO_X During Decommissioning** Prior to issuance of County permits for decommissioning activities, the Project Applicant shall provide to the County either: a. A fully-executed Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to fully mitigate Project decommissioning emissions from NO_x; or b. An analysis prepared by an air quality specialist demonstrating that the emissions of NO_x associated with decommissioning would be less than 10 tons per year.	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee	Prior to issuance of County permits for decommissioning activities
Design Measure **2.5.7.1	Air Quality	**Voluntary Emission Reduction Agreement for NO_X During Construction and Operations** Prior to issuance of County permits for construction activities, the Project Applicant shall provide to the County either: a. A fully-executed Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to fully mitigate Project construction and operational emissions from NO_x; or b. An analysis prepared by an air quality specialist demonstrating that the emissions of NO_x associated with construction and operations would be less than 10 tons per year.	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee, San Joaquin Valley Air Pollution Control District	Prior to issuance of County permits for construction activities
Design Measure **2.5.7.2	Air Quality	**Valley Fever Management Plan** During the demolition, construction, and decommissioning phases of the Project, the Applicant shall implement the following measures intended to reduce worker exposure to the *Coccidioides immitis (C. immitis)* fungus that causes Valley Fever: • Prior to ground-disturbing activities, a Valley Fever Management Plan will be provided to the County and shall include a program to limit the potential for exposure to *C. immitis* from construction activities and to identify appropriate worker training, dust management and safety procedures that	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee	Prior to ground-disturbing activities associated with construction or demolition of the project

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Design Measure **2.5.7.2 (cont.)	Air Quality	shall be implemented, as needed, to minimize personnel and public exposure to *C. immitis*. • In addition to awareness and recognition training, these measures include performing job hazard assessments (JHAs) for all job classifications employed on site. These JHAs will identify the potential for exposure as well as the appropriate precautions and controls to minimize exposure.			
Mitigation Measure* 3.5-1	Biological Resources	**Preconstruction surveys** ***San Joaquin kit fox:*** Preconstruction surveys shall be conducted by a qualified biologist for the presence of San Joaquin kit fox dens within 14 days prior to commencement of construction activities. The surveys shall be conducted in areas of suitable habitat for San Joaquin kit fox (areas that have been plowed within 12 months prior to the start of ground-disturbing activities are not considered suitable). Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the site that is disturbed. If no potential San Joaquin kit fox dens are present, no further mitigation is required under this measure. If potential dens are observed and avoidance is determined to be feasible (as defined in CEQA Guidelines §15364 consistent with the USFWS [1999] *Standardized Recommendations for Protection of the San Joaquin Kit Fox*) by a qualified biologist in consultation with the Project Owner and the County, buffer distances shall be established prior to construction activities. If avoidance of the potential dens is not feasible, the following measures are required to avoid potential adverse effects to the San Joaquin kit fox: • If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-using them during construction. • If the qualified biologist determines that a potential non-natal den may be active, an on-site passive relocation program shall be implemented with prior concurrence from USFWS. This program shall consist of excluding San Joaquin kit foxes from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for one week to confirm usage has been	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee, California Department of Fish and Wildlife	14 days prior to commencement of construction activities

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.5-1 (cont.)	Biological Resources	discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that the San Joaquin kit foxes have stopped using active dens within the Project boundary, the dens shall be hand-excavated as stated above for inactive dens. ***Burrowing owl:*** Preconstruction surveys shall be conducted by a qualified biologist for the presence of burrowing owl within 14 days prior to the commencement of equipment staging or ground-disturbing activities. Given the large size of the construction site, multiple or ongoing burrowing owl surveys may be required. To protect burrowing owls, the following conditions shall be met prior to construction within each successive work area: • A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys on the site and immediate vicinity only in areas of the site with suitable burrowing habitat to locate any active breeding or wintering burrowing owl burrows no fewer than 14 days prior to ground-disturbing activities (e.g., vegetation clearance, grading, tilling). Areas that have been plowed within 12 months prior to the start of ground-disturbing activities are not considered suitable habitat. The survey methodology shall be consistent with the methods outlined in the CDFW (2012) *Staff Report on Burrowing Owl Mitigation* and shall consist of walking parallel transects 23 to 66 feet (7 to 20 meters) apart, noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. Copies of the survey results shall be submitted to CDFW and the Fresno County Public Works and Planning Department. The surveys may be conducted concurrently with San Joaquin kit fox surveys. • If active burrowing owl burrows are detected on site, no ground-disturbing activities, such as vegetation clearance or grading, shall be permitted within a buffer of 330 feet from an active burrow during the breeding season (February 1 to August 31), unless otherwise authorized by a qualified biologist as described below. During the non-breeding (winter) season (September 1 to January 31), no ground-disturbing work shall be permitted within a buffer of 165 feet from the burrow. Depending on the level of disturbance, a smaller buffer may be established by a			

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.5-1 (cont.)	Biological Resources	qualified biologist based on the visibility and sensitivity responses of each individual burrowing owls or pairs. • If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with the CDFW (2012) Staff Report on Burrowing Owl Mitigation. • If passive relocation is anticipated due to on-site burrowing owl populations, a qualified biologist shall prepare a Burrowing Owl Exclusion Plan in accordance with CDFW (2012) *Staff Report on Burrowing Owl Mitigation* and for review by CDFW prior to passive relocation activities.			
Mitigation Measure* 3.5-2	Biological Resources	**General Measures for the Avoidance and Protection of Biological Resources** During construction, operation and maintenance, and decommissioning of the facility, the operator and/or contractor shall implement the following general avoidance and protective measures to protect San Joaquin kit fox and other special-status wildlife species: • The operator shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid special-status species where possible. Construction-related activities, vehicles and equipment outside of the impact zone shall be avoided. • These areas shall be flagged, and disturbance activities, vehicles, and equipment shall be confined to these flagged areas. • Spoils shall be stockpiled in disturbed areas that lack native vegetation. Best Management Practices (BMPs) shall be employed to prevent erosion in accordance with the Project's approved Stormwater Pollution Prevention Plan (SWPPP). All detected erosion shall be remedied within two (2) days of discovery or as described in the SWPPP.	Operator and/or contractor to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee, California Department of Fish and Wildlife	During construction, operation and maintenance, and decommissioning of the facility

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.5-2 (cont.)	Biological Resources	• To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by the approved biological monitor for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a listed species is trapped, USFWS and/or CDFW shall be contacted immediately. • All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until the Lead Biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the Lead Biologist. • Vehicles and equipment parked on the sites shall have the ground beneath the vehicle or equipment inspected for the presence of wildlife prior to moving. • Vehicular traffic shall use existing routes of travel. Cross-country vehicle and equipment use outside of the Project properties shall be prohibited. • A speed limit of 20 miles per hour shall be enforced within all construction areas. • A long-term trash abatement program shall be established for construction, operations, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven (*Corvus corax*), coyote (*Canis latrans*), and feral dogs. • Workers shall be prohibited from bringing pets and firearms to the Project site and from feeding wildlife in the vicinity. • Intentional killing or collection of any wildlife species shall be prohibited.			

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.5-3	Biological Resources	**Nesting Birds and Bats** • If construction is scheduled to commence during the non-nesting season (September 1 to January 31), no preconstruction surveys or additional measures are required for nesting birds, including raptors. • To avoid impacts to nesting birds in the Project site and immediate vicinity, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project sites for ground-disturbing activities that are initiated during the breeding season (February 1 to August 31). The survey for special-status raptors shall focus on potential nest sites (e.g., mature trees) within a 0.5-mile buffer around the site in areas where access to neighboring properties is available or visible using a spotting scope. Surveys shall be conducted no more than 14 days prior to construction activities. Surveys need not be conducted for the entire Project site at one time; they may be phased so that surveys occur shortly before a portion of the Project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally-breeding raptor species without causing intrusive disturbance. • If active nests are found, a suitable buffer (e.g., 300 feet for common raptors; 0.5-mile for Swainson's hawk; 100 feet for passerines) shall be established around active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). Encroachment into the buffer may occur at the discretion of a qualified biologist except that encroachment into the buffer for Swainson's hawk must be authorized by CDFW. • The Project site may provide suitable roosting habitat for bats within buildings, and provide nighttime foraging habitat. If bats are found on the Project site, roosts shall be protected during the bat breeding season (March 1 through September 30) with at least a 200-foot no-disturbance buffer. Outside the breeding season, once a qualified biologist has determined the bats have left to forage, reentry into the structures shall be blocked and alternative bat roosting habitat shall be provided on site or in the vicinity prior to the structures being removed.	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee, California Department of Fish and Wildlife	During construction activities

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Design Measure ** 2.5.7.3	Biological Resources	**Wildlife-friendly Features** The Applicant shall reduce potential impacts to wildlife by installing "wildlife-friendly" fencing, which would be designed to allow San Joaquin kit fox to pass through the fence while still providing for solar facility security and exclusion of other unwanted species (i.e., large domestic dogs and coyotes). Fence posts shall be capped to prevent potential entrapment of birds or other small species. The design of new overhead gen-tie lines and transmission structures would follow the most recent Avian Power Line Interaction Committee guidance, currently 2012, to reduce the potential for avian injury and mortality from collisions (APLIC 2012) and electrocution (APLIC 2006). Further, the proposed use of motion-activated security lighting (rather than lighting that would remain on from dusk to dawn) would reduce adverse impacts to nocturnal species, potentially including foraging, sheltering, mating and reproducing, communicating, and migrating behaviors.	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee, California Department of Fish and Wildlife	During construction, operation and maintenance, and decommissioning of the facility
Mitigation Measure* 3.6-1	Cultural Resources	**Implementation of Accidental Discovery Procedures** In the event that unanticipated archaeological resources are encountered during Project activities, compliance with federal and State regulations and guidelines regarding the treatment of cultural resources and/or human remains shall be required, along with implementation of the following mitigation: If prehistoric or historic-period archaeological resources are encountered during project implementation: • All construction activities within 100 feet shall halt and the County shall be notified. • A qualified archaeologist, defined as one meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, shall inspect the findings and report the results of the inspection to the developer and the County. • In the event that the identified archaeological resource is determined to be prehistoric, the County and qualified archaeologist will coordinate with and solicit input from the appropriate Native American Tribal Representatives, as determined by consultation with the Native American Heritage Commission (NAHC), regarding significance and treatment of the resource as a tribal cultural resource. Any tribal cultural resources discovered during project work shall be treated in	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction activities

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.6-1 (cont.)	Cultural Resources	consultation with the tribe, with the goal of preserving in place with proper treatment. • If the County determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and CEQA Guidelines Section 15126.4. Consistent with CEQA Guidelines Section 15126.4(b)(3), mitigation shall be accomplished through either preservation in place or, if preservation in place is not feasible, data recovery through excavation conducted by a qualified archaeologist implementing a detailed archaeological treatment plan.			
Mitigation Measure* 3.6-2	Cultural Resources	**Accidental Discovery of Human Remains** If human remains are uncovered during Project activities, the Project owner shall immediately halt work, contact the Fresno County Sheriff-Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.4 (e)(1). If the County Sheriff-Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code Section 7050.5(c) and Public Resources Code Section 5097.98 (as amended by AB 2641). The NAHC shall designate a Most Likely Descendent (MLD) for the remains per Public Resources Code Section 5097.98, and the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Public Resources Code Section 5097.98, with the MLD regarding their recommendations for the disposition of the remains, taking into account the possibility of multiple human remains.	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee	During construction activities
Mitigation Measure* 3.8-7	Geology, Soils, and Paleontological Resources	**Paleontological Monitoring** The qualified paleontologist shall oversee paleontological monitoring of all excavation at depths greater than 20 feet in previously-undisturbed sediments. Monitoring shall be conducted by a	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development	During construction activities

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.8-7 (cont.)	Geology, Soils, and Paleontological Resources	paleontological monitor meeting the standards of the Society of Vertebrate Paleontology (2010). If a paleontological resource is found, regardless of depth or setting, the Project contractor shall cease ground-disturbing activities within 50 feet of the find and contact the qualified paleontologist. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Any significant fossils encountered and recovered shall be catalogued and curated at an accredited institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository. The qualified paleontologist shall prepare a report documenting evaluation and/or additional treatment of the resource. The report shall be filed with the County and with the repository.		Services Division, and/or its designee	
Mitigation Measure* 3.10-2	Hazards and Hazardous Materials	**Suspected Asbestos-containing Materials** The Project proponent shall continuously comply with the following mitigation in the event that materials suspected to contain asbestos are uncovered during initial demolition and construction activities: 1. In the event that suspect asbestos-containing materials are discovered during Project activities, work within a 100-foot distance of the discovery shall immediately halt and a California-certified asbestos professional shall take samples for analysis of the suspect materials. 2. All damaged asbestos-containing material and asbestos-containing material that would be disturbed by Project activities shall be removed in accordance with federal, state, and local laws and the National Emissions Standards for Hazardous Air Pollutants guidelines before work may recommence. 3. All demolition activities shall be undertaken in accordance with California Occupational Safety and Health Administration standards, as contained in Title 8 of the California Code of Regulations, Section 1529, to protect workers from exposure to asbestos. Demolition shall be performed in conformance with Federal, State, and local laws and regulations so that construction	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee	During initial demolition and construction activities

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.10-2 (cont.)	Hazards and Hazardous Materials	workers and/or the public avoid significant exposure to asbestos-containing materials.			
Mitigation Measure* 3.14-1	Noise and Acoustics	**Noise Reduction for Energy Storage System HVAC Units** Prior to issuance of building permits for the energy storage system (ESS) facility, the Project Applicant shall provide to the County evidence demonstrating that each ESS facility heating venting and air conditioning (HVAC) system will comply with the County noise standards through equipment selection and incorporation of design measures (if applicable). Design measures may include the selection of quieter HVAC units and use of enclosures or otherwise configuring the units in a location that provides an acoustical barrier.	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee, Fresno County Department of Public Health	Prior to issuance of building permits for the ESS
Mitigation Measure* 3.18-1a	Transportation and Traffic	**Construction and Decommissioning Traffic Management Plan** Prior to the issuance of construction or building permits, an Encroachment Permit from Caltrans for the installation of a temporary traffic control and the issuance of decommissioning authorizations, the Applicant and/or the construction contractor shall: • Prepare and submit a Traffic Management Plan to Fresno County Department of Public Works and Planning and the Caltrans District 6 office for approval. The Traffic Management Plan must be prepared in accordance with both the California's Manual on Uniform Traffic Control Devices (MUTCD) and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues: – Temporary Traffic Control (TTC) plan that addresses traffic safety and control through the work zone; – Timing of deliveries of heavy equipment and building materials; – Directing construction traffic with a flagger; – Placing temporary signage, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;	Applicants and/or the construction contractor and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, California Department of Transportation District 6, and/or its designee	Prior to the issuance of construction or building permits and throughout the construction duration

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.18-1a (cont.)	Transportation and Traffic	– Ensuring access for emergency vehicles to the project sites; – Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections; – Maintaining access to adjacent property; – Specifying both construction/decommissioning-related vehicle travel and oversize load haul routes, minimizing construction/decommissioning traffic during the a.m. and p.m. peak hour, distributing construction/decommissioning traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible. • Obtain all necessary permits for the work within the road right-of-way or use of oversized/overweight vehicles that would utilize County-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Fresno County Department of Public Works and Planning. • Overlay (2" Hot Mix Asphalt) and restripe California Avenue from Derrick Avenue to the Ohio Street alignment (1 mile) due to roadway impacts resulting from Project-generated construction truck traffic. • Maintain the roadway (2 miles) along the frontage of the Project site throughout the construction duration. • Enter into a secured agreement with Fresno County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the state and/or Fresno County.			
Mitigation Measure* 3.18-1b	Transportation and Traffic	**Temporary Traffic Signal** The Applicant shall coordinate with Caltrans and Fresno County to pay for and install a temporary traffic signal at the SR 33/West California Avenue/West Panoche Road intersection prior to the commencement of construction activities. Appropriate warning signs and plaques, as well as advance warning signs, shall be installed along SR 33 to alert drivers of the modified traffic control at West California Avenue. The installation of a temporary traffic control device on a State facility (SR 33) will require an Encroachment	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, California Department of Transportation	Prior to the issuance of construction or building permits and throughout the construction duration

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Mitigation Measure* 3.18-1b (cont.)	Transportation and Traffic	Permit from Caltrans, which will be issued upon Caltrans' approval of the Traffic Management Plan (see Mitigation Measure 3.18-1a).		District 6, and/or its designee	
Design Measure ** 2.5.7.4	Aesthetics, Biological Resources, Hazardous Materials	**Shared Facilities with the North Star Solar Project** The Project would share, where feasible, the existing 2-mile-long 115 kV gen-tie line and underground communication lines between the North Star Substation and PG&E's Mendota Substation; may share a portion of the North Star Solar Project site for construction worker parking, temporary construction offices, and temporary water storage tanks; and may use water from the North Star Solar Project well. To the extent the sharing of this existing infrastructure would be feasible, the Applicant would avoid creating new impacts, including the avoidance of potential impacts to aesthetics and avian species that otherwise would result from new power lines and poles along West California Avenue, potential grading or hazardous materials impacts that could result if all construction workers were to park commute vehicles on the Project site, and potential impacts to groundwater supply and soils from the normal use of potential contaminants (such as sealants) in the well-drilling process.	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee	During construction of the facility
Design Measure ** 2.5.7.6	Biological, Paleontological and Cultural Resources	**Worker Environmental Awareness Program (WEAP)** The Project owner, or its contractor, shall implement a Worker Environmental Awareness Program (WEAP) to train construction personnel how to recognize and protect environmental and cultural resources on the Project site. The WEAP training shall include the following topic areas: • **Biological Resources:** Training will include a review of the special-status species and other sensitive biological resources that could exist in the Project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources. Covered resources would include the San Joaquin kit fox, Swainson's hawk and the burrowing owl. • **Cultural and Paleontological Resources:** The training shall include an overview of potential cultural and paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition and avoidance as well	Applicants and/or their designees to implement measure as defined.	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee	Prior to the issuance of grading or building permits and for the duration of construction activities

Mitigation Measures					
Measure No.	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
Design Measure ** 2.5.7.6 (cont.)	Biological, Paleontological and Cultural Resources	as appropriate notifications and work restrictions should potential resources be encountered. • **Paleontological Resources:** The training shall include an overview of potential paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition and avoidance as well as appropriate notifications and work restrictions should potential resources be encountered. • The WEAP training also shall include information on other compliance matters, as appropriate, such as storm water management, handling and storage of hazardous materials and compliance with dust control measures. The WEAP training will be mandatory for all construction personnel and certain site visitors and vendors. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be made available upon request.			

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
**Design Measure – Condition proposed as part of the design for the project whose implementation would mitigate potential adverse environmental impacts identified in the environmental document.

Conditions of Approval	
1.	The life of this each land use permit (CUP Nos. 3550, 3551, 3552, 3553, and 3577) shall expire upon expiration of the initial life of the solar lease or the 30-year initial life of each of the projects. If the solar leases are to be extended or the initial life of each project extends beyond this approval, approval of new land use permits shall be obtained.
2.	Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission.
3.	The CUP approval shall be conditioned upon acceptance of Financial Assurances by the Director of the Department of Public Works and Planning and/or the Director's designee.
4.	A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to the issuance of Building Permits for each approved land use permit (CUP Nos. 3550, 3551, 3552, 3553, and 3577). The SPRs shall be applicable to those portions of the project site(s) to be improved with substations, inverters, perimeter access roads, parking, and driveway access, excluding the solar panel fields. Items to be addressed under the SPR process may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting.
5.	As part of the SPR submittal process for each land use permit, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, acknowledging the presence of surrounding agricultural operations and their related activities.

Conditions of Approval	
6.	The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided).
7.	The Reclamation Plan shall be revised to provide for an annual increase in costs at 3%, or tied to the Consumer Price Index (CPI), or other mechanism acceptable to the Fresno County Department of Public Works and Planning.
8.	The project shall comply with the Pest Management Plan, February, 2017, in order to control weeds and rodents on the property that may impact adjacent properties.
9.	The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's Mitigation Measures and Conditions of Cpproval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant shall pay all costs associated with the Consultant costs and Mitigation Monitoring.
10	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.
11.	Prior to initiating construction, the Applicant shall be required to contact Underground Service Alert (811) to allow Westlands Water District staff to locate and mark its facilities prior to commencement of grading or construction activities.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	These Conditional Use Permits will become void, unless there has been substantial development within two years of the effective date of this approval.
2.	The Applicant shall comply with all applicable laws and standards, including, but not limited to, those governing the use, storage, and disposal of hazardous materials; worker training and safe work practices; air quality (such as the San Joaquin Valley Air Pollution Control District's indirect source rule and fugitive dust regulation), water quality (e.g., local design standards for retention or detention basins to manage storm water runoff), and Energy Storage Systems more generally (see Draft EIR Chapter 2's footnote 6 for details). Similarly, site preparation and construction activities would be performed in accordance with an SWPPP, or similar plan that incorporates storm water BMPs to reduce the adverse effects of erosion and sedimentation, and herbicide would be applied by qualified personnel following product label instructions and applicable regulations.
3.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

Notes	
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
5.	A storm water pollution prevention plan (SWPPP) shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.
6.	Because the proposed project includes land disturbances of more than five acres, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.
7.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII – Fugitive Dust Rules. The Applicant also shall adhere to the District's permitting requirements, which include a District-Issued Dust Control Plan and Authority to Construct (ATC). The Applicant shall consider entering into a voluntary emission reduction agreement (VERA) with the District.
8.	The following project notes relate to improvements of the private drives and parking areas: - An Encroachment Permit will be required for any improvements within the County right-of-way prior to commencement of construction. - The driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. - If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. - Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. - A dust palliative shall be required on all parking and circulation areas.
9.	Any proposed septic system shall adhere to the California Plumbing Code and the Fresno Local Agency Management Plan (LAMP).
10.	The Applicant shall comply with the Westlands Water District Backflow Prevention Guidelines.
11.	A dust palliative shall be required on all parking and circulation areas.

CMM:ksn
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3550\SR\CUP 3550-53 and 3577 MMRP (Ex 1).docx

CUP 3550, 3551, 3552, 3553, 3577

LOCATION MAP

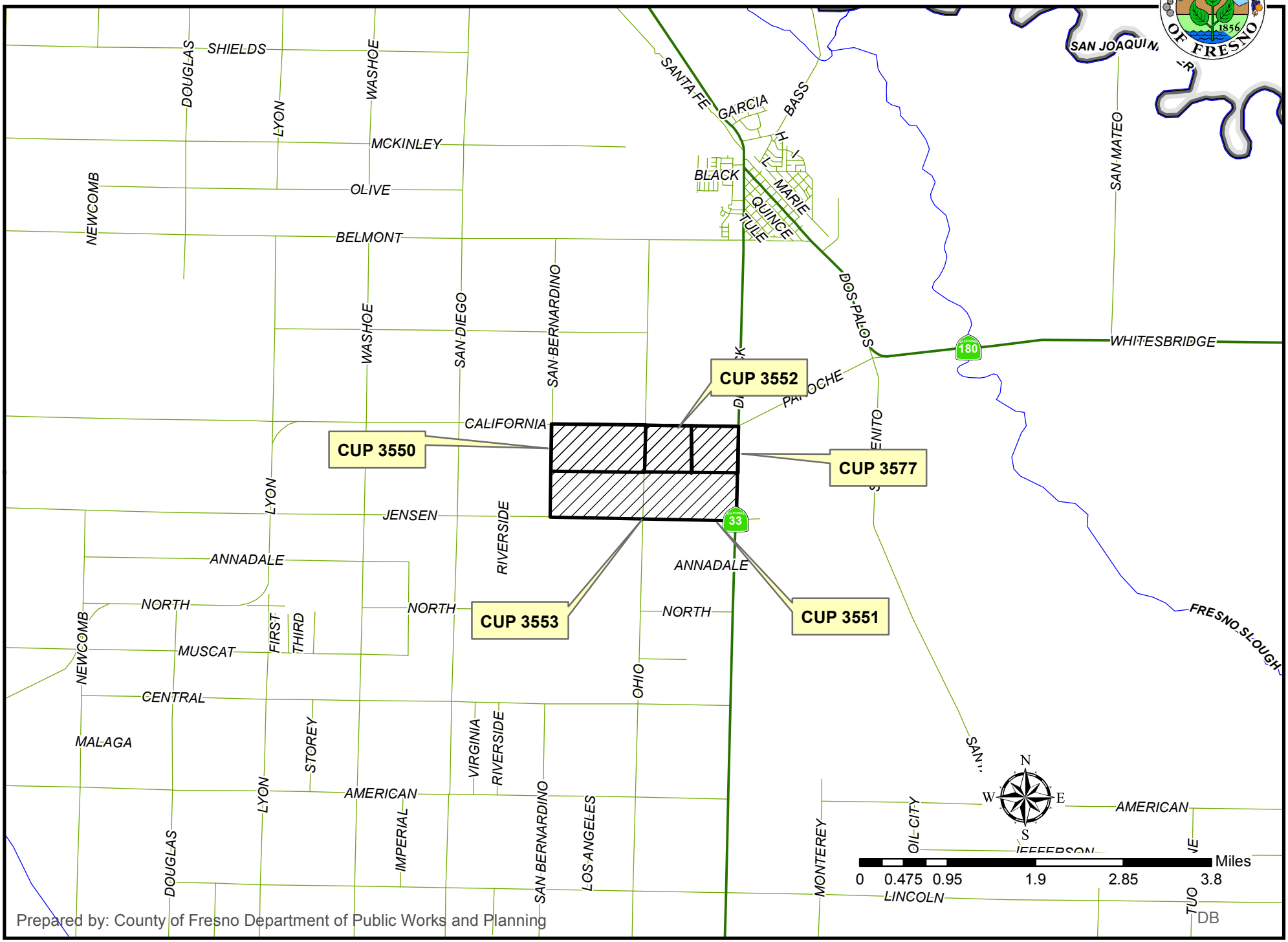


EXHIBIT 2

CUP 3550 - 53, 77
STR 13,14 - 14/14

EXISTING ZONING MAP

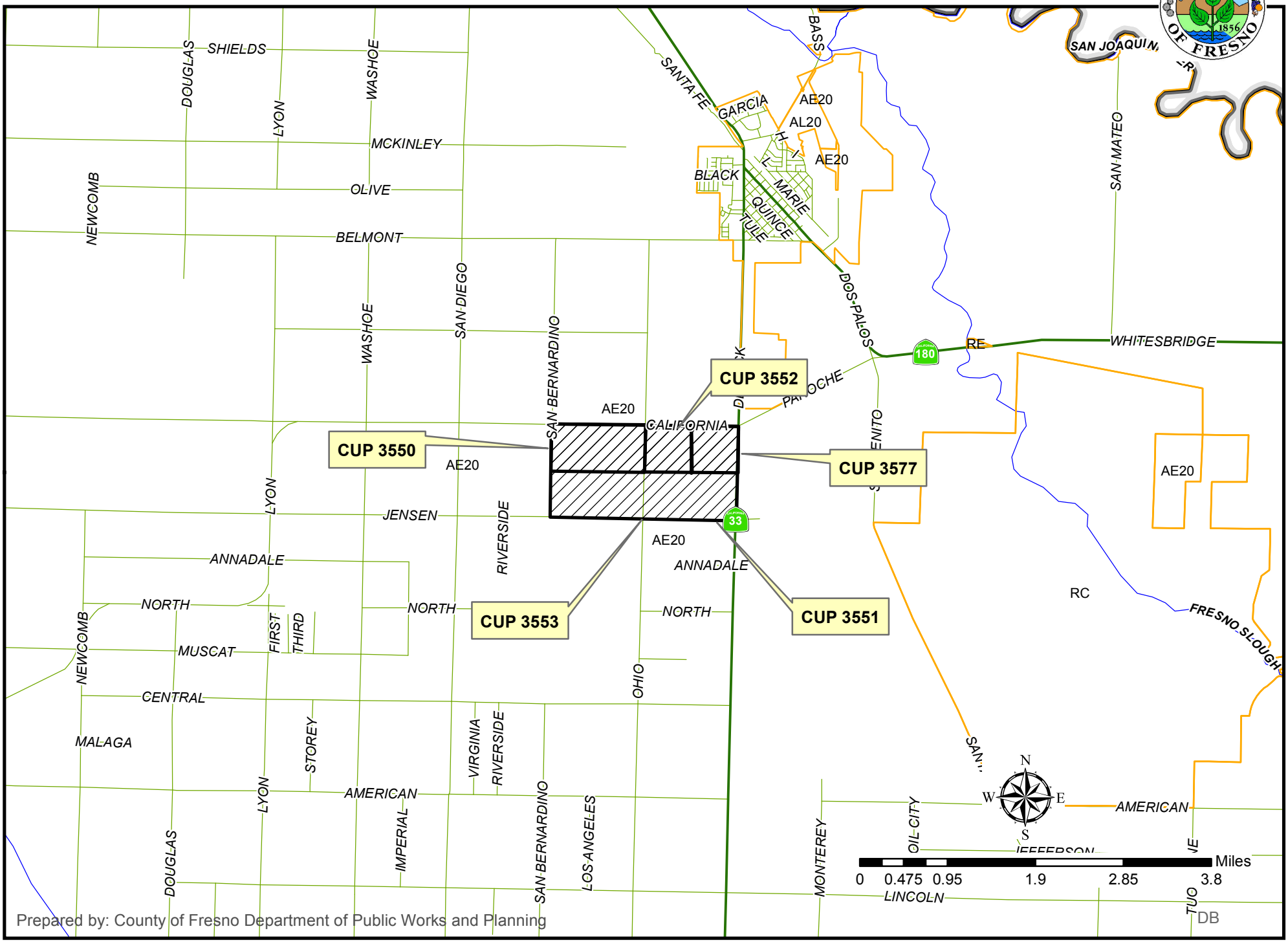
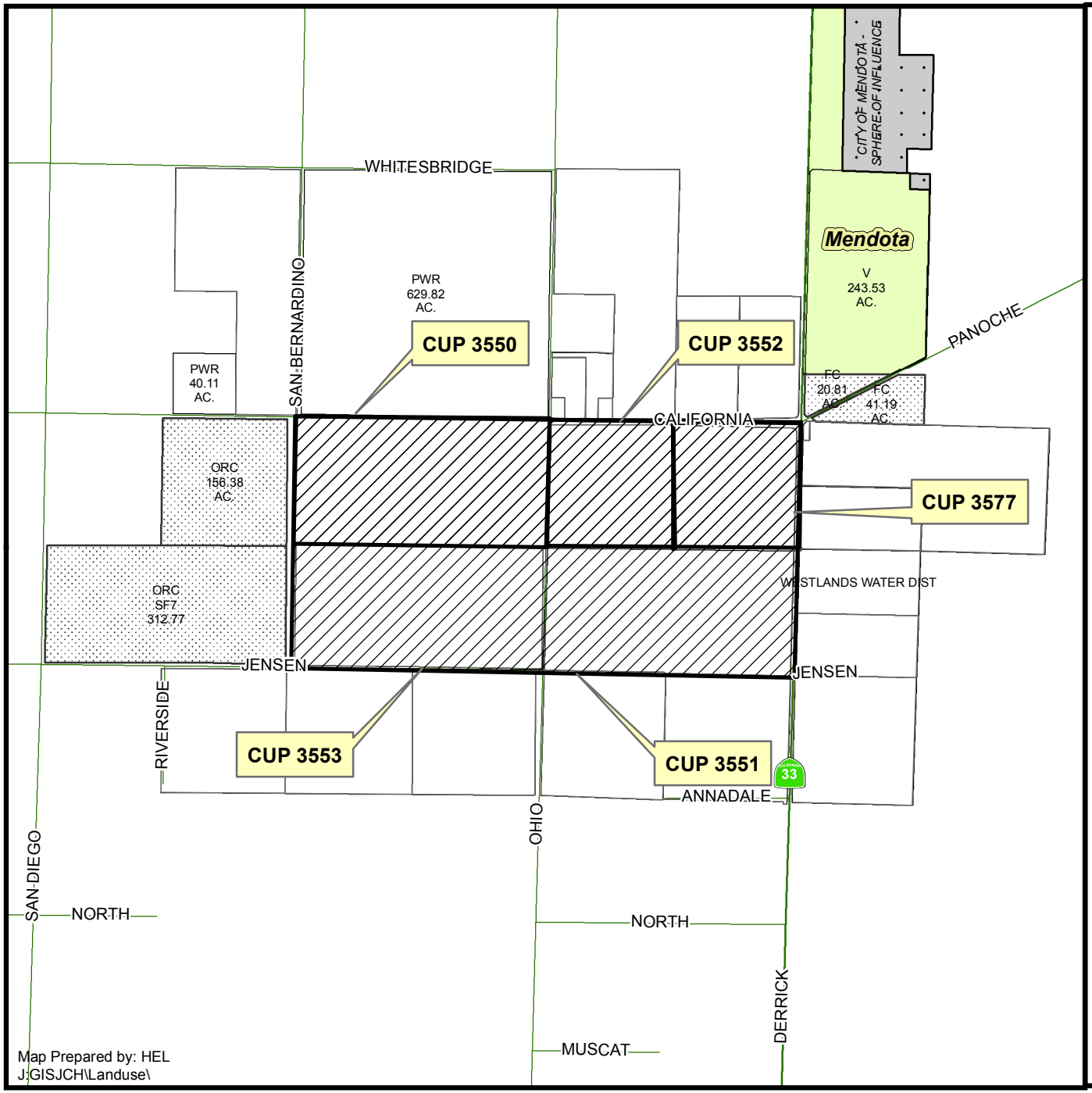


EXHIBIT 3

CUP 3550, 3551, 3552, 3553, 3577

EXISTING LAND USE MAP



LEGEND

SF#- SINGLE FAMILY RE
FC - FIELD CROP
ORC - ORCHARD
PWR - POWER GENERA
V - VACANT

LEGEND:

Subject Property

Ag Contract Land

N
W E
S

0 800 1,600 3,200 4,800 6,400 Feet

Department of Public Works and Planning
Development Sevices Division

EXHIBIT 4

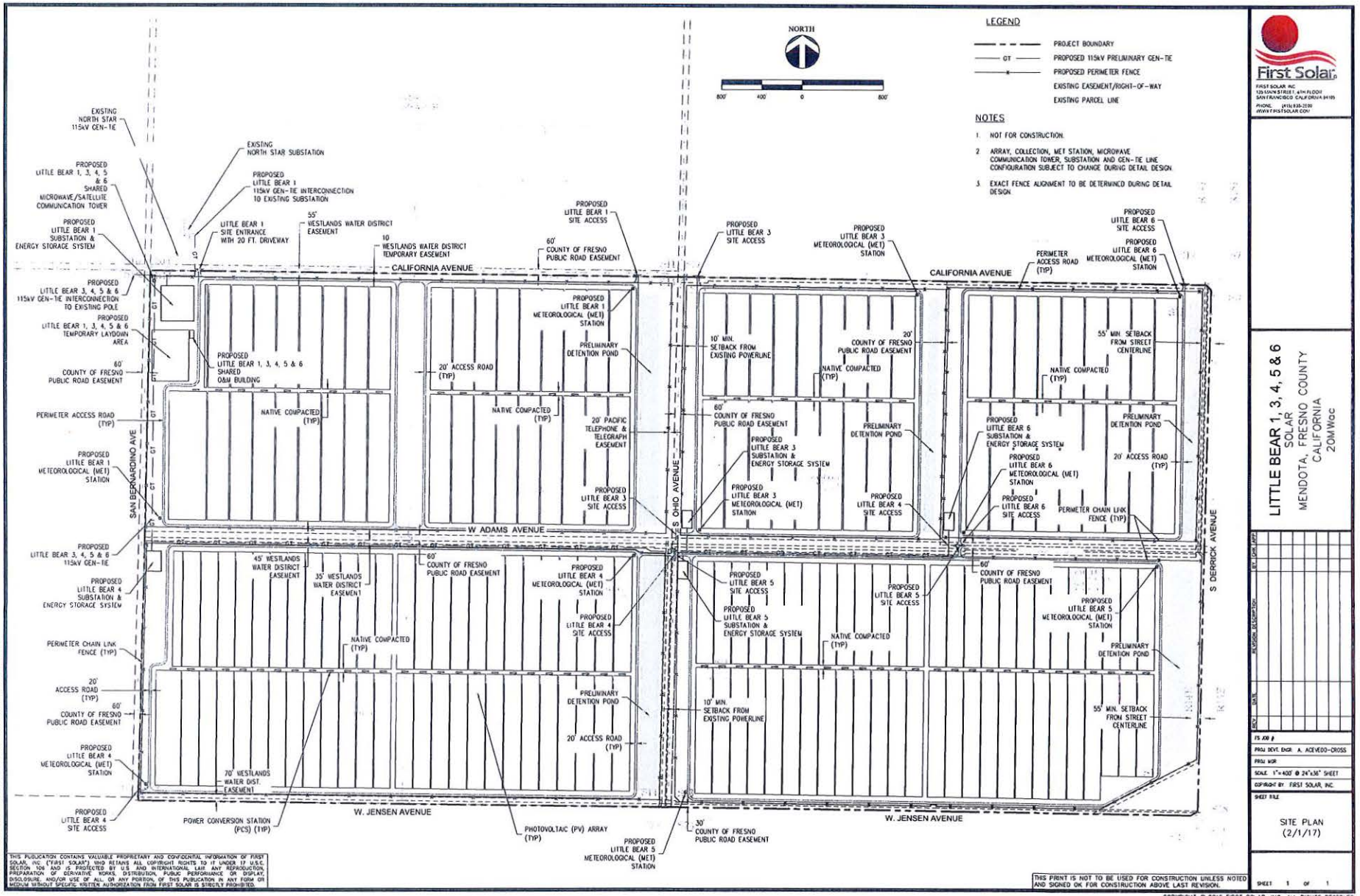


FIGURE 3a -- PROJECT DESIGN

EXHIBIT 5

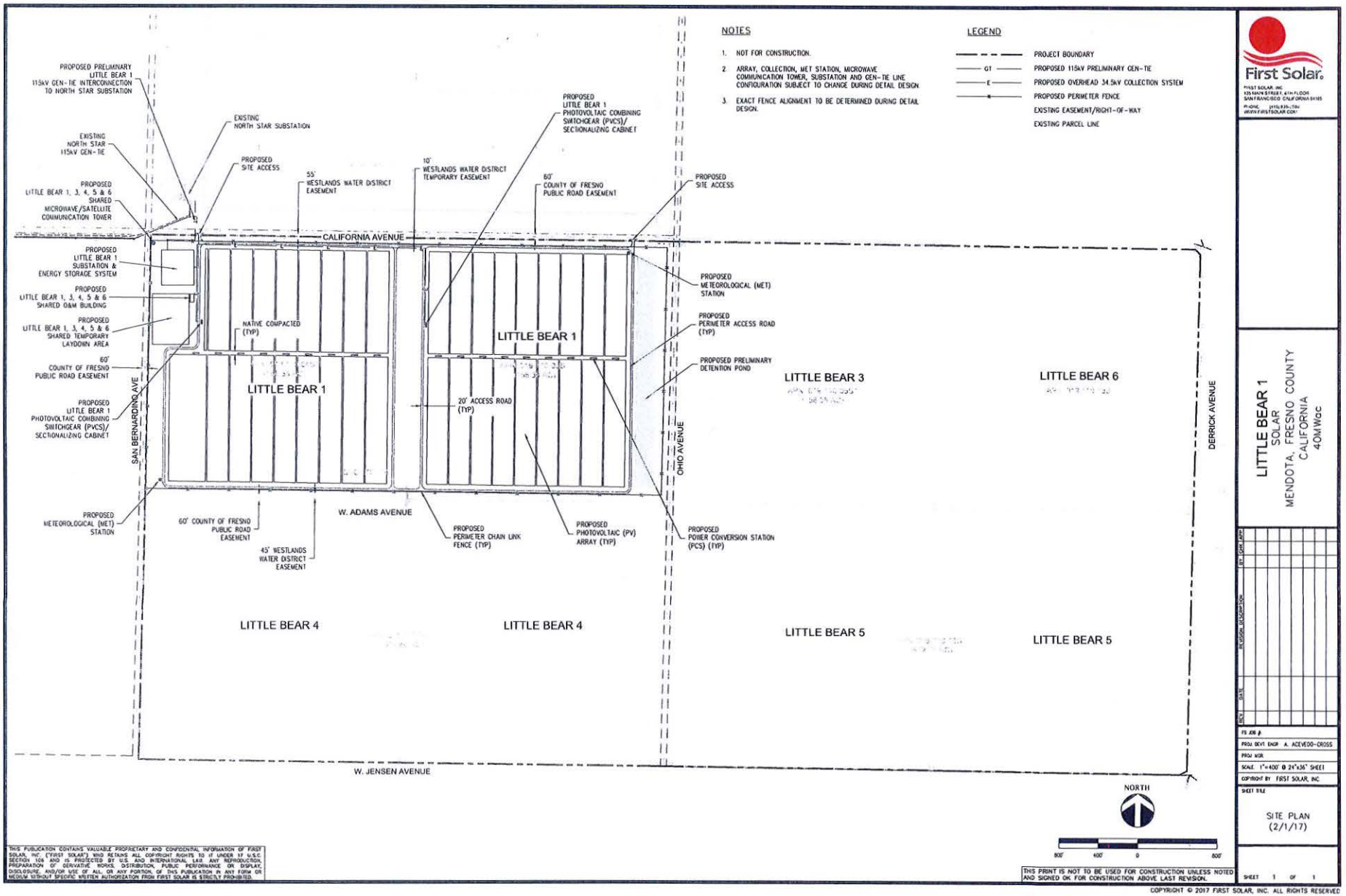
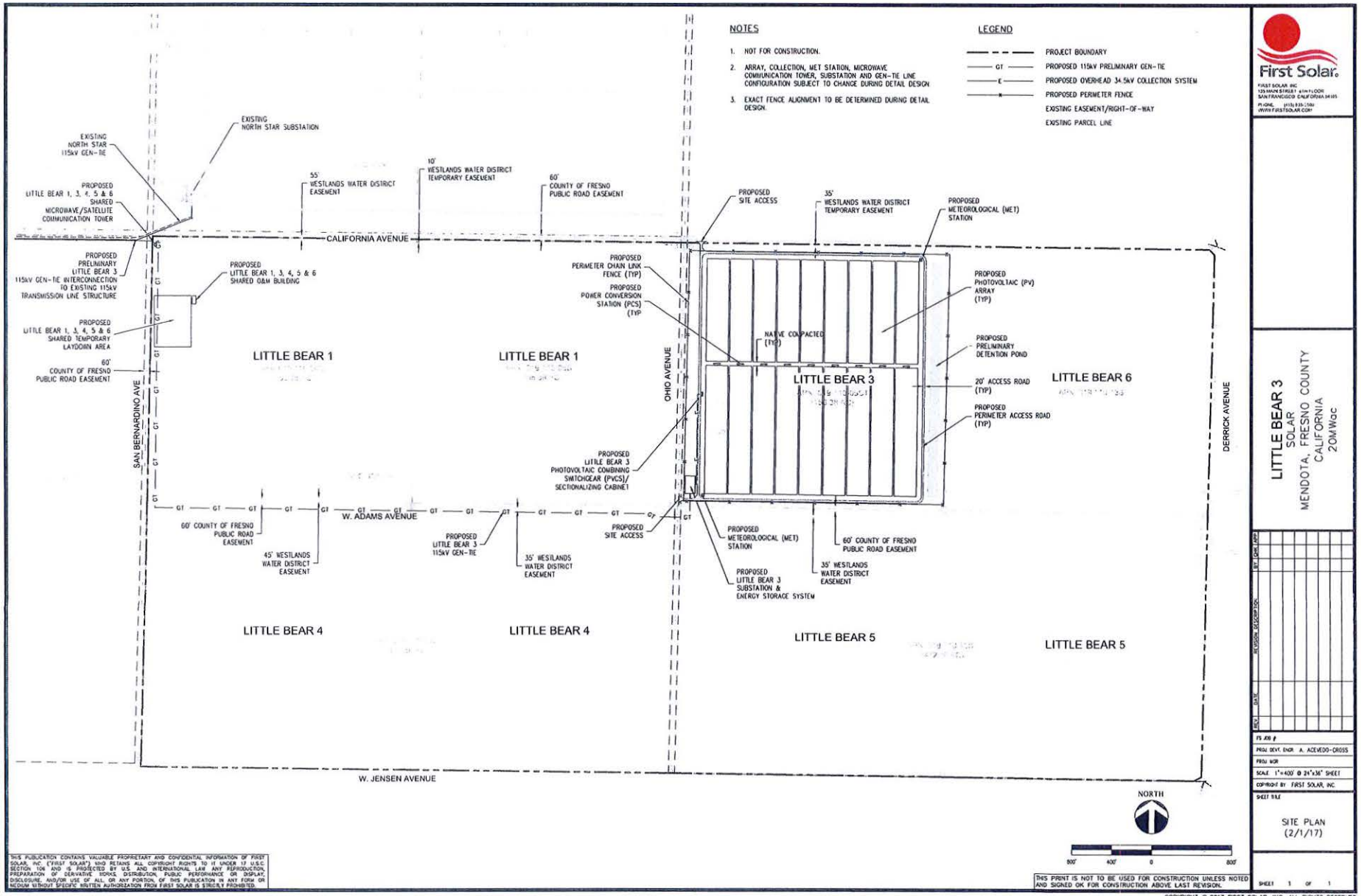


FIGURE 3b -- LITTLE BEAR 1 SITE PLAN



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First Solar

FIRST SOLAR, INC
135 MAIN STREET 6TH FLOOR
SAN FRANCISCO CALIFORNIA 94105
PHONE (415) 935-1500
WWW.FIRSTSOLAR.COM

LITTLE BEAR 3
SOLAR
MENDOTA, FRESNO COUNTY
CALIFORNIA
20MWac

REV	DATE	DESCRIPTION	BY	CHK	APP

PS JOB #
PROJ. DEVT. ENGR. A. ACEVEDO-CROSS
PROJ. MGR.
SCALE 1"=400' @ 24"x36" SHEET
COPYRIGHT BY FIRST SOLAR, INC.

SHEET TITLE
SITE PLAN
(2/1/17)

SHEET 1 OF 1

FIGURE 3c -- LITTLE BEAR 3 SITE PLAN

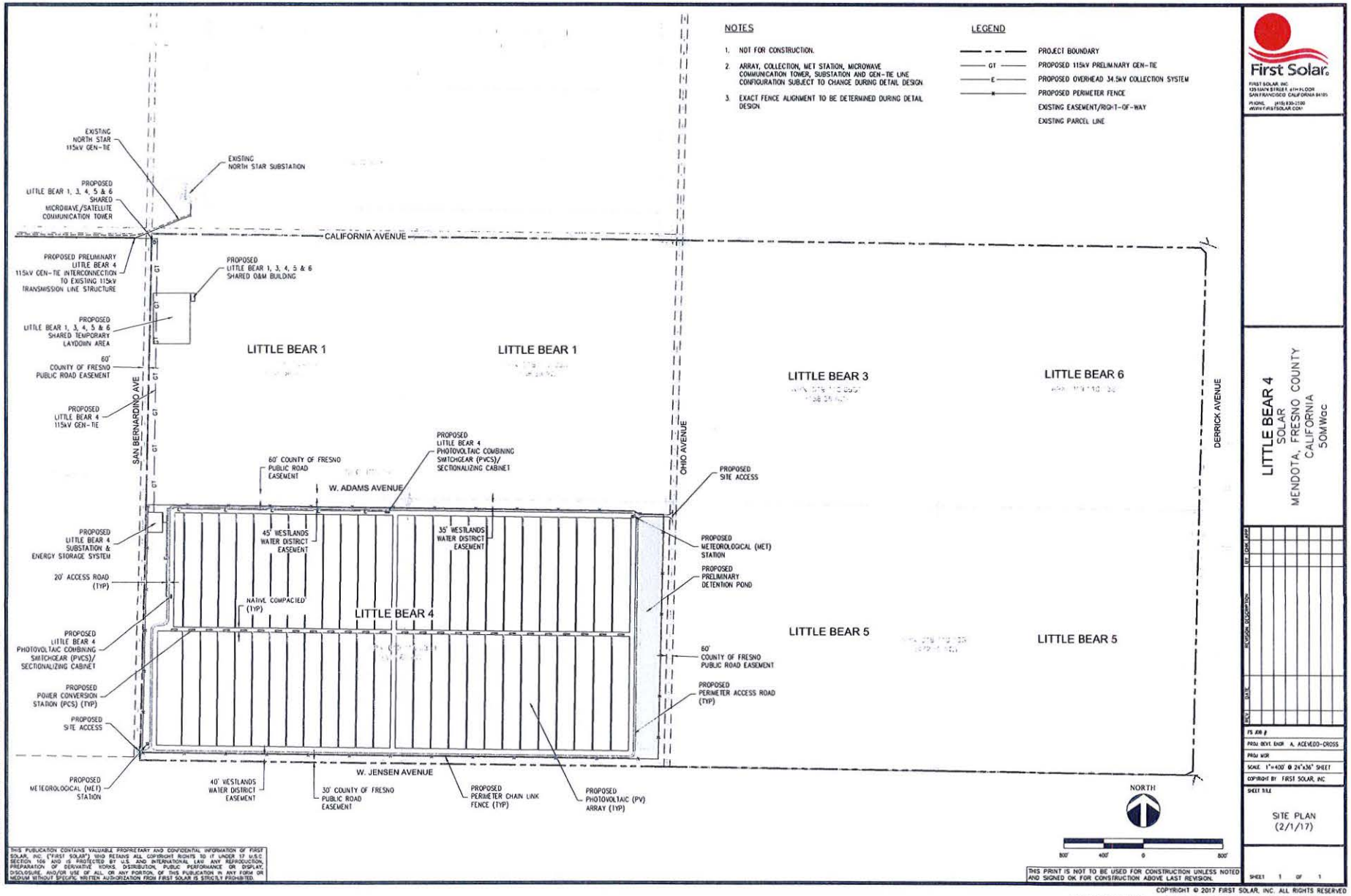


FIGURE 3d -- LITTLE BEAR 4 SITE PLAN

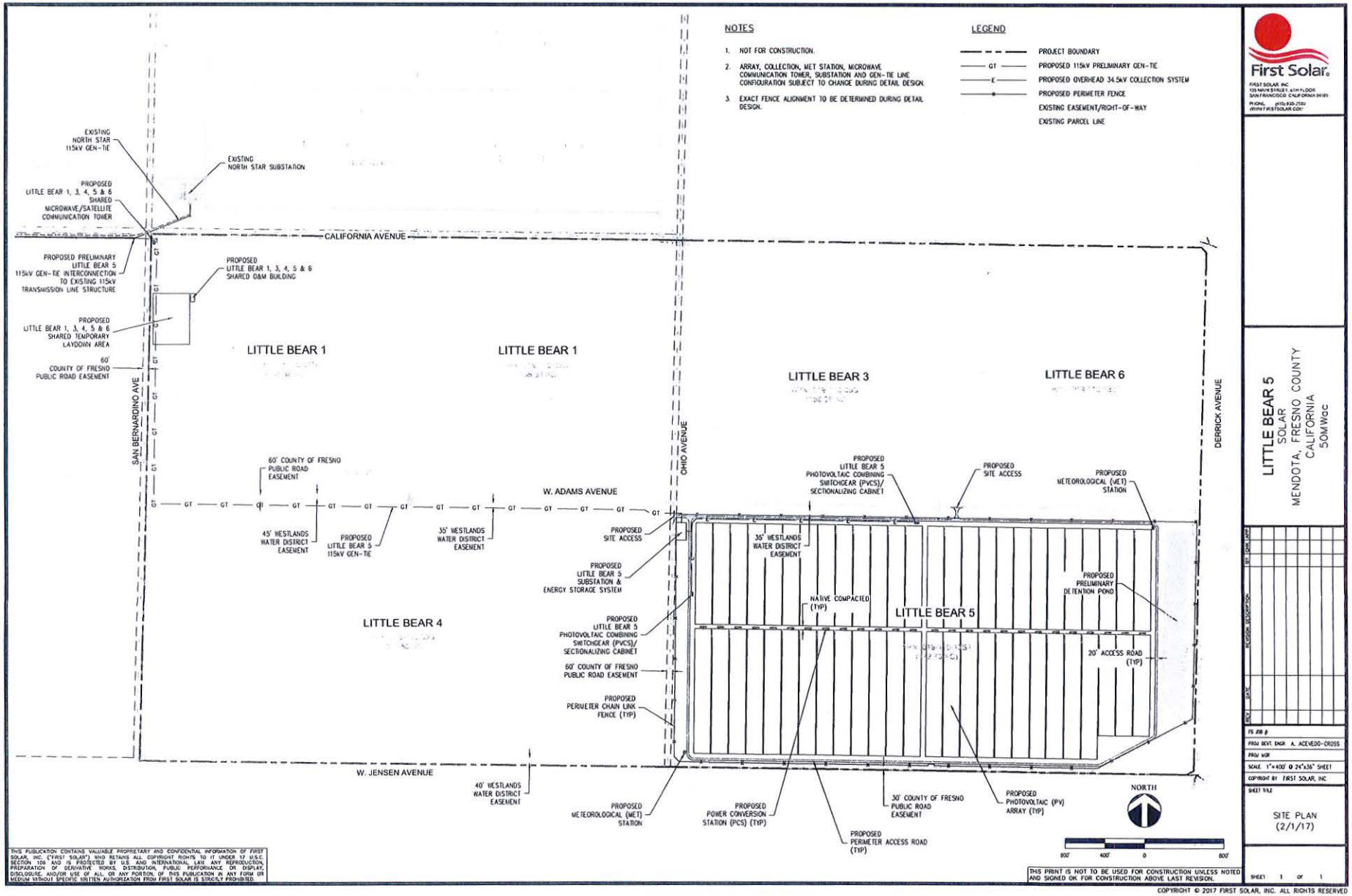


FIGURE 3e -- LITTLE BEAR SOLAR 5 SITE PLAN

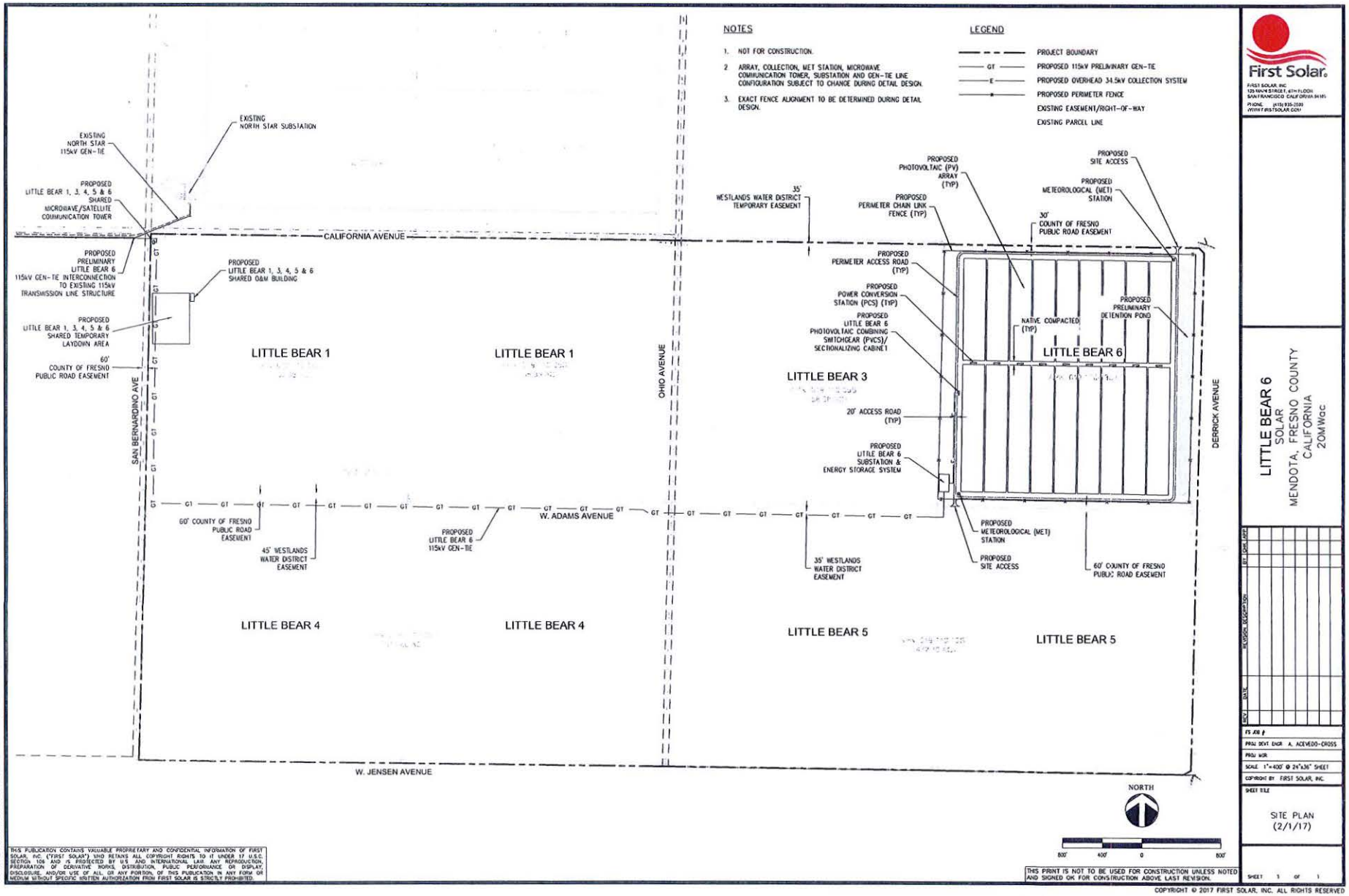
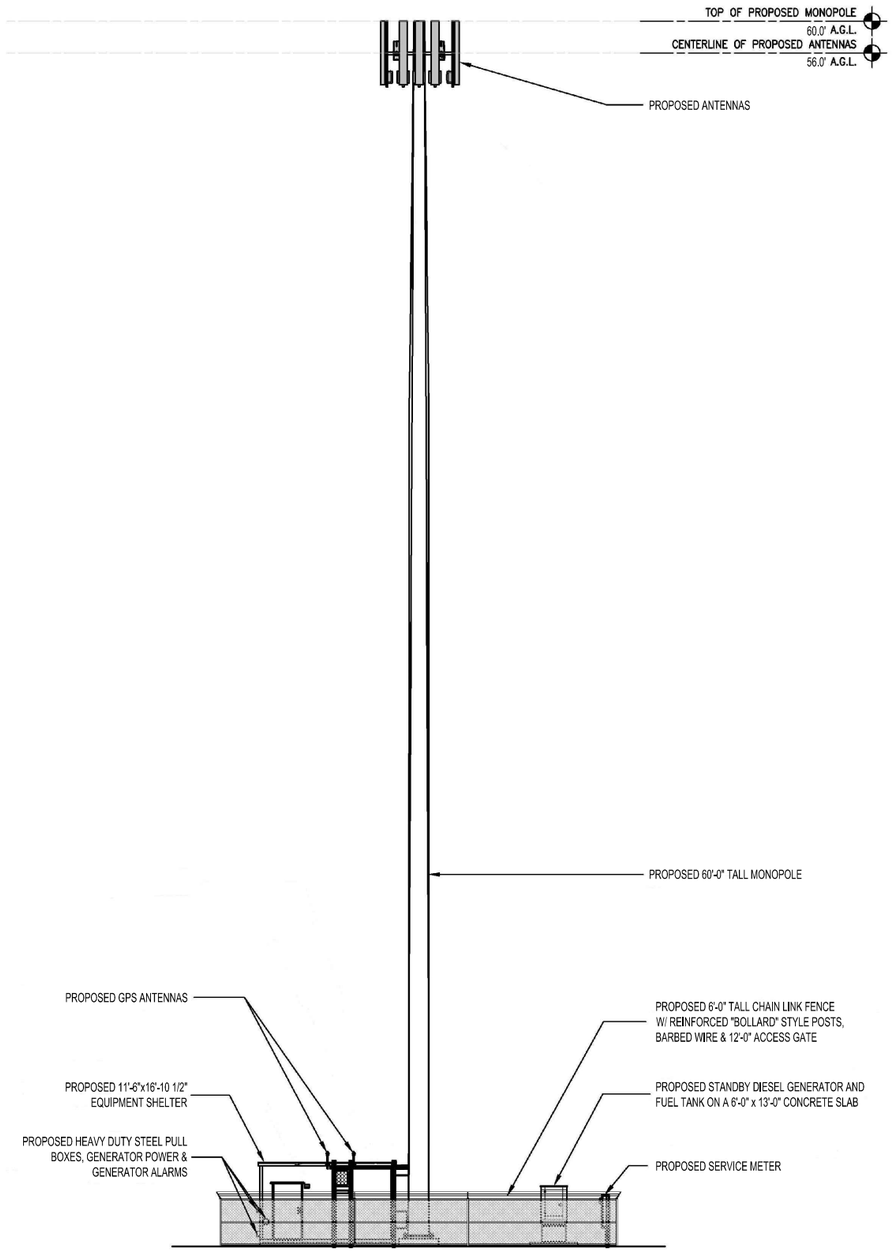


FIGURE 3f -- LITTLE BEAR SOLAR 6 SITE PLAN



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LITTLE BEAR
MENDOTA
FRESNO COUNTY
CALIFORNIA

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP

FS JOB #:
PROJ. DEVT. ENGR: E. NEVAREZ
PROJ. MGR:
SCALE: NONE
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SHEET TITLE

TELECOMMUNICATION TOWER

SHEET 1 OF 1

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C:\Users\FS104849\Little Bear\Exhibits\Communication Tower\Little Bear Site Communication Tower.dwg FS104849 Nov 27, 2018 - 11:13am

Heartland Solar Project

Typical Fixed-Tilt Structure

EXHIBIT 6

Little Bear Solar Project

Operational Statement

Prepared for
Fresno County Public Works and
Planning Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Project Applicant
Little Bear Solar 1, LLC
Little Bear Solar 3, LLC
Little Bear Solar 4, LLC
Little Bear Solar 5, LLC
Little Bear Solar 6, LLC
135 Main Street, 6th Floor
San Francisco, CA 94105

EXHIBIT 7

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Acronym List

AC	Alternating Current
CUPA	Certified Unified Program Agency
DC	Direct Current
ESS	Energy Storage System
Facility	Individual Little Bear (1, 3, 4, 5 or 6) Project Facility
kV	Kilovolt
HMBP	Hazardous Materials Business Plan
HVAC	Heating Venting and Air Conditioning
O&M	Operations and Maintenance
PG&E	Pacific Gas & Electric
PPA	Power Purchase Agreement
Project	Little Bear Solar Project
PV	Photovoltaic
WWD	Westlands Water District

1.0 Project Description

The Little Bear Solar Project (referred to hereafter as the "Project") will consist of the construction, operation and maintenance of a solar photovoltaic (PV) power generating project on approximately 1288 acres of private agricultural lands in western Fresno County. This Operational Statement describes the major components that comprise the project and provides an overview of the typical operation and maintenance activities that will occur at the site during its operating life. A discussion of activities related to construction of the Project is provided in the Project Description.

The Project will consist of five individual facilities, ranging from approximately 157 to 322 acres, on the Project site and generally referred to hereafter as "Facility", or by individual Facility name ("Little Bear 1," "Little Bear 3," "Little Bear 4," "Little Bear 5" and "Little Bear 6"). Each Facility will consist of solar photovoltaic (PV) modules grouped together in a series of arrays arranged over the site. The electric power generated by the Project will be transmitted to the existing Pacific Gas and Electric (PG&E) Mendota Substation by the combination of a new, approximately 1.25-mile-long, onsite gen-tie line and the existing, approximately two-mile-long North Star gen-tie line. The major facilities and components of the Project are summarized below.

The layout of the Project is shown **Figure 1 – Project Design**.

1.1 Solar PV Generating Facility

The solar PV modules will be mounted on support structures which will be designed to track the sun's path through the sky along a single axis, oriented north-south in order to maximize the amount of incident solar radiation absorbed over the year and the annual production of electrical power. The direct current (DC) power output from the solar PV modules in each array will be routed to one or more current inverter(s), which will convert the DC power input into an alternating current (AC) power output. The AC current inverter outputs will then be routed to a step-up transformer. An underground network of AC power cables will connect the step-up transformers to a lineup of medium voltage switchgear and then to the plant's 115 kV outdoor switchyard.

The five Facilities may share a single operations and maintenance (O&M) building, of up to approximately 2,000 square feet, along with a parking area and other associated facilities. The O&M building is depicted on the Little Bear 1 site in **Figure 1 – Project Design**. If a Facility does not require use of the shared O&M building, storage enclosures may be installed on concrete pads within the Facility site.

1.2 Generation Tie-Line

The Project will interconnect to the PG&E-owned Mendota Substation located approximately 2 miles west of the Project site using the existing North Star 115 kV gen-tie line that interconnects the existing North Star Solar Project. Little Bear 1 will interconnect with the North Star gen-tie line by way of the North Star Solar Project switchyard. The remaining generation facilities will each connect to the Mendota Substation by way of a new, second circuit added to the existing North Star gen-tie line. The new circuit will originate on the Project site and run approximately 1.25 miles on new transmission poles prior to being added as the second circuit of the North Star gen-tie line.

1.3 Energy Storage System

Each Facility may optionally have an Energy Storage System (ESS) that will provide up to four hours of electrical storage. The ESS will be sited on an approximately one-acre area next to the onsite substation in separate outside rated enclosures and will consist of self-contained battery storage modules placed in racks, converters, switchboards, integrated heating, ventilation, and air conditioning (HVAC) units, inverters, transformers, and controls in prefabricated metal containers or in a building. The battery storage modules would use proven storage technologies such as Lithium Ion, Sodium-Sulphur, or Vanadium-Redox-Flow batteries. The final ESS design will be completed after the completion of the facility. The enclosures or building would have appropriate fire suppression systems built to code. The final design would include an apron incorporating containment features to prevent the escape of liquids or spills from the ESS site.

Each ESS used on site will be designed in compliance with Section 608 of the International Fire Code (IFC), which has been adopted by the State of California and Fresno County, to minimize risk of fire from stationary storage battery systems and contain fire in the event of such an incident.

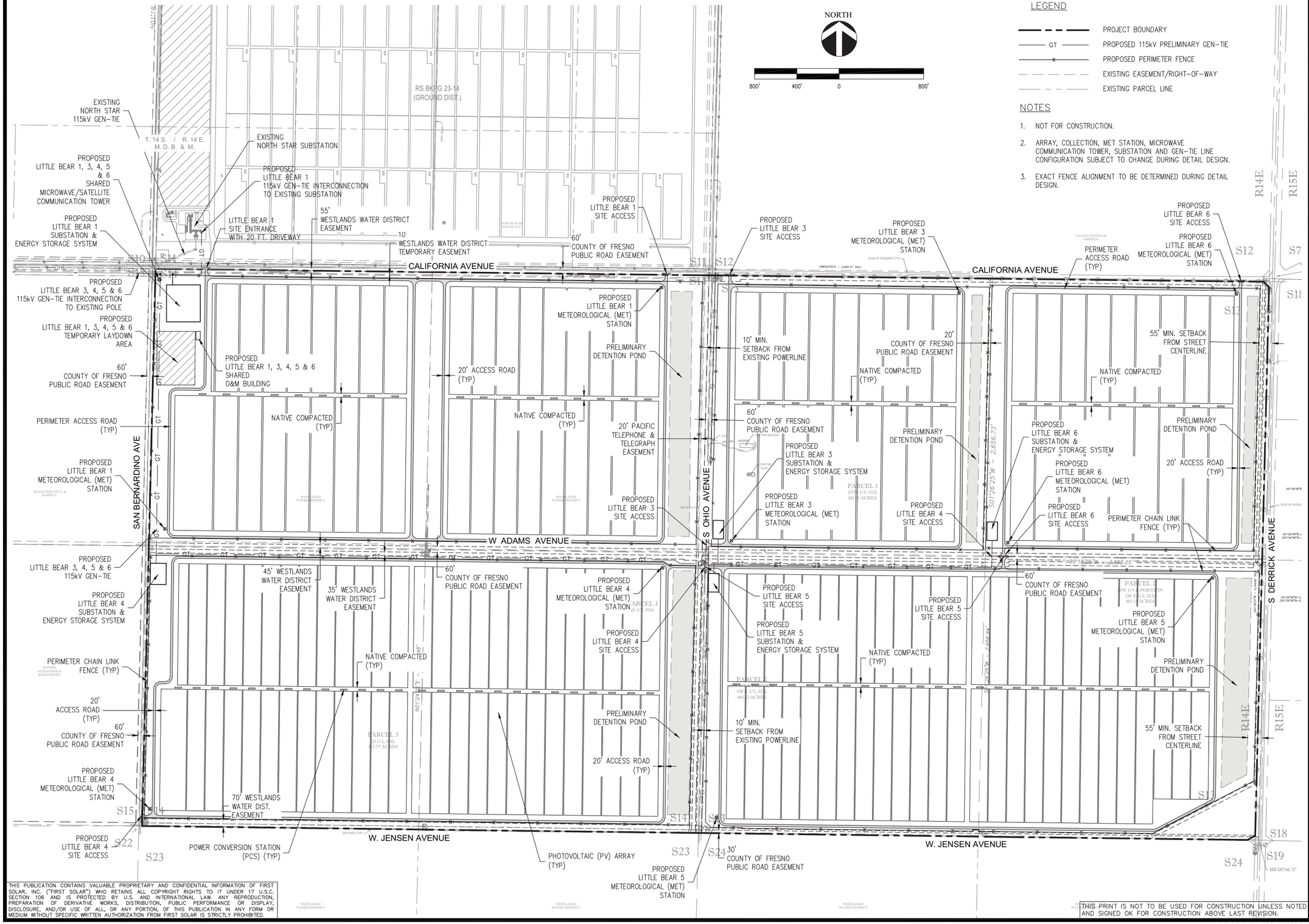
Under California law, the ESS also must comply with Article 480 of the Electrical Code, which presents requirements for stationary storage batteries. Article 480 provides the appropriate insulation and venting requirements for these types of systems, further preventing associated risk of fire from the ESS on the Project site.

All batteries are considered hazardous waste in California when they are discarded whether rechargeable or not under Title 22, California Code of Regulations §§ 66273.9 (definition) and 66273.2 (applicability). Therefore, when the ESS has reached the end of its useful life, disposal must be conducted in accordance with these provisions. This characterization will also result in either opening a "hazardous materials business plan" (HMBP) with the local Certified Unified Program Agency (CUPA) or amending an existing HMBP accordingly.

1.4 Security and Other Auxiliary Systems

Each Facility will be secured through a combination of perimeter security fencing, controlled access gates, electronic security systems, and remote monitoring. Security fencing will be six-foot chain link topped with three-strand barbed wire.

Telecommunications will be provided by a local provider or a microwave/satellite communications tower that will be approximately 60 feet tall. The Project will have meteorological stations within the solar field, and each Facility may have between two and five approximately 20-foot tall steel lattice meteorological towers mounted on concrete foundations and installed around the perimeter of the solar field. The security fencing, gates and representative locations for the meteorological towers and microwave tower are shown **Figure 1 – Project Design**.



First Solar
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LITTLE BEAR 1, 3, 4, 5 & 6
SOLAR
MENDOTA, FRESNO COUNTY
CALIFORNIA
20MWac

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP

FS JOB #:
PROJ. DEVT. ENGR: A. ACEVEDO-CROSS
PROJ. MGR:
SCALE: 1"=400' @ 24"x36" SHEET
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SHEET TITLE
SITE PLAN
(2/1/17)

SHEET 1 OF 1

THIS PRINT IS NOT TO BE USED FOR CONSTRUCTION UNLESS NOTED AND SIGNED OK FOR CONSTRUCTION ABOVE LAST REVISION.

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FIGURE 1 -- PROJECT DESIGN

2.0 Project Operation and Maintenance

2.1 General Operations

The operation and maintenance of the Project will require up to eight full-time equivalent (FTE) personnel (or personnel hours totaling eight FTE positions) consisting of plant operators and maintenance technicians. Operations and maintenance staff will typically work during regular business hours Monday through Friday. During periods when non-routine maintenance or major repairs are in progress, the maintenance staff will typically work nights when the Project is not generating power to the grid. The Project will also receive service power from PG&E and have emergency generators for operations.

Preventive maintenance kits and certain critical spare equipment will typically be stored on-site, while all other components will be readily available from a remote warehouse facility.

2.2 Access and Parking

The Project will have private perimeter roads, and interior access ways for construction and operation. Perimeter roads and interior access ways are proposed to be composed of native compacted soil. The Project will have driveways leading to gated access at up to ten points off of West California Avenue, South Ohio Avenue, West Adams Avenue and San Bernardino Avenue.

Most site access and egress with take place through the westernmost gated access driveway for Little Bear 1, which is where the shared Operations and Maintenance building will be located. Parking will be provided in an area adjacent to the operations and maintenance building.

2.3 Maintenance

On-site Project maintenance work will consist of equipment inspection and replacement, and will be performed primarily during daylight hours. Some maintenance work may be necessary during non-daylight hours and on weekends to complete critical maintenance and repair activities.

2.4 Water Use

The Project's annual operational water consumption is expected to be approximately five acre-feet (one acre-foot needed for each Facility, on average) to be used for O&M buildings and potentially used for PV solar panel washing. Water for Project operation will be supplied from a combination of Westlands Water District (WWD), existing water from the North Star Solar Project, or trucking water to the Project site from offsite sources (if needed). A water storage tank may be installed at the O&M area to provide water for fire protection and operations. Additional potable water may be delivered for O&M staff consumption.

2.5 Solid and Non-Hazardous Waste

Once operational, the Project would generate a small amount of waste associated with operational (maintenance) activities, including: broken and rusted metal, defective, or

malfunctioning equipment, electrical materials, empty containers, other miscellaneous solid waste, and typical refuse from the O&M staff.

This nominal solid waste would be stored in the O&M building. The solid waste would be recycled whenever feasible and any non-recycled material would be transported to the American Avenue Landfill, or an alternative landfill constructed and operated in compliance with all applicable laws, for disposal as necessary.

2.6 Hazardous Materials

Workers will be trained to properly identify and handle any hazardous materials on-site. Hazardous materials are anticipated to include paints, cleaners, and solvents used for maintenance. All hazardous materials will be managed in accordance with applicable laws and regulations. All hazardous wastes will be maintained at quantities below thresholds requiring a Hazardous Material Management Plan (one 55 gallon drum).

2.7 Lighting

During the nighttime hours, the Project will have a small amount of down shading security lighting.

3.0 Project Decommissioning

The Project applicant will sell the renewable energy produced by each Facility through long-term Power Purchase Agreement(s) (PPA). Upon completion of the PPA term, the Project applicant may, at its discretion and in conformance with applicable County permitting requirements, choose to enter into a subsequent PPA(s), change the use of energy generating technology on the site, or decommission the Project. If the Project applicant chooses to decommission the Project, the site could then be returned to agricultural uses or converted to other uses in accordance with applicable land use regulations in effect at that time. The Project will prepare a Closure, Decommissioning and Reclamation Plan, in accordance with Fresno County's Solar Facility Guidelines, to provide for the eventual deconstruction of each Facility, recycling/disposal of structures and equipment, and restoration of the site after the end of commercial operation of each Facility.

Final

LITTLE BEAR SOLAR PROJECT

Final Environmental Impact Report

EIR No. 7225
CUP Nos. 3550, 3551, 3552, 3553, & 3577

Prepared for
County of Fresno Department of
Public Works and Planning

October 2018

ESA

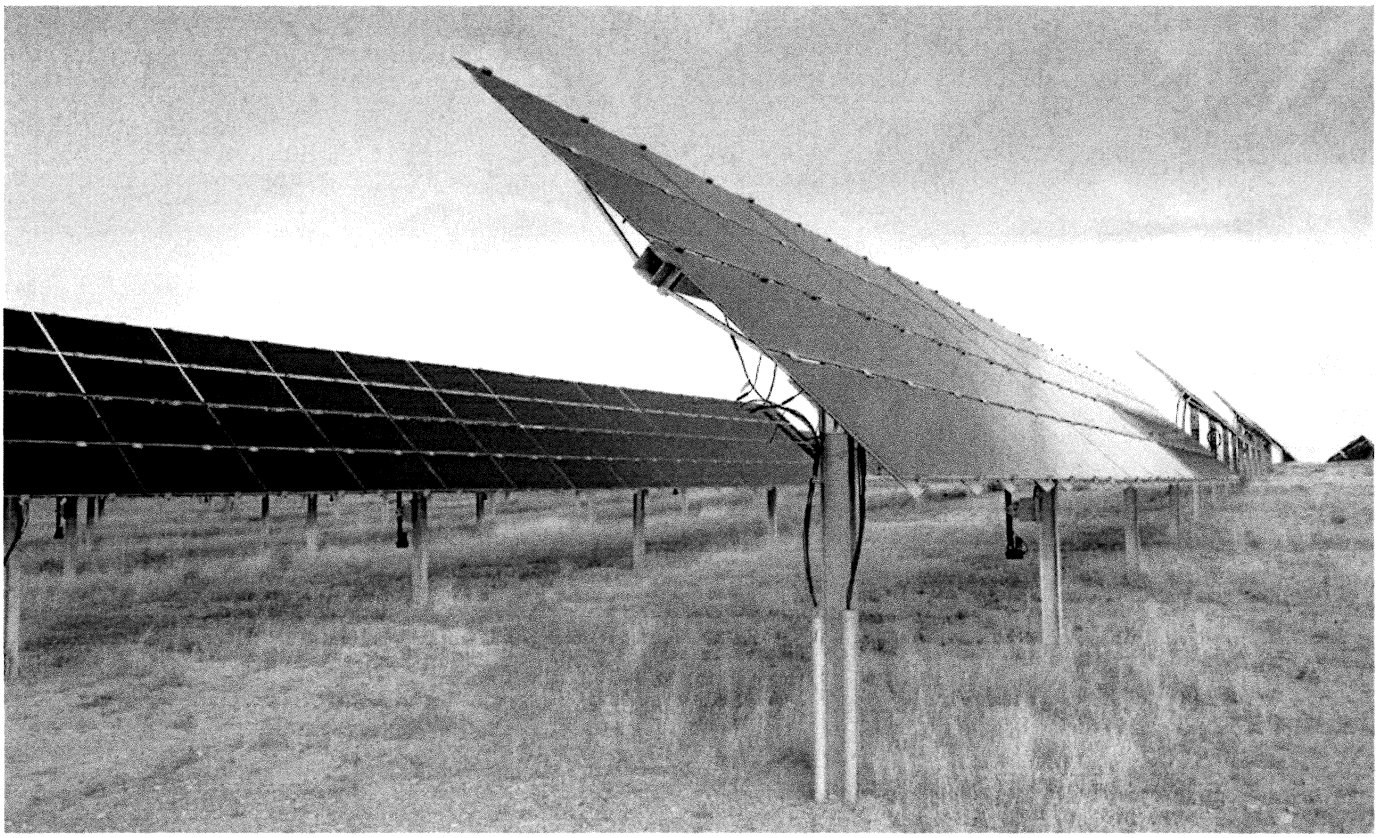

EXHIBIT 8

Final

LITTLE BEAR SOLAR PROJECT

Final Environmental Impact Report

EIR No. 7225
CUP Nos. 3550, 3551, 3552, 3553, & 3577

Prepared for
County of Fresno Department of
Public Works and Planning

October 2018

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Final Environmental Impact Report

The August 2018 Draft EIR is provided on the CD enclosed inside the back cover of printed versions of this Final EIR.

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CHAPTER 1
Introduction

1.1 Purpose

This Final Environmental Impact Report (Final EIR) is an informational document that discloses the potential environmental impacts of the Little Bear Solar Project (Project). The Project is proposed by Little Bear Solar 1 LLC, Little Bear Solar 3 LLC, Little Bear Solar 4 LLC, Little Bear Solar 5 LLC, and Little Bear Solar 6 LLC (collectively, Applicant). The Applicant has applied to the Fresno County Department of Public Works and Planning (the County) for five Unclassified Conditional Use Permits (CUPs)[1] to construct, operate, maintain, and decommission five photovoltaic (PV) electricity-generating facilities and associated infrastructure to be known as Little Bear Solar 1, 3, 4, 5, and 6. No Little Bear 2 facility is proposed. The Project would consist of five individual facilities (each, a Facility), ranging from approximately 161 to 322 acres, with a 60-foot monopole design telecommunications tower and associated equipment proposed at the Little Bear Solar 1 site. There would be one CUP per facility: CUP Nos. 3550, 3551, 3552, 3553, and 3577 for Little Bears 1, 3, 4, 5, and 6, respectively. The five Facilities would generate a total of up to 180-megawatts alternating current (MWac)[2] on approximately 1,288 acres of Westlands Water District-owned lands in unincorporated Fresno County adjacent to and south of the existing North Star Solar Project. These Facilities would connect to the electrical grid at the existing Mendota Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E) approximately 2 miles west of the Little Bear 1 site. The five Facilities are analyzed as a single "project" for purposes of the California Environmental Quality Act (CEQA).

This Final EIR consists of the Draft Environmental Impact Report (Draft EIR) published August 31, 2018 together with the responses to comments provided in Chapter 2. The Draft EIR and a digital copy of this Final EIR are contained on the compact disc (CD) located inside the back cover of printed copies of this Final EIR and available for viewing at the County Department of Public Works and Planning.

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1 The Unclassified CUP process allows the County to consider, in its discretion, uses that would be essential or desirable, but that are not allowed as a matter of right within a zoning district. PV solar power generation facilities may be permitted in any zoning district with the issuance of a CUP.

2 PV panel capacity generally is measured in direct current (DC) watts; however, because the DC output from panels must be converted to alternating current (AC) before being distributed on the electric grid, this EIR reports expected capacity in terms of AC watts. Although preliminary estimates indicate that 180 MWac would be the expected nominal generating capacity of the Project, the actual generating capacity would depend on the efficiency of the PV panels available at the time of construction and the layout and tracking technology approved.

The County is the lead agency for reviewing the potential environmental impacts of the Project pursuant to CEQA, and has directed the preparation of this Final EIR. The County will use this Final EIR, in conjunction with other information developed in the County's formal record, when considering whether to certify the Final EIR and whether to approve the Applicant's CUP applications to the County Department of Public Works and Planning.

The Draft EIR detailed the Project; evaluated and described the potential environmental impacts associated with Project construction, operation and maintenance, and decommissioning; identified those impacts that could be significant; and presented mitigation measures that, if adopted, would avoid or minimize these impacts. The Draft EIR also evaluated alternatives to the Project, including the Increased Habitat/Reduced Acreage Alternative and the CEQA-required No Project Alternative.

1.2 Project Overview

The Project consists of two major components: The Solar Facility and the generation tie-line (gen-tie line). The Solar Facility would consist of up to five individual Facilities with arrays of solar PV modules (or panels) and support structures. The approximate generating capacity of each Facility would range between 20 MWac and 50 MWac. Each Facility would include a substation, inverters, transformers, and a 34.5 kilovolt (kV) overhead collection system, and could include an energy storage system. Other necessary infrastructure would include a permanent operation and maintenance (O&M) building, water storage, meteorological data system, access roads, telecommunications infrastructure, and security fencing.

Little Bear 1 would require the installation of a new 115 kV interconnection to the North Star Solar Project's existing substation, which is located on the northeast corner of San Bernardino Avenue and California Avenue. Interconnection of Little Bears 3, 4, 5, and 6 would require the installation of a new, approximately 2-mile 115 kV gen-tie line across the Project site. The new gen-tie line would tie in to the existing North Star gen-tie line at the southwest corner of San Bernardino Avenue and California Avenue to complete the interconnection to PG&E's existing Mendota Substation. The Project would operate year-round to generate electricity during daylight hours when electricity demand is typically at its peak.

If approved, the Project would be implemented in three phases. The first phase, Demolition and Construction, would require up to 14 months and up to 750 on-site personnel to complete. The second phase, Operation and Maintenance, is assumed for purposes of this EIR to be coterminous with the CUP period (30 years) although there is the potential for continued use in accordance with County permitting requirements. There would be on-site personnel consisting of plant operators, maintenance technicians, and security personnel during the Operation and Maintenance phase. On a typical day, the number of staff on site may range from none (it is not necessary for staff to be present during plant operations) up to 20 during periodic, routine maintenance events. Non-routine (emergency) maintenance could require additional workers. The final phase, Decommissioning and Site Reclamation, would begin within 6 months after the conclusion of each Facility-specific CUP period (including any extension that may be granted by the County). Each

Facility site would be returned to a stable condition comparable to pre-Project conditions in accordance with applicable land use regulations in effect at that time via the implementation of a County-approved Closure, Decommissioning, and Reclamation Plan.

1.3 Organization of the Final EIR

As required by CEQA Guidelines §15132, this Final EIR consists of the following elements:

(a) The Draft EIR;

(b) Comments received on the Draft EIR;

(c) A list of persons, organizations, and public agencies that commented on the Draft EIR;

(d) The County's responses to significant environmental points raised in the review and consultation process; and

(e) Other information added by the County.

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CHAPTER 2
Responses to Comments

2.1 Public Review of the Draft EIR

The County advised interested Tribes, local, regional, and state agencies, as well as members of the public, that a Draft EIR for the Project was available for review by publishing notice of this fact in The Business Journal on Friday, August 31, 2018, by posting the Draft EIR on the County's website (http://www.co.fresno.ca.us/EIR), and by mailing notification of the document's availability to the Project's distribution list. The notice briefly described the Project, solicited comments on the Draft EIR during a 45-day comment period (August 31, 2018 through October 15, 2018), identified locations where the Draft EIR and referenced documents would be available for review, and provided other information. Also on August 31, 2018, a Notice of Completion (NOC) was filed with the State Clearinghouse. Public notices about the Draft EIR are included in **Appendix A** of this Final EIR. Tribes, agencies, and members of the public were encouraged to submit written comments and suggestions regarding the adequacy and accuracy of the analysis and determinations made in the Draft EIR as well as the appropriateness of the Project. Responses to comments received are provided in this Chapter.

2.2 Availability of the Final EIR

A copy of the Final EIR (including this Response to Comments document) is being provided to all who commented on the Draft EIR. Notice of the availability of the Final EIR and details about how to access it also are being provided to all others identified on the County's distribution list for this Project. Recipients of the Final EIR are identified in **Appendix B**. An electronic copy of the Final EIR is available via the County's website: http://www.co.fresno.ca.us/EIR. Printed or CD copies of the Final EIR also are available for public review during normal working hours at the following locations:

- Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno;
- Fresno County Main Library, Reference Department, 2420 Mariposa Street, Fresno; and
- Fresno County Library Mendota Branch Library, 1246 Belmont Avenue, Mendota.

Electronic copies of the Final EIR and all documents referenced in the Final EIR also are available upon request by contacting Christina Monfette at (559) 600-4245 or by email at cmonfette@FresnoCountyCA.gov.

2.3 Approach to Comment Responses

The County received one letter regarding the Draft EIR: an October 8, 2018, letter from the Law Offices of John A. Belcher on behalf of an organization called Save Our Mojave. A copy of the letter is provided in Section 2.4, *Responses to Comments on the Draft EIR*. The County held a public comment meeting on October 2, 2018. No comments were received at the meeting.

Under CEQA, the lead agency "shall evaluate comments on environmental issues" received from people who have reviewed a draft EIR and prepare written responses that "describe the disposition of each significant environmental issue that is raised by commenters" (Pub. Res. Code §21091(d); CEQA Guidelines §15088(c)). The responses to comments in this Chapter 2 are intended to provide clarification and refinement of information presented in the Draft EIR.

2.4 Responses to Comments on the Draft EIR

The County has designated the letter submitted on behalf of Save Our Mojave as Letter A. It contains 11 individual comments, which are identified as Comments A1 through A11.

Comment Letter A

Law Offices of John A. Belcher

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TELEPHONE (626) 577-5771
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October 8, 2018

Via Regular Mail

Christina Monfette
Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Re: Protest re draft Impact Report for the proposed Little Bear Solar Project
EIR No. 7225, CUP Nos. 3550, 3551, 3552, 3553, 3577

Dear Ms. Monfette:

This law firm represents Save Our Mojave, a 501(c)(3) non-profit organization working to raise public awareness about some of the most pressing issues facing California's deserts, including unchecked damage to the environment and wildlife.

Save Our Mojave has reviewed the draft Environmental Impact Report ("EIR") for the proposed Little Bear Project (the "Little Bear Project"), for the construction and operation of a 180 megawatt alternating current power plant in Fresno County, State of California. According to the Proposed Action, 1,228 acres would be occupied by major project components. A1

After investigation and after review of publicly available documents, Save Our Mojave believes that the Little Bear Project is not a stand-alone project. To the contrary, it believes that the Little Bear Project is part of a larger project orchestrated by the developer First Solar. According to First Solar's own website, it is the developer/part-owner of a 61 megawatt solar project located just across the street called the North Star Solar Facility ("North Star"). A press release dated May 1, 2015, found on Savannah CEO's website states, A2

> First Solar will build, operate and maintain the North Star Solar Facility. Construction began in July 2014, and the plant is expected to enter commercial operation this June. The facility is expected to be capable of generating enough electricity to help meet the energy needs of more than 21,000 average homes.

Thus, while the EIR suggests that the North Star is an independent project, it is partially owned by First Solar and will likely be operated as a single project with the Little Bear Project. The impact of the two projects, including dust, traffic and water usage, should thus be analyzed together as a single project. The EIR, however, analyzes the cumulative impact of the Little Bear Project as if it is independent and potentially unrelated to North Star. A2 cont.

For the reasons discussed below, the EIR must be rewritten to reflect the full environmental impacts of EDF RE's entire project. The EIR's cumulative impacts analysis must be redone to account for the EIR's failure to acknowledge common ownership of the two projects. A3

"CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure." CEQA Guidelines § 15003(I). The EIR is not a "good faith effort at full disclosure." Full disclosure would have disclosed that the neighboring site, North Star, is owned and operated by First Solar. Full disclosure would have disclosed how thoroughly the two projects are interconnected. Full disclosure would have revealed how First Solar intends to coordinate the two projects to mitigate dust, traffic and water usage, and to protect wildlife. Full disclosure would have addressed the environmental issues of the Little Bear Project and North Star as a whole, assessing at the aggregate effect on the environment. A4

Make no mistake, First Solar is a sophisticated and well financed developer. First Solar's "good faith" is certainly in question. Tactics of concealment have no place in preparation of a EIR.

A. CEQA Requires A Description Of The "Whole Project"

An EIR is "a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." Laurel Heights Improvement Assn. v. Regents of University of California, 47 Cal. 3d 376, 392 (1988). The purpose of an EIR is "to inform the public and its responsible officials of the environmental consequences of their decisions before they are made." Laurel Heights Improvement Assn. v. Regents of University of California, 6 Cal. 4th 1112, 1123 (1993). That can only happen if a EIR describes the "whole project." Habitat & Watershed Caretakers v. City of Santa Cruz, 213 Cal. App. 4th 1277, 1297-98 (2013). Failure to describe the whole project violates CEQA by denying the public the "most accurate information practically possible." Neighbors for Smart Rail v. Exposition Metro Line Construction Authority, 57 Cal. 4th 439, 461 (2013). A5

The term "project" must be "interpreted in such a manner as to afford the fullest possible protection to the environment." Friends of Mammoth v. Board of Supervisors, 8 Cal.3d 247, 259 (1972). CEQA defines the term "project" broadly, as the "whole of the action." Habitat & Watershed Caretakers v. City of Santa Cruz, 213 Cal.App.4th 1277, 1297 (2013); Citizens Ass'n for Sensible Dev. of Bishop Area v. County of Inyo, 172 Cal. App. 3d 151, 165 (1985); see also 14 Cal. Code Regs. ("CEQA Guidelines") § 15378(c),(d). A5 cont.

B. Piecemeal Review Violates CEQA

A corollary to CEQA's "whole project" rule is that developers cannot chop large projects into smaller ones and obtain "piecemeal" approval of each piece. See, e.g., Rio Vista Farm Bureau Ctr. v. County of Solano, 5 Cal. App. 4th 351, 370-71 (1992) (CEQA's purposes are not served "by piecemeal review which results from chopping a large project into many little ones — each with a minimal potential impact on the environment — which cumulatively may have disastrous consequences."); Burbank-Glendale-Pasadena Airport Authority v. Hensler, 233 Cal.App.3d 577, 592 (1991) (same); Bozung v. LAFCO, 13 Cal. 3d 263, 283-84 (1975) (same); Plan for Arcadia v. City Council of Arcadia, 42 Cal. App. 3d 712, 726 (1974) (same); see also Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs., 91 Cal. App. 4th 1344, 1358 (2001) (discussing piecemealing in light of CEQA's purposes).

"Responsibility for a project cannot be avoided by limiting the title or description of the project." Rural Land Owners Ass'n v. Lodi City Council, 143 Cal. App. 3d 1013, 1025 (1983). "A narrow view of a project could result in the fallacy of division . . . that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole." McQueen v. Bd. of Dirs. of the Mid-Peninsula Reg 7 Open Space Dist., 202 Cal. App. 3d 1136, 1143 (1988); see also Santiago County Water Dist. v. County of Orange, 118 Cal. App. 3d 818, 829-30 (1981) (discussing harms that result from piecemeal review). A6

There are different types of piecemealing. In some instances, piecemealing occurs in a single timeframe, when a developer improperly passes off two or more simultaneous developments as separate projects for CEQA purposes when they are really one project. See, e.g., Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora, 66 Cal. Rptr. 3d 645, 656 (2007). In other instances, piecemealing can occur over time, when a developer attempts to chop up one project into ostensibly separate phases, even though each phase is actually a foreseeable part of the same project. See, e.g., Laurel Heights Improvement Association v. Regents of University of California, 47 Cal. 3d 376, 396 (1988). In the latter scenario, a developer must include all foreseeable phases of the project in the same EIR, even if he already managed to obtain CEQA approval for the first phase. Developers do not get a free pass on "phase 2" of a project just because they slipped "phase 1" by the public in a piecemeal

fashion. See Arviv Enterprises, Inc. v. South Valley Area Planning Commission, 125 Cal. Rptr. 2d 140, 145, 149-50 (2002) (rejecting an attempt to piecemeal a portion of a larger project and required an EIR for the full project even though a portion of the project had already been completed). A6 cont.

C. The Little Bear Project EIR Conceals Key Facts About A Common Project By The Same Developer

The Little Bear Project EIR fails to disclose crucial facts that are relevant to CEQA's piecemeal doctrine. The EIR is virtually silent about the Project's proponent, First Solar. Through its own investigation, Save Our Mojave has learned that First Solar is also the developer of a nearby energy project named North Star. The EIR does not reveal this fact. Indeed, the EIR deliberately portrays the Little Bear Project as an independent project.

Save Our Mojave believes that the Little Bear Project and North Star are two pieces of the same project for the following reasons:

- They share the same developer. As discussed above, EDF RE is the developer behind both projects. A7
- They are adjacent to one another. According to the EIR, the two projects are across the street from another.
- They share the same purpose. Both projects are solar sites that exist to generate electricity.

In sum, the two projects have the same proponent, the same purpose, and the same operating specifications. They generate solar power from nearly contiguous sites and may operate under a single power purchase agreement. For all intents and purposes, they are the same project.

As the developer and the owner of both projects, First Solar will most likely run the two projects as a single project. The projects are, according to the EIR, across the street from one another.

D. The EIR Fails To Address Key Factual Questions About The Relationship Between The Little Bear Project and North Star

Each application of CEQA's piecemealing doctrine is fact-intensive. See Laurel Heights, 47 Cal. 3d at 396 ("Under this standard, the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action."); accord Banning Ranch Conservancy v. City of Newport Beach, 211 Cal. App. 4th 1209, 1222 (2012).

The EIR fails to answer many important and highly relevant questions about the relationship between the Little Bear Project and North Star. Save Our Mojave believes that, at a minimum, the EIR should answer the following relevant questions about the operating relationship between the Little Bear Project and North Star, because each is highly relevant to the piecemealing inquiry:

- What aspects of development, maintenance, and operation of these two facilities will First Solar coordinate? A8
- How will First Solar schedule development, maintenance, and operation of these two facilities to mitigate dust, traffic and water usage?
- Will the the Little Bear Project and North Star function as a single unit? What infrastructure will they share?
- Are the the Little Bear Project and North Star parties to any legal agreements? Which agreements? What do those agreements provide?
- Will the Little Bear Project benefit from any previously obtained legal approvals gained by North Star, and vice versa?
- Are the Little Bear Project and North Star "connected" in any other sense? How?
- In what way are these two projects anything more than "theoretically" separate?

E. The Two Projects Will Negatively Effect the Environment

The Little Bear Project and North Star will create serious environmental problems. A9 Whether these problems are considered "cumulative impacts" or simply the effects of one very large multi-phase project, they must be made known. See Rialto Citizens for Responsible

Growth v. City of Rialto, 208 Cal. App. 4th 899, 928-29 (2012) (describing appropriate scope of cumulative impacts analysis); Bakersfield Citizens for Local Control v. City of Bakersfield, 124 Cal. App. 4th 1184, 1198 (2004) (describing appropriate scope of EIR's significant impacts analysis).

A9 cont.

As written, the EIR glosses over the aggregate environmental impacts of the Little Bear Project and North Star and misleads the reader through words such as "may" and "potentially." The cumulative effect of the two projects, which are run by the same developer, is definite and should be considered together. The EIR, however, does not conduct an appropriate "cumulative impacts" analysis showing how the two projects, taken together, will affect the environment.

1. Compromised Air Quality

The project will most likely result in significantly compromised air quality. The land rush of large solar projects all over the southwestern US has resulted in expedited approval of many of these projects. In most of the cases, the developers have not adequately mitigated the fugitive dust that has resulted in the removal of large acreages of vegetated desert lands.

A10

Large solar projects in desert areas are very bad for air quality. Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are removed, blowing particulates from recently eroded areas act as abrasive catalysts that erode the remaining crusts thus resulting in more airborne particulates.

Industrial construction in the region will compromise the air quality to the point where not only visual resources, but public health will be impacted. EDF RE will then have no choice but to use more water in an already overdrafted aquifer to control the large disturbance they intend to create.

2. Excessive Water Usage

A11

The EIR states that the total water use for construction would be 200 acre-feet of water. In large desert construction projects, however, there is commonly a request and a need to use additional water due to low humidity and extreme temperatures. For example, the Desert Sunlight Solar project to the east was approved by BLM to use 1,507 acre feet of water for construction. That went up after the original approval of 1,407 acre feet. In 2014, the developer requested to use an additional 50 acre feet to complete construction of the project and transmission hookups. The BLM approved this even though the USGS stated that the water comes from a fossil aquifer and would not be recharged.

Similarly, Save Our Mojave fears that the Little Bear Project will use substantially more water than it currently estimates. Moreover, because the project would use existing wells on the North Star site, Save Our Mojave believes that the Little Bear Project will use substantial amount of fossil groundwater in the region. Such significant water usage will harm native plant life in the area. A11 cont.

3. The Western Burrowing Owl and Loggerhead Shrike

During the construction, endangered animals such as the western burrowing owl and the loggerhead shrike are in danger of being killed by road work, blading of desert and truck transport on new roads in the desert, as has already happened at a transmission line project nearby. The cumulative effect of so much traffic during the construction period will only lead to higher and higher mortality for these animals. A12

Generally, with such a large cumulative impact of solar projects in the region and the resulting destruction of habitat for western burrowing owl and the loggerhead shrike , there is simply not enough land to maintain and support a healthy population. Moreover, the sheer number of the proposed projects increase the already fragmented distribution of these animals and increase the risk of extirpation of isolated populations.

F. The Little Bear EIR Must Be Rewritten And Recirculated

For all of the reasons stated above, the Little Bear Project and North Star are properly considered the same project under CEQA. By law, the Little Bear Project EIR must be rewritten to encompass all the environmental impacts of the Little Bear Project and North Star. It is no matter that one project may be further along in its development that the other. See Arviv Enterprises, Inc. v. South Valley Area Planning Commission, 125 Cal. Rptr. 2d 140, 145, 149-50 (2002) (required an EIR for a full project even though a portion of the project had already been completed). A13

At a minimum, the cumulative impacts analysis for the Little Bear Project EIR must be rewritten in its entirety, since it misleads the reader as to the Little Bear Project's relationship with North Star. Only a rewritten cumulative impacts analysis will allow the public to understand the true cumulative impacts of First Solar two projects.

A13 cont.

Sincerely,

John A. Belcher

Letter A: Save Our Mojave

A1 The commenter's understanding is generally correct in that the Project would generate up-to 180 megawatts alternating current (MWac) on approximately 1,288 acres of land in unincorporated Fresno County. See, e.g., Draft EIR §ES.1, *Introduction*, and Draft EIR §2.1, *Project Overview*. Although not mentioned by the commenter, the Project also involves decommissioning and site reclamation, which is described in Draft EIR Section 2.5.6.

A2 The County disagrees with the characterization of the existing North Star Solar Project and the proposed Little Bear Solar Project as a single, integrated project. Draft EIR Section 2.3.2, *Surrounding Uses*, describes the County's 2012 and 2013 reviews and approvals of the North Star Solar Project as "a 60 MWac PV solar power generation facility with a parking area and other related infrastructure on 640 acres located directly across West California Avenue from Little Bear 1." First Solar built and will operate and maintain the North Star Solar Project, which began construction in 2014 and began commercial operation in June 2015. Electricity from the facility is being sold under a 20-year power purchase agreement (PPA) with the Pacific Gas and Electric Company (PG&E). Contrary to the assertion in the comment, the North Star Solar Facility is owned by Southern Power and 8point3[1] – not First Solar.

First Solar first proposed to construct, operate, maintain, and decommission a smaller version of the Little Bear Solar Project in October 2015, and proposed the Little Bear Solar Project, as described in the Draft EIR, in fall 2016. The County currently is gathering information to inform a decision about whether to approve it. If the Project is approved, the power it generates will be sold under PPAs with multiple off-takers. For example, if the Project is approved, electricity generated from 40MWac was committed via a PPA with MCE in 2016.[2] The commenter's assertion that North Star "will likely be operated as a single project" with Little Bear does not appear to be based on any factual evidence.

The California Supreme Court set out a two-part test to determine whether a single CEQA project has been improperly segmented into two or more smaller projects in *Laurel Heights Improvement Association of San Francisco, Inc. v. the Regents of the University of California* (1988) 47 Cal.3d 376. Under the test, the environmental impacts of a future expansion or other action must be considered in the earlier environmental review if: "(1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." *Id.* at 396. The Little Bear Solar

1 Southern Power and 8point3 Energy Partners, 2018. North Star Solar Facility. October 2018. Available online: https://www.southerncompany.com/content/dam/southern-company/pdf/southernpower/NorthStar_Solar_Facility_factsheet.pdf

2 First Solar, 2016. First Solar, MCE Sign Power Purchase Agreement. November 1, 2016. Available online: http://investor.firstsolar.com/static-files/68b55c8f-8b55-4782-9c87-1573080ba713.

Project is not a reasonably foreseeable consequence of the North Star Solar Project, which is operating and will continue to operate regardless of whether the Little Bear Solar Project is approved. Further, the impacts of the Little Bear Solar Project disclosed in the Draft EIR would not change the scope or nature of the North Star Solar Project or its environmental effects.

Considering CEQA challenges based on this two-part test, courts have determined that two projects may properly undergo separate environmental review when they have different proponents, serve different purposes, or can be implemented independently. *Aptos Council v. City of Santa Cruz* (2017) 10 Cal.App.5th 266, 280; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 99; *Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 237. Here, the neighboring solar projects are independently justified, separate projects that have significant independent utility in that each would be implemented with or without the other and would fulfill separate PPAs with different off-takers.

In any event, it appears that the commenter may misunderstand the nature of the concern being asserted: segmentation of a larger project into smaller ones amounts to a contention that an agency has violated CEQA to avoid detailed environmental review. *See*, *Orinda Association. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 ("A public agency is not permitted to subdivide a single project into smaller individual sub-projects in order to avoid the responsibility of considering the environmental impact of the project as a whole"). First, the County could not have excluded the Little Bear Solar Project from the description of the North Star Solar Project because information about Little Bear was not before the County until years after North Star was approved and operating. Second, the County prepared two MNDs relating to the North Star Solar Project in 2012/2013, and CEQA provides no basis to re-open environmental review for a project that has already been completed and is not seeking further approval. *See* CEQA §15162(c) ("Once a project has been approved, the lead agency's role in project approval is completed unless further discretionary approval on that project is required.") Third, the County did prepare an EIR (the most detailed form of CEQA documentation) for the Little Bear Solar Project.

For these reasons, the existing North Star Solar Project and proposed Little Bear Solar Project are separate and discrete. As such, the analysis included in Little Bear's 2018 Draft EIR should not and could not have been incorporated in the North Star Solar Project's 2012/2013 MNDs.

A3 The Draft EIR's analysis of the cumulative effects of the Little Bear Solar Project takes proper account of the proposed Project's impacts combined with those of the North Star Solar Project. Draft EIR Table 3.1-1 (p. 3.1-5), *Little Bear Solar Generating Facility Project Cumulative Impact Analysis Projects List*, summarizes the North Star Solar Project on line 2. For example, the analysis of cumulative aesthetics impacts expressly considers ongoing impacts of the North Star Solar Project. See Draft EIR Section 3.2.5

(p. 3.2-27), which says: "Ongoing aesthetic impacts of past projects are reflected in the environmental setting described in Section 3.2.2. However, one past/approved project (the North Star Solar Project) includes a double circuit gen-tie line where the second circuit could be strung at the same time that the Project is being constructed. In this context, impacts from the Project or an alternative could result in a cumulative effect on visual resources in combination with other past, present, or reasonably foreseeable future actions. Cumulative construction disturbances from reasonably foreseeable future projects could include traffic, temporary facilities and equipment, and dust from earth moving and exposed soil…."

The combination of the two projects' effects also are expressly evaluated with respect to Air Quality. See Draft EIR Section 3.4.4 (p. 3.4-24), which says: "As described in Section 2.3.2, Surrounding Uses, the second circuit along the North Star Solar Project gen-tie line has not yet been strung. The stringing of this second circuit could overlap with construction of the Project. Construction impacts would be temporary and localized to the Project site, which includes the area containing the North Star Solar Project gen-tie line. Since this area was considered during the analysis of Project disturbance, the combined impact would not be cumulatively considerable."

With regard to cumulative water use, Draft EIR Section 3.11.4 (p. 3.11-17 et seq.) explains: "other cumulative scenario projects, including solar energy projects, would require water for construction and operation. Many of the other solar energy projects in the cumulative list also have replaced agricultural land uses, including fallow or dry farming. Solar projects generally require more water during the construction phase and relatively small amounts for the operational phases. The incremental water use by the Project along with the other similar cumulative projects during construction would not result in a significant cumulative impact to the basin due to the range in timing of the water supply needs and requirements from the Fresno County Solar Guidelines. Hence, cumulative impacts related to water supplies would be less than significant."

With regard to traffic, Draft EIR Section 3.18.4 (p. 3.18-16 et seq.) determines that construction- and decommissioning-generated traffic of the Little Bear Solar Project, when combined with traffic generated by other projects anticipated to use SR-33, could combine to cause a significant adverse cumulative impact relating to traffic flow (LOS) conditions on SR-33. Based on this conclusion, the Draft EIR identifies Mitigation Measure 3.18-1a, requiring preparation of a Construction and Decommissioning Traffic Control Plan to assure that any oversize vehicle use is permitted and coordinated.

A4 See Response A2, which explains that First Solar does not own the North Star Solar Project. Regarding the analysis of cumulative effects of the Little Bear Solar Project, including the incremental impacts of the proposed Project together with those of the North Star Solar Project, see Response A3.

Regarding a reasonable, good-faith disclosure of the extent of shared facilities with the North Star Solar Project, see Draft EIR Section 2.5.7.4, *Shared Facilities with the North Star Solar Project* (p. 2-30 et seq.), which explains:

> The Project would share, where feasible, the existing 2 mile-long 115 kV gen-tie line and underground communication lines between the North Star Substation and PG&E's Mendota Substation; may share a portion of the North Star Solar Project site for construction worker parking, temporary construction offices, and temporary water storage tanks; and may use water from the North Star Solar Project well. To the extent the sharing of this existing infrastructure would be feasible, the Applicant would avoid creating new impacts, including the avoidance of potential impacts to aesthetics and avian species that otherwise would result from new power lines and poles along West California Avenue, potential grading or hazardous materials impacts that could result if all construction workers were to park commute vehicles on the Project site, and potential impacts to groundwater supply and soils from the normal use of potential contaminants (such as sealants) in the well-drilling process.

The Draft EIR elsewhere is clear that energy to be generated by the Project, if approved, would tie into or be carried on North Star Solar Project interconnection infrastructure, i.e., that Little Bear 1 would require the installation of a new 115 kV interconnection to the North Star Solar Project's existing substation and that the gen-tie to interconnect Little Bears 3-6 would tie into the existing North Star gen-tie line. See, e.g., Draft EIR §ES.2.2, *Project Components*, p. ES-2; Draft EIR §1.2, *Project Overview*, p. 1-2; Draft EIR Table 2-1, *Little Bear Facilities Overview*, p. 2-2; and Draft EIR §2.5.2, *Gen-tie Lines*, p. 2-12.

With respect to use of North Star facilities during construction of the Little Bear Solar Project, see Draft EIR Section 2.2 (p. 2-2), which states: "During construction, the Project may use a portion of the North Star Solar Project site for construction worker parking and to locate temporary construction offices." See also, Draft EIR Section 2.5.4.2 (pp. 2-22, 2-23), which states: "If the North Star Solar Project site is used, the construction office trailers and workforce parking needs would be sited in the same location as during the construction of the North Star project, shown as the cross-hatched area on Figure 2-2. A little over 20 acres is available on the North Star Solar Project site, of which approximately 5 acres would be sufficient to accommodate the Project's peak construction workforce." Further, Draft EIR Section 2.5.4.6 (p. 2-26) says, "If construction worker parking is located at the North Star Solar Project, vehicles would use the existing North Star Solar Project entrance on West California Avenue."

Further regarding water supply, see Draft EIR Section 2.5.3.1 (p. 2-14) ("For water used during construction, the Project could access and withdraw water from an existing well on the North Star Solar Project site. The North Star well has demonstrated sufficient capacity to meet the Project's need"), Draft EIR Section 2.6.2.1 (p. 2-34) ("As proposed,

the Project could withdraw groundwater from two existing wells on the North Star Solar Project site"); Draft Section 3.20.3.2 (p. 3.20-8) ("For water to be used during construction, the Project could use water from an existing well on the North Star Solar Project site, approximately 920 feet north of the northern boundary of Little Bear 1. Water from the well would be pumped to new aboveground tanks or ponds located on the North Star site and then transferred, as needed, to water trucks. Alternatively, water from the North Star well could be delivered to new aboveground tanks constructed on the Project site tanks via a new pipeline"); and Draft EIR Appendix J2, *Water Supply Assessment for the Little Bear Solar Project*.

A5 The County agrees CEQA's definition of "'Project' means the whole of an action" (CEQA Guidelines §15378(a)). The commenter's summary of a selection of related case law is noted. This summary does not identify issues about the adequacy or accuracy of the Draft EIR for the Little Bear Solar Project.

A6 The commenter's summary of a selection of related case law is noted. See Response A2, which explains why the County disagrees with the suggestion that segmentation or piecemealing has occurred. Additionally, the County notes that the case of *Arviv Enterprises, Inc. v. South Valley Area Planning Commission*, which the commenter cites as evidence that an EIR may be required for a project that has already been constructed, involved a factually distinct situation where limited CEQA review (an MND for 14 of 21 proposed homes) had been completed prior to construction of the challenged project. By contrast, the North Star Solar Project was fully analyzed pursuant to an MND and the time to challenge the adequacy of that MND has long since passed. *See, e.g.* Pub. Res. Code §21167; CEQA Guidelines §15162(c). In these circumstances, the proper way to analyze the combined impacts of the North Star Solar Project and the Little Bear Solar Project is in the cumulative impacts analysis of the Little Bear Solar Project's EIR.

A7 The comment incorrectly asserts that EDF RE is the developer behind the Little Bear Solar Project and the North Star Solar Project. The County assumes this statement was made in error, and so responds as if the first bullet point correctly had identified First Solar as the developer of both projects.

The Draft EIR made no effort to hide the fact that Little Bear Solar 1 LLC, Little Bear Solar 3 LLC, Little Bear Solar 4 LLC, Little Bear Solar 5 LLC, and Little Bear Solar 6 LLC (collectively, the Applicant) are wholly owned subsidiaries of First Solar. First Solar is expressly identified as the Project Applicant in the scoping meeting presentation (Draft EIR Appendix A). Project-specific information throughout the Draft EIR is attributed to First Solar, including details about PPA status for the Project (Draft EIR §ES.6.2, p. ES-7; §ES.11, p. ES-24; §2.6.3.1, p. 2-38; §2.8, p. 2-41). Project representatives at public meetings are identified as First Solar personnel in Draft EIR Section 1.4.1 (p. 1-4). First Solar is identified as the source of the solar plant site design (Draft EIR Figure 2-2, p. 2-7), PV modules (Draft EIR Figure 2-3, p. 2-9; §3.10.3.2, p. 3.10-15), interconnection plans (Draft EIR Figure 2-4, p. 2-15, and Figure2-6, p. 2-19), and transmission structures

(Draft EIR Figure 2-5, p. 2-17). First Solar representatives who received copies of the Draft EIR are listed immediately following the Lead Agency (Fresno County Department of Public Works and Planning) in Draft EIR Section 5.3 (p. 5-2).

Likewise, the commenter is incorrect that the Draft EIR "does not reveal" that First Solar was involved in the North Star Solar Project. Draft EIR Figure 3.1-1 expressly identifies First Solar, Inc. as the "Applicant" for the North Star Solar Project. *See also* Draft EIR p. 2-3, 2-41, citing a First Solar and Southern Power Company fact sheet regarding the North Star Solar Project.

Regardless, the inclusion or omission of a name in a CEQA document has no bearing on the adequacy or accuracy of the analysis. In *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 120 Cal.App.4th 396, the Court was clear that "the omission of an end user's name… of itself can have no possible environmental impact." Emphasizing the point, the Court went on to say that "CEQA is concerned solely with the potential environmental impacts of a project…. Information that has no bearing upon the physical environment has no business in an EIR."

See Response A2, which explains why the County disagrees with the suggestion that the existing North Star Solar Project and the proposed Little Bear Solar Project are a single, integrated project. The commenter's speculation that the two projects "may operate" under a single PPA is incorrect: The PPA for the North Star Solar Project has no relationship to the PPAs for the Little Bear Solar Project. Energy generated by the North Star Solar Project is sold to PG&E; in contrast, energy to be generated by the Little Bear Solar Project, if approved, will be sold to MCE and potentially others. Activities to operate and maintain the Little Bear Solar Project are described in Draft EIR Section 2.5.5 (p. 2-27 et seq.). The fact that the projects are in close proximity to each other is properly considered in the Draft EIR's cumulative impacts analysis, but proximity does not override the distinct functional and legal nature of the two projects. The commenter does not provide any evidence to support the speculation that the projects' owners will "run the two projects as a single project" or analysis as to why any potential future coordination of operations between the neighboring projects would cause them to merge into a single project.

A8 See Response A4, which details the proposed extent of shared facilities between the Little Bear Solar Project and the North Star Solar Project. See Response A3 regarding the Draft EIR's cumulative effects analysis, which properly accounts for the potential for incremental impacts of the Project to combine with those of the North Star Solar Project, including with respect to potential dust, traffic, and water usage impacts during construction and operation of the Little Bear Solar Project.

Who coordinates proposed activities and whether there are legal agreements between entities are irrelevant under CEQA, which is concerned only with the potential direct, indirect, and cumulative impacts of the proposed activities. As noted above, "CEQA is concerned solely with the potential environmental impacts of a project…. Information

that has no bearing upon the physical environment has no business in an EIR." *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 120 Cal.App.4th 396. In any case, the County is not aware of any agreements, and the commenter has not suggested that any agreements exist, concerning the Project that would affect the environmental analysis in the Draft EIR.

A9 See Response A3 regarding the Draft EIR's cumulative effects analysis, which properly accounts for the potential for incremental impacts of the Project to combine with those of the North Star Solar Project.

A10 The Project's direct and indirect impacts to air quality are analyzed in Draft EIR Section 3.4.3 (p. 3.4-13 et seq.). Although the commenter makes general statements regarding air quality, it does not identify any particular concerns with the analysis in the Draft EIR. However, a summary of the Draft EIR's air quality analysis is provided here for reference.

The analysis concludes that the Project would have a less than significant impact related to criteria pollutant emissions (Impact 3.4-1, Draft EIR p. 3.4-13 et seq.), the potential exposure of sensitive receptors to substantial pollutant concentrations (Impact 3.4-3, Draft EIR p. 3.4-18 et seq.), the generation of odor or dust (Impact 3.4-4, Draft EIR p. 3.4-21 et seq.), and exposure of sensitive receptors to risk of Valley Fever (Impact 3.4-5, Draft EIR p. 3.4-22). The analysis also concludes that the Project could exceed SJVAPCD thresholds for criteria air pollutants during Project decommissioning activities and so would cause a potential significant impact unless mitigation is incorporated to reduce the potential impacts below established thresholds (Impact 3.4-2, p. 3.4-14 et seq.).

Cumulative effects to air quality are analyzed in Draft EIR Section 3.4.4 (p. 3.4-23 et seq.). This analysis concludes that, as mitigated, the Project's incremental contribution to an increase in criteria pollutants (specifically, NOx) would not be cumulatively considerable, and that the Project would not result in a cumulatively considerable increase in emissions of nonattainment pollutants. Specifically, when combined with impacts of the North Star Solar Project, the cumulative effects of the Little Bear Solar Project on air quality would not be cumulatively considerable (Draft EIR §3.4.4, p. 3.4-24). Regarding potential cumulative health effects, the analysis concludes based on the results of a health risk assessment that the Project would not result in a cumulatively significant impact related to toxic air contaminants.

Whether other developers have adequately mitigated for fugitive dust on project sites on vegetated desert land across the southwestern United States has no bearing on the adequacy or accuracy of the Draft EIR's analysis of potential impacts of the Project or whether mitigation measures proposed in this Draft EIR would be sufficient to reduce potential significant impacts of the Project below established thresholds.

As described in Draft EIR Section 2.3.1 (p. 2-3), the Project site intermittently has been dry-farmed (non-irrigated) for grain or forage crops such as sorghums, wheat, and barley and has lain fallow since 2012 (see also Draft EIR Appendix C), and the entire Project site has been classified as Farmland of Local Importance under the California Department of Conservation's Farmland Mapping and Monitoring Program (Draft EIR §3.3.1.1, p. 3.3-1). Three different soil units are present on the site based on the results of the Soil Survey mapping conducted by the Natural Resource Conservation Service: Tranquility Clay, Posochanet Clay Loam, and Calfax Clay Loam (Draft EIR §3.8.1.1, p. 3.8-1; Draft EIR Appendix H2). Because biological soil crusts (sometimes called "cryptobiotic" soil crusts) are present on the site, the Project would have no impact related to the disturbance of such soil surfaces.

The commenter indicates that EDF RE is the developer of the Little Bear Solar Project. This is in error. EDF RE is not involved in the Project. Additionally, contrary to the commenter's suggestions, the Project is not located in a desert area; rather it is located in the San Joaquin Valley. See Response A11 for further detail.

A11 The comment correctly identifies the Project's projected water demand for dust suppression and other purposes during construction: up to 200 acre-feet (Draft EIR §2.5.3.1, p. 2-14; §2.6.2.1, p. 3-34; Draft EIR Appendix J2). However, what may be common for large desert construction projects, without more explanation than is provided in the comment, bears no relationship to the Project site, which is not located in a desert region and is subject to the San Joaquin Valley's Mediterranean climate (Draft EIR §3.11.1.1, p. 3.11-1; Draft EIR Appendix E). Further, because the aquifer that underlies the Desert Sunlight Solar Project in Riverside County is not hydrologically connected to the San Joaquin Valley Groundwater Basin's Westside Subbasin in western Fresno County, which underlies the Project, there is no risk of a cumulative effect.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) defines fossil groundwater as "water that infiltrated usually millennia ago and often under climatic conditions different from the present, and that has been stored underground since that time."[3] There is no evidence of fossil groundwater in Fresno County. The commenter's fears about the Project's water demand are acknowledged, but unsubstantiated.

A12 Although the commenter makes general statements regarding biological resources in the Project vicinity and potential impacts, it does not identify any particular concerns with the analysis in the Draft EIR. However, a summary of the Draft EIR's relevant biological resources analysis is provided here for reference.

Contrary to the suggestion in the comment, neither western burrowing owl (*Athene cunicularia*) nor loggerhead shrike (*Lanius ludovicianus*) is listed as an endangered

[3] UNESCO, 2006. Non-renewable Groundwater Resources: A Guidebook on Socially Sustainable Management for Water Policy Makers. Ed. Stephen Foster and Daniel P. Loukes. IHP-VI Series on Groundwater No. 10. Available online: http://unesdoc.unesco.org/images/0014/001469/146997e.pdf.

species under federal or state law (Draft EIR Table 3.5-1, p. 3.5-9). Instead, as explained in Draft EIR Section 3.5.1.1 (p. 3.5-12), each of these species is designated as a California Species of Special Concern (SSC) and as a USFWS bird of conservation concern. Field surveys (Draft EIR Appendix F1, *Biological Technical Report for the Little Bear Solar Project*) and protocol-level surveys were conducted for the burrowing owl (Draft EIR Appendix F2, *Habitat Assessment and Protocol Surveys for Burrowing Owl at the Little Bear Solar Project Site*). One loggerhead shrike was observed during the field survey (Draft EIR Appendix F1).

Potential direct and indirect impacts of the Project to burrowing owls are analyzed in Draft Section 3.5.3 (p. 3.5-19 et seq.). See Draft EIR page 3.5-21, which states: "construction could result in impacts to the species through nest destruction or the loss of owls within burrows. Any adverse impacts, either direct or indirect, to burrowing owls from construction would be considered significant. As a result, preconstruction clearance surveys and other minimization measures as described in Mitigation Measures 3.5-1 through 3.5-3 together with implementation of the Worker Environmental Awareness Program (WEAP) described in Section 2.5.7.6, are required to reduce impacts to less than significant." See also Draft EIR page 3.5-22 ("In addition to the potential direct impacts described above… burrowing owls, and other avian species are susceptible to collisions with power lines"). Mitigation Measure 3.5-1, *Preconstruction Surveys*, (Draft EIR §3.5.3.2, p. 3.5-24 et seq.) has a section expressly focused on potential construction impacts to burrowing owl. Cumulative impacts to burrowing owl are analyzed in Draft EIR Section 3.5.4 (p. 3.5-31), which concludes: "the Project, in combination with all identified cumulative projects, would not result in a cumulatively considerable impact to burrowing owl."

Potential direct and indirect impacts of the Project to loggerhead shrike also are analyzed in Draft EIR Section 3.5.3 (p. 3.5-19 et seq.). See Draft EIR page 3.5-22, which discloses that the Project could result in the direct loss of an active nest of special-status bird species (including shrike) depending on the timing of construction-related activities, and that avian species are susceptible to collisions with power lines. See also Draft EIR page 3.5-29, acknowledging that the Project site and immediate vicinity contain potentially suitable breeding, denning, or nesting habitat for loggerhead shrike. Based on this analysis, the Draft EIR recommends implementation of the applicant-proposed Worker Environmental Awareness Program (Draft EIR §2.5.7.6) as well as the preconstruction wildlife surveys, environmental training, and wildlife avoidance and protection measures described in Mitigation Measures 3.5-1 through 3.5-3. With these actions, the Project would have less than significant direct and indirect impacts on loggerhead shrike. Cumulative impacts to special-status migratory birds (including loggerhead shrike) are analyzed in Draft EIR Section 3.5.4 (p. 3.5-31 et seq.), which concludes that the incremental effects of the Project would not be cumulatively considerable.

See Response A11, which explains that the Project site is not subject to a desert climate or desert conditions, and that the commenter's concerns about the types of impacts that could occur in the desert do not inform Fresno County's consideration of the Little Bear Solar Project. Given the apparent misunderstanding that the Little Bear site is located in the desert, it is not clear which "nearby" transmission line is being suggested as an example. It is also not clear what "region" is the subject of the commenter's concern or how the Little Bear Solar Project relates to cumulative conditions in such a region.

The comment does not provide facts, reasonable assumptions based upon facts, or expert opinion supported by facts as the basis for its assertion that insufficient land is available to support healthy populations of burrowing owl or loggerhead shrike, or that these species' habitat is so fragmented as to risk extirpation of populations. Without such evidence, the County is unable to provide a more detailed response.

A13 See Response A2, which explains why the County disagrees with the suggestion that the existing North Star Solar Project and the proposed Little Bear Solar Project are a single, integrated project. See Response A3, which explains that the cumulative effects analysis properly analyzes the collective impacts of the Little Bear Solar Project, North Star Solar Project, and other projects in the cumulative scenario. See Response A6, which explains why the case law the commenter cites is not applicable to the present situation.

CEQA and the CEQA Guidelines require recirculation of a Draft EIR for an additional round of agency and public comment only if significant new information is added after the close of the public comment period (Pub. Res. Code §21092.1; CEQA Guidelines §15088.5). "Information" can include revisions in the project or the environmental setting as well as additional data or other information (CEQA Guidelines §15088.5). Recirculation is intended to be the exception, not the general rule. *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99. CEQA Guidelines Section 15088.5(a) provides four examples of "significant new information" requiring recirculation, including:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The fourth example is based on the court's decision in a specific lawsuit and is intended to capture circumstances in which fundamental information is omitted in the Draft EIR

and then added after the public comment period has closed. CEQA does not require recirculation where, as here, none of the triggers are met. Thus, the general rule and not the exception governs. Additionally, the commenter has not identified any facts that would require the cumulative impacts analysis for the Little Bear Solar Project to be rewritten, as the existence of the North Star Solar Project and its relationship to the Little Bear Solar Project are fully disclosed and analyzed in the Draft EIR.

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Appendix A
Public Notices

THE BUSINESS JOURNAL
FRESNO | KINGS | MADERA | TULARE
P.O. Box 126
Fresno, CA 93707
Telephone (559) 490-3400

(Space Below for use of County Clerk only)

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LITTLE BEAR SOLAR PROJECT

The 45-day review and comment period begins August 31, 2018 and ends at 5 pm October 15, 2018

MISC. NOTICE

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA

COUNTY OF FRESNO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

AUGUST 31, 2018

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

AUGUST 31, 2018

ON .....

NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LITTLE BEAR SOLAR PROJECT

Pursuant to the requirements of the California Environmental Quality Act, notice is hereby given that a Draft Environmental Impact Report (DEIR) (EIR No. 7225) has been prepared for the Little Bear Solar Project (Project), Unclassified Conditional Use Permit (CUP) Application Nos. 3550, 3551, 3552, 3553, and 3577, and is available for review.

Project Location: The Project site is located approximately 13 miles east of Interstate 5 (I-5), approximately 2 miles southwest of the City of Mendota, and adjacent to and west of State Route 33 (SR-33), in unincorporated Fresno County (County). The Project site is comprised of approximately 1,288 acres of Westlands Water District-owned lands, and would encompass the six parcels bounded by West California Avenue to the north, SR-33 to the east, West Jensen Avenue to the south, and San Bernardino Avenue to the west. A figure showing the location of the Project is available on the Fresno County EIR webpage listed below. All of the parcels are within the jurisdictional boundaries of Fresno County, and located within Sections 13 and 14 of Township 14 South and Range 14 East of the Mt. Diablo Baseline and Meridian.

Project Description: The Project is proposed by Little Bear Solar 1, LLC, Little Bear Solar 3, LLC, Little Bear Solar 4, LLC, Little Bear Solar 5, LLC, and Little Bear Solar 6, LLC (collectively, Applicant). The Applicant has applied to the Fresno County Department of Public Works and Planning for five County CUPs to construct, operate, and ultimately decommission up to 180□megawatt (MW) photovoltaic (PV) electricity generating facilities and associated infrastructure, to be known as Little Bear Solar 1, 3, 4, 5, and 6. The Project would consist of five individual facilities (each, a Facility), ranging from approximately 161 to 322 acres, with a 60-foot monopole design telecommunications tower and associated equipment proposed at the Little Bear Solar 1 site. Each Facility would include a substation, inverters, transformers, and a 34.5 kilovolt (kV) overhead collection system, and could include an energy storage system. Other necessary infrastructure would include a permanent operation and maintenance (O&M) building, water storage, meteorological data system, access roads, telecommunications infrastructure, and security fencing. These Facilities would connect to the electrical grid at the existing Mendota Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E) approximately 2 miles west. Little Bear 1 would require the installation of a new 115 kV interconnection to the adjacent North Star Solar Project's existing substation, which is located on the northeast corner of San Bernardino Avenue and California Avenue. Interconnection of Little Bears 3, 4, 5, and 6 would require the installation of a new, approximately 2-mile 115 kV generation-tie (gen-tie) line across the Project site. The new gen-tie line would connect in to the existing North Star gen-tie line at the southwest corner of San Bernardino Avenue and California Avenue to complete the interconnection to PG&E's existing Mendota Substation. The Project would operate year-round to generate electricity during daylight hours.

Potential Project Impacts Identified in the DEIR: This DEIR examines the potential impacts of the Project and alternatives on the environment. All of the resource areas identified in the California Environmental Quality Act (CEQA) Guidelines Appendix G Checklist were studied: Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural Resources; Geology, Soils,

and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise and Vibration; Population and Housing; Public Services; Recreation; Transportation and Traffic; Tribal Cultural Resources; and Utilities and Service Systems. Energy Conservation, addressed in CEQA Guidelines Appendix F, also has been examined.

Significant and Unavoidable Impacts Identified in the DEIR: The Project would not result in any significant and unavoidable impacts. The Project would have a less-than-significant impact, or a less-than-significant impact with the implementation of recommended mitigation measures, regarding the following resource considerations: Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural Resources; Energy Conservation; Geology, Soils, and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise and Acoustics; Population and Housing; Transportation and Traffic; Tribal Cultural Resources; and Utilities and Service Systems. The Project would have no impact to any of the following resource considerations: Land Use and Planning, Mineral Resources, Public Services, and Recreation.

DEIR Review and Public Comment: The 45-day review and comment period for the DEIR begins August 31, 2018 and ends at 5 p.m. October 15, 2018. Printed copies or a CD copy of the DEIR and the documents referenced in the DEIR are available for inspection at each of the following locations:

Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno, CA; Fresno County Main Library, Reference Department, 2420 Mariposa Street, Fresno, CA; Fresno County Mendota Branch Library, 1246 Belmont Avenue, Mendota, CA; andFresno County website: http://www.co.fresno.ca.us/EIR

County staff will hold a public meeting so members of community and other interested parties will have an opportunity to provide comments to County staff. The meeting will be held from 5:30 pm to 6:30 pm October 2, 2018, at the City of Mendota City Council Chambers, located at 643 Quince Street, Mendota, CA 93640. The primary objectives of the meeting are to distribute DEIR information and to receive comments on the DEIR. Comments should be addressed to:

Attn: Christina Monfette
Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Phone: (559) 600-4245 Fax: (559) 600-4200
Email: cmonfette@FresnoCountyCA.gov

In your written comment letter please reference: EIR #7225, Little Bear Solar Project. Please include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary. Persons with questions or requests for a public hearing notice may call Christina Monfette at (559) 600-4245 or email at cmonfette@FresnoCountyCA.gov. Electronic copies of the DEIR also are available upon request.

08/31/2018

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2016011008

Project Title: Little Bear Solar Project

Lead Agency: County of Fresno | Contact Person: Christina Monfette
Mailing Address: 2220 Tulare Street, Sixth Floor | Phone: 559-600-4245
City: Fresno | Zip: 93721 | County: Fresno

Project Location: County: Fresno | City/Nearest Community: Mendota
Cross Streets: SR-33 and West California Avenue | Zip Code: 93640
Longitude/Latitude (degrees, minutes and seconds): 36 ° 43 ′ 0.52 ″ N / 120 ° 23 ′ 33.5 ″ W | Total Acres: 1,288
Assessor's Parcel No.: 019-110-03ST- to -06ST and -13ST | Section: 14 | Twp.: 14S | Range: 14E | Base: Mt. Diablo
Within 2 Miles: State Hwy #: SR-33 | Waterways: n/a
Airports: n/a | Railways: n/a | Schools: Mendota JHS and HS

Document Type:

CEQA: ☐ NOP ☒ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.) ☐ Draft EIS ☐ Other:
☐ Mit Neg Dec Other: ☐ FONSI

Governor's Office of Planning & Research
AUG 31 2018
STATE CLEARINGHOUSE

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other:

Development Type:

☐ Residential: Units ____ Acres ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☐ Commercial: Sq.ft. ____ Acres ____ Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational: ____
☐ Recreational: ____
☐ Water Facilities: Type ____ MGD ____
☐ Transportation: Type ____
☐ Mining: Mineral ____
☒ Power: Type Solar PV MW180
☐ Waste Treatment: Type ____ MGD ____
☐ Hazardous Waste: Type ____
☐ Other: ____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☒ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Other: Energy, Tribal Cultu

Present Land Use/Zoning/General Plan Designation:

Agriculture, zoned Exclusive Agriculture, 20-acre minimum parcel size (AE-20)

Project Description: *(please use a separate page if necessary)*

The Little Bear Solar Project proposes to construct, operate, maintain, and ultimately decommission an up-to 180-megawatt (MW) photovoltaic (PV) electricity generating facility and associated infrastructure under County Conditional Use Permits (CUP Nos. 3550, 3551, 3552, 3553, and 3577). The Solar Facility would consist of up to five individual facilities with solar PV modules (or panels), support structures, electrical inverters, intermediate voltage transformers, an Energy Storage System, a 60-foot monopole design telecommunications tower and other necessary infrastructure. The Project also would involve installation of new and use of existing generation-tie lines to provide power to the grid via Pacific Gas & Electric's (PG&E's) Mendota substation.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

X	Air Resources Board	X	Office of Historic Preservation
	Boating & Waterways, Department of		Office of Public School Construction
	California Emergency Management Agency		Parks & Recreation, Department of
	California Highway Patrol		Pesticide Regulation, Department of
X	Caltrans District #6	X	Public Utilities Commission
	Caltrans Division of Aeronautics	X	Regional WQCB #5
X	Caltrans Planning		Resources Agency
X	Central Valley Flood Protection Board		Resources Recycling and Recovery, Department of
	Coachella Valley Mtns. Conservancy		S.F. Bay Conservation & Development Comm.
	Coastal Commission		San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
	Colorado River Board		San Joaquin River Conservancy
X	Conservation, Department of		Santa Monica Mtns. Conservancy
X	Corrections, Department of		State Lands Commission
	Delta Protection Commission		SWRCB: Clean Water Grants
	Education, Department of		SWRCB: Water Quality
X	Energy Commission		SWRCB: Water Rights
X	Fish & Game Region #4		Tahoe Regional Planning Agency
	Food & Agriculture, Department of	X	Toxic Substances Control, Department of
	Forestry and Fire Protection, Department of		Water Resources, Department of
	General Services, Department of		
	Health Services, Department of		Other:
	Housing & Community Development		Other:
X	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date August 31, 2018 Ending Date October 15, 2018

Lead Agency (Complete if applicable):

Consulting Firm: Environmental Science Associates
Address: 550 Kearny Street, 8th Floor
City/State/Zip: San Francisco CA 94108
Contact: Janna Scott
Phone: 415-896-5900

Applicant: Little Bear Solar 1, 3, 4, 5, and 6 LLCs
Address: 135 Main Street, 6th Floor
City/State/Zip: San Francisco, CA 94105
Phone: 415-935-2500

Signature of Lead Agency Representative: Marianne Mollring Digitally signed by Marianne Mollring Date: 2018.08.29 12:46:32 -07'00' **Date:**

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

LITTLE BEAR SOLAR

Environmental Documents

Notice of Preparation

Project Site Location Map

Project Description

Project Schedule

Draft Environmental Impact Report

Notice of Availablity

Draft Environmental Impact Report (DEIR)

DEIR Appendix A-H

DEIR Appendix I

DEIR Appendix J-N

A public comment meeting on the Draft Environmental Impact Report is scheduled to be held October 2, 2018, from 5:30 pm to 6:30 pm at the City of Mendota City Council Chambers, located at 643 Quince Street, Mendota, CA 93640.

Public Scoping Meeting

Was held Thursday, September 14, 2017

Scoping Meeting Presentation

Contact Information

Current Planning and Environmental Analysis (559) 600-4497

Our offices are located in Annex "A" and "B" of the Fresno County Plaza on the southwest corner of Tulare and "M" Streets
Office hours (available by phone): Monday - Thursday 8:00 a.m. - 5:00 p.m., Friday 8:00 a.m. - 12:30 p.m.
Lobby Counter Hours: Monday - Thursday 9:00 a.m. - 5:00 p.m., Friday 8:30 a.m. - 12:30 p.m.

Appendix B
Recipients of the Final EIR

RECIPIENTS OF THE FINAL EIR FOR THE LITTLE BEAR SOLAR PROJECT (EIR 7225)

Agency or Entity	Attention
Adams Broadwell Joseph & Cardozo	Attn: Sheila Sannadan
California Department of Fish and Wildlife	Attn: Julie A. Vance, Regional Manager | Central Region
Cardella Rodney J Trustee	
City of Mendota	
Coit Family Farms LLC	
Corrections Corporation of America	% C Jaggers
County of Fresno Development Services Division, Department of Public Works and Planning	Attn: Hector E. Luna
Department of Public Works and Planning | Development Services and Capital Projects	Attn: Chuck Jonas CBO, Chief Building Inspector
Department of Public Works and Planning | Water and Natural Resources Division	Attn: Glenn Allen, REHS, M.S., Water & Natural Resources Manager
Department of Public Works and Planning | Water and Natural Resources Division	Attn: Roy Jimenez, Jr., Planner
Double J Farms	
Dumna Wo Wah Tribal Government	Attn: Robert Ledger, Tribal Chairman
Ensher Alexander & Barsoom Inc	
First Solar, Inc.	Attn: Robert Holbrook, P.E.
First Solar, Inc.	Attn: Dave Sterner
Fresno Counthy Fire Protection District	Attn: Mark A. Johnson, Fire Chief
Fresno County Department of Agriculture	Attn: Fred Rinder, Deputy Agricultural Commissioner
Fresno County Environmental Health Division	Attn: Sukhdeep(Deep) Sidhu, R.E.H.S, Environmental Health Specialist
Gallagher Deetta L Trustee	
Giacone Carol D Trustee	
Giacone Carol D Trustee	
Giacone Carol D Trustee	
Giacone John A	
Giacone John L Trustee	
Giaconi John A	
Grandis Land Holding LLC	% Hannon Armstrong CAP LLC
Ha Northstar LLC	
Hendrickson Lloyd & Bertha Montijo	
Jolley Bryant L & Karen P	
Law Offices of John A. Belcher	Save Our Mojave
Lozeau Drury LLP	Attn: R. Drury/T. Rettinghouse
Multi J Enterprises	
Native American Heritage Commission | Environmental and Cultural Department	Attn: Sharaya Souza, Staff Services Analyst
Pacific Gas & Electric Company/Michael Calvillo	Environmental Mgmt. - Electric Transmission
Pappas Equipment Co LLC	

RECIPIENTS OF THE FINAL EIR FOR THE LITTLE BEAR SOLAR PROJECT (EIR 7225)

Agency or Entity	Attention
Pappas Equipment Co LLC	
Pappas Family Farms I	
Pappas Family Farms III LP	
Pappas Family Farms III LP	
Picayune Rancheria of the Chukchansi Indians	Attn: Tara C. Estes-Harter, THPO/Cultural Resources Director
San Joaquin Valley Air Pollution Contol District	Attn: Brian Clements, Program Manager
Stefanopoulos Athanasios & Pagona	
Stefanopoulos Christopher Spero	
Stefanopoulos Pagona	
Sustainable Property Holdings LLC	
Table Mountain Rancheria	Attn: Robert Pennell, Tribal Cultural Resources Director
U.S. Fish & Wildlife Service	Attn: Patricia Cole, Chief, San Joaquin Valley Division
Westlands Water District	Attn: Russ Freeman, Deputy General Manager of Resources

LITTLE BEAR SOLAR PROJECT

CEQA Findings of Fact

Prepared for
County of Fresno Department of
Public Works and Planning

December 2018

ESA

EXHIBIT 9

TABLE OF CONTENTS

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CEQA FINDINGS OF FACT

1. Statement of Findings

The findings and determinations contained herein are based on competent and substantial evidence, both oral and written, contained in the record relating to the Little Bear Solar Project (Project) and the Environmental Impact Report (EIR). These findings and determinations constitute the independent findings and determinations by the County of Fresno (County) in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the County incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. The County further intends that if these findings fail to cross reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by the County with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

1.1 Introduction

The County proposes to approve the Little Bear Solar Project (Project) proposed by Little Bear Solar 1 LLC, Little Bear Solar 3 LLC, Little Bear Solar 4 LLC, Little Bear Solar 5 LLC, and Little Bear Solar 6 LLC (collectively, Applicant). The Applicant has applied to the Fresno County Department of Public Works and Planning for five Unclassified Conditional Use Permits (CUPs) to construct, operate, maintain, and decommission five solar photovoltaic (PV) electricity generating facilities and associated infrastructure to be known as Little Bear Solar 1, 3, 4, 5, and 6. No Little Bear 2 facility is proposed. The Project would consist of five individual facilities (each, a Facility), ranging from approximately 161 to 322 acres, with a 60-foot monopole design telecommunications tower and associated equipment proposed at the Little Bear Solar 1 site. There would be one CUP per facility: CUP Nos. 3550, 3551, 3552, 3553, and 3577 for Little Bears 1, 3, 4, 5, and 6, respectively. The five Facilities would generate a total of up to 180-megawatts alternating current (MWac)[1] on approximately 1,288 acres of Westlands Water District (WWD)-owned lands in unincorporated Fresno County adjacent to and south of the existing

[1] PV panel capacity generally is measured in direct current (DC) watts; however, because the DC output from panels must be converted to alternating current (AC) before being distributed on the electric grid, this EIR reports expected capacity in terms of AC watts. Although preliminary estimates indicate that 180 MWac would be the expected nominal generating capacity of the Project, the actual generating capacity would depend on the efficiency of the PV panels available at the time of construction and the layout and tracking technology approved.

North Star Solar Project. The facilities would connect to the electrical grid at the existing Mendota Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E) located approximately 2 miles west of the Little Bear 1 site. The five facilities are analyzed as a single "project" for purposes of the California Environmental Quality Act (CEQA).

In accordance with CEQA and its implementing guidelines (the "CEQA Guidelines"),[2] the County published the Draft Environmental Impact Report (DEIR) for the Project (EIR No. 7225; State Clearinghouse No. 2016011008) on August 31, 2018. The DEIR documented the County's analysis of the potential environmental impacts of implementing the Project. The DEIR was circulated for public review and comment for a period of 45 days that ended October 15, 2018. In addition, a duly noticed public meeting to present the DEIR's conclusions and to receive comments on the DEIR was held on October 2, 2018. During and the review period, one comment letter was received on the DEIR.

The County reviewed the letter to identify specific environmental concerns and to determine whether any additional environmental analysis would be required to respond to issues raised in the comment. The County determined that the letter raised no new significant issues, and responses to all substantive comments received on the DEIR were prepared and included in the Final EIR (FEIR), which was made available to the public on October 31, 2018.

Section 15132 of the CEQA Guidelines requires an FEIR to include:

- The DEIR or a revision of the draft;
- Comments and recommendations received on the DEIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the DEIR;
- The responses of the lead agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the lead agency.

The County has reviewed the FEIR prepared for this Project and has determined that it contains each of the items required by CEQA Guidelines Section 15132. Therefore, the County certifies that the FEIR has been completed in compliance with CEQA. Following certification of the FEIR, the County will evaluate the action it will take with regard to the Project, which could include approving the Project as proposed by the Applicant, approving the Project with modifications, approving an alternative to reflect changes or concerns identified as a result of this CEQA review, or denying the Project.

On December 6, 2018, the Fresno County Planning Commission considered and heard testimony on the Project from the Project proponents, the general public, and County staff. The Commission on December ___, 2018, voted to certify the EIR and approve the Project by a vote of ____ votes in favor and ____ votes opposed.

2 Pub. Res. Code §21000 et seq.; 14 Cal. Code Regs. §15000 et seq.

The documents and other materials that constitute the record of the proceedings on which the County's decision is based are located at the County of Fresno, Public Works & Planning Department, 2220 Tulare Street, Suite A, Fresno, California. The custodian for these documents and materials is Christina Monfette, County of Fresno Department of Public Works and Planning, Development Services Division and Capital Projects. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

1.2 Description of the Approved Project

1.2.1 Project Location

The Project site is located in the San Joaquin Valley, approximately 13 miles east of Interstate 5 (I-5), approximately 2.5 miles southwest of the City of Mendota, and adjacent to and west of State Route 33 (SR-33), in unincorporated Fresno County. The site consists of five parcels (APNs 019-110-03ST; 019-110-04ST; 019-110-05ST; 019-110-06ST; 019-110-13ST) located within Sections 13 and 14 of Township 14 South and Range 14 East. The site is bounded by West California Avenue to the north, SR-33 to the east, West Jensen Avenue to the south, and San Bernardino Avenue to the west, and is bisected by two dirt roads: West Adams Avenue, which runs east-west, and South Ohio Avenue, which runs north-south. West California Avenue and SR-33 both are paved two-lane roads. (DEIR, pp. ES-2, 2-2):

1.2.2 Project Objectives

The Applicant's primary objective for the Project is, "to generate renewable solar electricity from proven technology, at a competitive cost, with low environmental impact, and deliver it to market as soon as possible." The Applicant also identified the following specific objectives for the Project (DEIR, pp. ES-4, 2-5):

- Construct a project capable of generating approximately 180 MWac of electricity in order to assist the State of California in achieving the Renewables Portfolio Standards (RPS)[3] and SB 350[4] greenhouse gas (GHG) reduction goals by providing a significant new source of solar energy.
- Produce, store, and transmit electricity at a competitive cost.
- Site the generating facility in a rural portion of western Fresno County in proximity to an available connection to the existing electrical distribution system.
- Benefit local communities through the creation of jobs, demand for local goods and services and increased sales and use tax revenue.

[3] California's original RPS legislation was enacted in 2002. As a result of subsequent amendments to the law, California's electric utilities must derive 50 percent of their retail sales from eligible renewable energy resources in 2030 and all subsequent years. Interim targets include: 33 percent of retail sales by December 31, 2020; 40 percent of retail sales by December 31, 2024; and 45 percent of retail sales by December 31, 2027.

[4] In October 2015, Governor Brown signed Senate Bill 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030.

In addition, the Applicant has identified an objective to minimize environmental impacts by:

- Utilizing land that is disturbed or previously degraded;
- Using existing electrical distribution and transmission facilities, right-of-way, roads, and other existing infrastructure where practicable;
- Minimizing water use in construction and operations;
- Reducing GHG emissions; and
- Using a technology that is available, proven, efficient, easily maintained, recyclable, and environmentally sound.

1.2.3 Project Description

The Project as proposed and evaluated in the EIR consists of the following key components (DEIR, pp. 1-2, 2-2, 2-6, 2-10, 2-13; see also, DEIR, p. ES-2):

1. The Solar Facilities, including:
    a. Up to five individual facilities with arrays of solar PV modules. The arrays would include PV panels and support structures. Each facility would also include inverters, transformers, and a 34.5 kilovolt (kV) overhead collection system;
    b. Five electrical substations (one for each facility). Each substation would include one or more 34.5 kV to 115 kV step-up transformers, breakers, bus work, protective relaying, meters, site control center building, backup power, and associated substation equipment, as well as a dedicated perimeter fence; and
    c. Other necessary infrastructure may include a permanent operation and maintenance buildings, water storage a meteorological data system, meteorological data system, telecommunications infrastructure, access roads, and security fencing.
    d. The Project could include up to five Energy Storage Systems. In combination, these storage systems would provide up to 720 MWhrs of electrical storage. Each Energy Storage System would consist of self-contained, rack-mounted battery storage modules, converters, switchboards, integrated heating, ventilation, and air conditioning (HVAC) units, inverters, transformers, and controls placed in a prefabricated metal container or within a building. The battery storage modules would use proven storage technologies such as lithium ion, sodium-sulphur, or vanadium-redox-flow batteries.
2. The Generation Tie-Lines (Gen-tie Lines), including:
    a. The Little Bear 1 Facility would include the construction of a new, approximately 600-foot overhead 115 kV gen-tie line from the onsite substation that would connect to the North Star Substation. The new gen-tie line would cross over West California Avenue and, like the existing North Star Solar Project gen-tie line, also would cross over the existing PG&E distribution lines located on the north and south sides of the street. Up to six new transmission structures would be required. the Little Bear 1 Facility would utilize the North Star Solar Project's existing overhead 115 kV gen-tie line and existing communication line.

b. Little Bears 3, 4, 5, and 6 would connect to the Mendota Substation through a combination of new and existing transmission infrastructure. A new, approximately 2.25-mile-long, 115 kV gen-tie line, requiring approximately 24 new structures, would originate at the Little Bear 6 Facility substation and run west along West Adams Avenue (north of Little Bears 4 and 5) before turning north along San Bernardino Avenue and then briefly west on West California Avenue, where the electric conductors would then be strung as a second circuit on the existing North Star Solar Project 115 kV transmission line structures leading to the Mendota Substation.

Fresno County has discretionary authority over the primary Project proposal. To implement this Project, the Applicant would need to obtain, at a minimum, the following discretionary permits/approvals:

- Five Unclassified Conditional Use Permits: CUP Nos. 3550, 3551, 3552, 3553, and 3577 for Little Bears 1, 3, 4, 5, and 6, respectively.
- Additional Fresno County approvals may be required if work is to be performed within a County right-of-way (i.e., an encroachment permit from the Road Maintenance and Operations Division of the Department of Public Works and Planning) or for the erection, demolition, or conversion of any building or structure (i.e., building and grading permits).
- San Joaquin Valley Unified Air Pollution Control District: District approval of Indirect Source Review, stationary and/or mobile sources may be required.
- California Department of Fish and Wildlife authorization may be required pursuant to the agency's lake and streambed alteration regulatory authority (Fish & Game Code §1600 et seq.) and/or if the proposed activities could result in "take" as defined in the California Endangered Species Act (CESA) (Fish & Game Code§2050 et seq.).
- US Fish and Wildlife Service consultation / authorization may be required if the proposed activities could result in "take" as defined in the Federal Endangered Species Act (FESA).
- Water Quality Control Board authorization may be required if construction activities disturb more than 1 acre, pursuant to the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity.
- Site Plan Review for each of the Unclassified Conditional Use Permits is required to ensure compliance to County Requirements relating to design of parking and circulation, driveway, access, grading and drainage, fire protection, lighting, etc.

2. Record of Proceedings

In addition to this Statement of Findings, in accordance with Public Resources Code Section 21167.6(e), the record of proceedings for the Project includes, but is not limited to, the following elements:

- The Notice of Preparation (NOP) and all other public notices issued by the County in conjunction with the Project;
- The August 2018 DEIR for the Project;
- The October 2018 FEIR for the Project;

- The Mitigation Monitoring and Reporting Program for the Project (Staff Report Exhibit 1);
- All reports, studies, memoranda, staff reports, or other documents related to the Project prepared by the County, or consultants to the County with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project;
- All documents submitted to the County by other public agencies, the Applicant or the Applicant's consultants, or members of the public in connection with the Project, up through the close of the public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

3. Findings Required Under CEQA

These findings have been prepared in accordance with CEQA and the CEQA Guidelines. Public Resources Code 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[.]" Section 21002 goes on to state, "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 principles in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. Pursuant to CEQA Guidelines Section 15091, the approving agency must issue a written finding reaching one or more of three permissible conclusions for each significant environmental effect identified in an EIR for a project:

- Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The County's findings with respect to the Project's significant effects and mitigation measures are set forth below. The discussion below does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the discussion summarizes each potentially significant impact, describes the applicable mitigation measures identified in the FEIR and adopted by the County, and states the County's findings on the significance of each impact after imposition of the adopted mitigation measures. In making these findings, the County ratifies, adopts, and incorporates into these findings the analysis and explanation in the FEIR and the

determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

CEQA does not require a lead agency to make individual findings for impacts that are determined to be less than significant without mitigation (CEQA Guidelines §15091(a)). Impacts associated with the Project deemed to be less than significant prior to mitigation are discussed in detail in the EIR (see, e.g., DEIR, p. ES-5 and pp, ES-12 through ES-23). For the following resource areas, there either would be no impact or impacts would be less than significant:

- Aesthetics (including cumulative impacts)
- Agriculture and Forestry Resources (including cumulative impacts)
- Energy Conservation (including cumulative impacts)
- Hydrology and Water Quality (including cumulative impacts)
- Land Use and Planning (including cumulative impacts)
- Mineral Resources (including cumulative impacts)
- Public Services (including cumulative impacts)
- Population and Housing (including cumulative impacts)
- Recreation (including cumulative impacts)
- Utilities and Service Systems (including cumulative impacts)

In addition, certain impacts on other resources were deemed to be less than significant without mitigation or no impact, despite the need for mitigation or a finding of significant and unavoidable impacts on other impacts with respect to that same resource area, as listed below:

- Air Quality – Criteria pollutant emissions during Project construction could conflict with the air quality plan adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD). (Less than Significant Impact)
- Air Quality – The Project could expose sensitive receptors to substantial pollutant concentrations during construction and decommissioning, including NO_2. (Less than Significant Impact)
- Air Quality – The Project could generate odor or dust emissions during Project construction and decommissioning. (Less than Significant Impact)
- Air Quality – Project construction and decommissioning activities potentially could expose sensitive receptors to risk of Valley Fever. (Less than Significant Impact)
- Biology – Whether the Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, of by CDFW or USFWS (No Impact)
- Biology – The Project could have a substantial adverse effect on state or federally protected wetlands. (Less than Significant Impact)

- Biology – Construction could interfere substantially with native resident or migratory wildlife corridors. (Less than Significant Impact)
- Biology – Construction could conflict with local policies or ordinances protecting biological resources. (Less than Significant Impact)
- Biology – The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. (No Impact)
- Geology – Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (No Impact)
- Geology – The Project would not cause adverse effects including risk of loss, injury, or death related to strong seismic ground shaking. (Less than Significant Impact)
- Geology – The Project would not cause adverse effects including risk of loss, injury, or death related to ground failure including liquefaction. (Less than Significant Impact)
- Geology – The Project would not cause adverse effects including risk of loss, injury, or death related to landslides. (No Impact)
- Geology – The Project would not result in substantial soil erosion or loss of topsoil. (Less than Significant Impact)
- Geology – The Project would not be located on unstable soils or become unstable as a result of the Project including landslides, lateral spreading, subsidence, liquefaction, or collapse. (Less than Significant Impact)
- Geology – The Project would not create substantial direct or indirect risks to life or property by being located on expansive soils. (Less than Significant Impact)
- Geology – The Project site would have soils capable of accommodating a septic or other alternative waste water disposal system. (Less than Significant Impact)
- Greenhouse Gas Emissions – The Project would generate direct and indirect GHG emissions. (Less than Significant Impact)
- Greenhouse Gas Emissions – The Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. (Less than Significant Impact)
- Hazards and Hazardous Materials – The Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less than Significant)
- Hazards and Hazardous Materials – The project would not emit hazardous emissions or handle hazardous substances or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. (No Impact)
- Hazards and Hazardous Materials – The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. (No Impact)

- Hazards and Hazardous Materials – The project is not located within an airport land use plan or within two miles of a public use airport, and so would not result in a safety hazard for people residing or working in the project area. (No Impact)
- Hazards and Hazardous Materials – Whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (No Impact)
- Hazards and Hazardous Materials – The Project would not expose people or structures to significant risk due to wildland fires. (Less than Significant Impact)
- Noise – Project activities could expose people and/or structures to vibration levels. (Less than Significant Impact)
- Transportation and Traffic – Whether the Project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks. (No Impact)
- Transportation and Traffic – The Project would not substantially increase traffic hazards. (Less Than Significant Impact)
- Transportation and Traffic – The Project would not result in inadequate emergency access. (Less Than Significant Impact)
- Transportation and Traffic – Whether the Project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (No Impact)
- Cumulative impacts to Air Quality, Biology, Cultural Resources, Geology, Hazards and Hazardous Materials, Greenhouse Gas Emissions, Noise, and Tribal Cultural Resources.

3.1 Findings of Fact

The County has reviewed the FEIR, which contains responses to comments on the DEIR, any text changes to the DEIR, and additional information. The County also has considered the entire record for this Project (see Section 1.3 of these Findings of Fact). On the basis of this review, the County hereby makes the following Findings of Fact regarding the significant effects of the Project pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091.

3.1.1 Air Quality Impacts

Impact 3.4-2: The Project could exceed SJVAPCD thresholds for criteria air pollutants during Project decommissioning activities.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts the following mitigation measure that will reduce the effects to a less-than-significant level. Estimated emissions associated with the decommissioning of the Project would exceed the annual SJVAPCD thresholds of significance for NO_x. (DEIR, p. 3.4-15). The Project would comply with SJVAPCD

Rule 9510, Indirect Source Review, which requires large development projects to reduce exhaust emissions from construction equipment by 20 percent for NO_x. However, decommissioning of the Project would result in emissions of NO_x which would exceed the SJVAPCD's 10 tons per year threshold.

As decommissioning would occur in an assumed 30-year time frame, the construction equipment fleet for decommissioning is expected to be substantially cleaner than that assumed for the proposed construction analysis (2019 and 2020). Therefore, in the event that within 30 years, construction equipment needed for decommissioning has become substantially cleaner, the following mitigation measure would require that the Project Applicant provide an analysis prepared by an air quality specialist which demonstrates that the emissions of NOx would not exceed SJVAPCD thresholds. However, if the equipment required for Project decommissioning has not become substantially cleaner and would result in an exceedance of SJVAPCD's NO_x threshold, the Applicant would be required to provide the County with a fully-executed Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to fully mitigate Project decommissioning emissions from NO_x. The VERA would offset the NO_x emissions from decommissioning so that the Project would not exceed SJVAPCD thresholds. See generally, DEIR, pp. 3.4-14 through 3.4-17.

Mitigation Measure 3.4-2: Voluntary Emission Reduction Agreement for NO_x During Decommissioning.

Prior to issuance of county permits for decommissioning activities, the Project Applicant shall provide to the County either:

a. *A fully-executed Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to fully mitigate Project decommissioning emissions from NO_x; or*

b. *An analysis prepared by an air quality specialist demonstrating that the emissions of NO_x associated with decommissioning would be less than the SJVAPCD threshold of 10 tons per year.*

3.1.2 Biological Resources Impacts

Impact 3.5-1: The Project could have a substantial adverse direct or indirect impact on special-status species.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the effects of the impact to a less-than-significant level. No special-status plant species have the potential to occur on the Project site. Additionally, no special-status invertebrates, including native bees, were identified in the biological resources study area during site-specific surveys. San Joaquin kit fox was not detected in surveys of the Project site, and the 1,257 acres of disced and actively cultivated agricultural lands on the site are considered to provide minimal habitat value for this species. However, suitable prey species are present on the disced and disturbed habitat (27 acres) and on the site fringes, and the Project site is within this species' range. The Project site is

surrounded by other agricultural lands and the North Star Solar Project site; and such managed lands could potentially support San Joaquin kit fox movement. Thus, San Joaquin kit fox could be expected to occur occasionally in limited portions of the Project site during construction. The likelihood of encountering foxes in the 1,257-acre disced agricultural area during construction is considered low, though there is a greater potential for species' occurrence in the 27-acre disturbed areas. If present during construction, activities would have the potential to cause a significant adverse impact to San Joaquin kit fox either directly (e.g., through mortality or injury) or indirectly (e.g., by altering prey abundance). However, prey abundance is likely to be absent or low on much of the site due to agricultural use. The implementation of the Worker Environmental Awareness Program (WEAP) preconstruction clearance surveys, wildlife-friendly fencing and other minimization measures described in the following mitigation measures would ensure that no San Joaquin kit foxes are impacted during construction. (DEIR, p. 3.5-20)

Protocol-level surveys detected burrowing owls, owl burrows, and suitable foraging habitat in a small portion of the Project site. Suitable burrows that could support this species were not observed within the 1,257 acres of disced and actively cultivated agricultural lands, but were observed in the southwestern corner of the site near San Bernardino Avenue. Thus, construction could result in impacts to the species through nest destruction or the loss of owls within burrows. Any adverse impacts, either direct or indirect, to burrowing owls from construction would be considered significant. Preconstruction clearance surveys and other minimization measures as described in the following mitigation measures together with implementation of the WEAP described in Section 2.5.7.6 of the Draft EIR, would reduce impacts to less than significant. (DEIR, pp. 3.5-21, 3.5-22).

An inactive Swainson's hawk nest is located 0.1-mile from the Project site, and eight active nests were observed between 1 and 5 miles from the site (DEIR Appendix F3). Trees and artificial structures such as transmission poles that occur in the immediate vicinity provide nest sites or perch sites for Swainson's hark or other raptors. Construction activities initiated within the vicinity of an active Swainson's hawk or other raptor nest could disturb such birds that are nesting in the vicinity, thereby resulting in nest disturbance or abandonment. Implementation of the protective actions described in following mitigation measures would ensure that no Swainson's hawks or other raptors are impacted during construction (DEIR, pp. 3.5-21, 3.5-22).

The following mitigation measures will be implemented to ensure that construction-related impacts to San Joaquin kit foxes, burrowing owls, or Swainson's hawks are less than significant:

Mitigation Measure 3.5-1: Preconstruction Surveys

San Joaquin kit fox: *Preconstruction surveys shall be conducted by a qualified biologist for the presence of San Joaquin kit fox dens within 14 days prior to commencement of construction activities. The surveys shall be conducted in areas of suitable habitat for San Joaquin kit fox (areas that have been plowed within 12 months prior to the start of ground-disturbing activities are not considered suitable). Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the site is disturbed. If no potential San Joaquin kit fox dens are present, no further mitigation is required under this measure. If potential dens are observed and avoidance is determined to be feasible*

(as defined in CEQA Guidelines §15364 consistent with the USFWS [1999] Standardized Recommendations for Protection of the San Joaquin Kit Fox) by a qualified biologist in consultation with the Project Owner and the County, buffer distances shall be established prior to construction activities.

If avoidance of the potential dens is not feasible, the following measures are required to avoid potential adverse effects to the San Joaquin kit fox:

- *If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-using them during construction.*

- *If the qualified biologist determines that a potential non-natal den may be active, an on-site passive relocation program shall be implemented with prior concurrence from the USFWS. This program shall consist of excluding San Joaquin kit foxes from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that the San Joaquin kit foxes have stopped using active dens within the Project boundary, the dens shall be hand-excavated as stated above for inactive dens.*

Burrowing owl: *Preconstruction surveys shall be conducted by a qualified biologist for the presence of burrowing owl within 14 days prior to the commencement of equipment staging or ground-disturbing activities. Given the large size of the construction site, multiple or ongoing burrowing owl surveys may be required. To protect burrowing owls, the following conditions shall be met prior to construction within each successive work area:*

- *A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys on the site and immediate vicinity only in areas of the site with suitable burrowing habitat to locate any active breeding or wintering burrowing owl burrows no fewer than 14 days prior to ground-disturbing activities (e.g., vegetation clearance, grading, tilling). Areas that have been plowed within 12 months prior to the start of ground-disturbing activities are not considered suitable habitat. The survey methodology shall be consistent with the methods outlined in the CDFW (2012) Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 23 to 66 feet (7 to 20 meters) apart, noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. Copies of the survey results shall be submitted to CDFW and the Fresno County Public Works and Planning Department. The surveys may be conducted concurrently with San Joaquin kit fox surveys.*

- *If active burrowing owl burrows are detected on-site, no ground-disturbing activities, such as vegetation clearance or grading, shall be permitted within a buffer of 330 feet from an active burrow during the breeding season (February 1 to August 31), unless otherwise authorized by a qualified biologist as described below. During the non-breeding (winter) season (September 1 to January 31), no ground-disturbing work shall be permitted within a buffer of 165 feet from the burrow. Depending on the level of disturbance, a smaller buffer may be*

established by a qualified biologist based on the visibility and sensitivity responses of each individual burrowing owls or pairs.

- *If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with the CDFW (2012) Staff Report on Burrowing Owl Mitigation.*

- *If passive relocation is anticipated due to on-site burrowing owl populations, a qualified biologist shall prepare a Burrowing Owl Exclusion Plan in accordance with CDFW (2012) Staff Report on Burrowing Owl Mitigation and for review by CDFW prior to passive relocation activities.*

Mitigation Measure 3.5-2: General Measures for the Avoidance and Protection of Biological Resources

During construction, operation and maintenance, and decommissioning of the facility, the operator and/or contractor shall implement the following general avoidance and protective measures to protect San Joaquin kit fox and other special-status wildlife species:

- *The operator shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid special-status species where possible. Construction-related activities, vehicles and equipment outside of the impact zone shall be avoided.*

- *These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.*

- *Spoils shall be stockpiled in disturbed areas that lack native vegetation. Best Management Practices (BMPs) shall be employed to prevent erosion in accordance with the Project's approved Stormwater Pollution Prevention Plan (SWPPP). All detected erosion shall be remedied within two (2) days of discovery or as described in the SWPPP.*

- *To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by the approved biological monitor for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a listed species is trapped, the USFWS and/or CDFW shall be contacted immediately.*

- *All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved*

until the Lead Biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the Lead Biologist.

- *Vehicles and equipment parked on the sites shall have the ground beneath the vehicle or equipment inspected for the presence of wildlife prior to moving.*
- *Vehicular traffic shall use existing routes of travel. Cross country vehicle and equipment use outside of the Project properties shall be prohibited.*
- *A speed limit of 20 miles per hour shall be enforced within all construction areas.*
- *A long-term trash abatement program shall be established for construction, operations, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven (*Corvus corax*), coyote (*Canis latrans*), and feral dogs.*
- *Workers shall be prohibited from bringing pets and firearms to the Project site and from feeding wildlife in the vicinity.*
- *Intentional killing or collection of any wildlife species shall be prohibited.*

Mitigation Measure 3.5.3: Nesting Birds and Bats

- *If construction is scheduled to commence during the non-nesting season (September 1 to January 31), no preconstruction surveys or additional measures are required for nesting birds, including raptors.*
- *To avoid impacts to nesting birds in the Project site and immediate vicinity, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project sites for ground-disturbing activities that are initiated during the breeding season (February 1 to August 31). The survey for special-status raptors shall focus on potential nest sites (e.g., mature trees) within a 0.5-mile buffer around the site in areas where access to neighboring properties is available or visible using a spotting scope. Surveys shall be conducted no more than 14 days prior to construction activities. Surveys need not be conducted for the entire Project site at one time; they may be phased so that surveys occur shortly before a portion of the Project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance.*
- *If active nests are found, a suitable buffer (e.g., 300 feet for common raptors; 0.5-mile for Swainson's hawk; 100 feet for passerines) shall be established around active nests and no construction within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). Encroachment into the buffer may occur at the discretion of a qualified biologist except that encroachment into the buffer for Swainson's hawk must be authorized by the CDFW.*

- *The Project site may provide suitable roosting habitat for bats within buildings, and provides nighttime foraging habitat. If bats are found on the Project site, roosts shall be protected during the bat breeding season (March 1 through September 30) with at least a 200-foot no-disturbance buffer. Outside the breeding season, once a qualified biologist has determined the bats have left to forage, reentry into the structures shall be blocked and alternative bat roosting habitat shall be provided onsite or in the vicinity, prior to the structures being removed.*

3.1.3 Cultural Resources Impacts

Impact 3.6-1: Ground disturbing activities associated with the Project could cause a substantial adverse change to previously unknown archaeological resources, pursuant to CEQA Guidelines §15064.5.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the effects to a less-than-significant level. Construction of the Project could impact previously unknown, buried archaeological resources. Results of records searches and field surveys identified no archaeological resources within the Project site. Additionally, geoarchaeological review characterized the Project site as having a low potential for discovering significant archaeological deposits. However, there nevertheless exists the possibility that buried archaeological resources may be encountered during ground disturbing activities (DEIR, p. 3.6-10). Retention of a qualified archaeologist and cultural resources awareness training, and establishing procedures in the event of inadvertent discovery of archaeological materials, impacts to historical and unique archaeological resources from construction of the Project would mitigate impacts to a less-than-significant level. See generally, DEIR, pp. 3.6-10 through 3.6-11.

Mitigation Measure 3.6-1: Implementation of Accidental Discovery Procedures

In the event that unanticipated archaeological resources are encountered during Project activities, compliance with federal and state regulations and guidelines regarding the treatment of cultural resources and/or human remains shall be required, along with implementation of the following mitigation: if prehistoric or historic-period archaeological resources are encountered during project implementation:

- *All construction activities within 100 feet shall halt and the County shall be notified.*
- *A qualified archaeologist, defined as one meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, shall inspect the findings and report the results of the inspection to the developer and the County.*
- *In the event that the identified archaeological resource is determined to be prehistoric, the County and qualified archaeologist will coordinate with and solicit input from the appropriate Native American Tribal Representatives, as determined by consultation with the Native American Heritage Commission*

(NAHC), regarding significance and treatment of the resource as a tribal cultural resource. Any tribal cultural resources discovered during project work shall be treated in consultation with the tribe, with the goal of preserving in place with proper treatment.

- *If the County determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and CEQA Guidelines Section 15126.4. Consistent with CEQA Guidelines Section 15126.4(b)(3), mitigation shall be accomplished through either preservation in place or, if preservation in place is not feasible, data recovery through excavation conducted by a qualified archaeologist implementing a detailed archaeological treatment plan.*

Impact 3.6-2: Ground disturbing activities associated with the Project could result in damage to previously unidentified human remains.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts the following mitigation measure as well as Mitigation Measure 3.6-1 (described above) that will reduce the effects to a less-than-significant level. While no human remains were discovered during the course of the archaeological and historical resources survey of the Project site, the possibility that such resources exist on the site cannot be completely ruled out; therefore, the impact is potentially significant. See generally, DEIR, pp. 3.6-11 through 3.6-12. The following mitigation measure renders the impact less than significant.

Mitigation Measure 3.6-2: Accidental Discovery of Human Remains

If human remains are uncovered during Project activities, the Project owner shall immediately halt work, contact the Fresno County Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.4 (e)(1). If the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code Section 7050.5(c), and Public Resources Code Section 5097.98 (as amended by AB 2641). The NAHC shall designate a Most Likely Descendent (MLD) for the remains per Public Resources Code Section 5097.98, and the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Public Resources Code Section 5097.98 with the MLD regarding their recommendations for the disposition of the remains, taking into account the possibility of multiple human remains.

3.1.4 Geology, Soils, and Paleontological Resources

Impact 3.8-7: Ground disturbing activities associated with the Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, as defined in CEQA Guidelines §15064.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the effects to a less-than-significant level. Holocene-age alluvial sediments are mapped at the surface within the Project site. These sediments are relatively recent in age at the surface (under 5,000 years old), and therefore have low paleontological sensitivity; however, it is possible that these younger surficial sediments are underlain by older alluvial sediments that have high paleontological sensitivity. Pleistocene-aged alluvial sediments (11,700 years and older), which have greater paleontological sensitivity, are likely present at depth at the Project site. Ground-disturbing activity is anticipated to be shallow across the majority of the Project site, and is therefore unlikely to disturb geologic units with high paleontological sensitivity. Although unlikely, construction of the Project could encounter paleontological resources in areas where excavations result in disturbance at depths greater than 20 feet. Implementation of the following mitigation measures would assure that potential damage to paleontological resources would be less-than-significant. See generally, DEIR, pp. 3.8-17 through 3.8-18.

Mitigation Measure 3.8-7: Paleontological Monitoring

The qualified paleontologist shall oversee paleontological monitoring of all excavation at depths greater than 20 feet in previously undisturbed sediments. Monitoring shall be conducted by a paleontological monitor meeting the standards of the SVP (2010). If a paleontological resource is found, regardless of depth or setting, the Project contractor shall cease ground-disturbing activities within 50 feet of the find and contact the qualified paleontologist. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Any significant fossils encountered and recovered shall be catalogued and curated at an accredited institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository. The qualified paleontologist shall prepare a report documenting evaluation and/or additional treatment of the resource. The report shall be filed with the County and with the repository.

3.1.5 Hazards and Hazardous Materials Impacts

Impact 3.10-2: The Project could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving a release of hazardous materials.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the effects to a less-than-significant level. Demolition, construction, operation, maintenance, and decommissioning of the Project will use materials that could be hazardous if spilled or released. Hazardous materials include a variety of liquids that will be stored, transported, used and disposed of on the Project site (DEIR, p. 3.10-16). The use, storage, transport, and disposal of hazardous materials in connection with the Project will be carried out in accordance with federal, state, and local regulations. Prior to construction, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared by the Applicant. Stormwater runoff quality control measures or best management practices (BMPs) to be included in the SWPPP will minimize the risk of hazardous materials leakage.

As with most agricultural properties, it is possible that irrigation lines on the Project site may contain asbestos or be wrapped in asbestos. The Phase I reports prepared for the Project site noted the presence of irrigation lines on the site and noted the potential for asbestos lining. A potential significant impact could result if asbestos-containing materials are uncovered during initial demolition and construction activities. The incorporation of the following mitigation measure would reduce the potential significant asbestos-related impacts to a less than significant level (DEIR, p. 3.10-18).

Mitigation Measure 3.10-2: Suspected Asbestos-containing Materials

The Project proponent shall continuously comply with the following mitigation in the event that materials suspected to contain asbestos are uncovered during initial demolition and construction activities:

- *In the event that suspect asbestos-containing materials are discovered during Project activities, work within a 100-foot distance of the discovery shall immediately halt and a California-certified asbestos professional shall take samples for analysis of the suspect materials.*
- *All damaged asbestos-containing material and asbestos-containing material that would be disturbed by Project activities shall be removed in accordance with federal, state, and local laws and the National Emissions Standards for Hazardous Air Pollutants guidelines before work may recommence.*
- *All demolition activities shall be undertaken in accordance with California Occupational Safety and Health Administration standards, as contained in Title 8 of the California Code of Regulations, Section 1529, to protect workers from exposure to asbestos. Demolition shall be performed in conformance with federal, state, and local laws and regulations so that construction workers and/or the public avoid significant exposure to asbestos-containing materials.*

3.1.6 Noise Impacts

Impact 3.14-1: The Project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts the following mitigation measure, which will reduce the effects to a less-than-significant level. Operation of energy storage system HVAC units could expose sensitive receptors to noise levels in excess of standards and limits established by the County. Although the majority of the time, HVAC units would be used during the day and would not exceed County daytime noise standards, in the event that operation of the HVAC units at night is necessary, operation of the Project would exceed County nighttime noise standards. Incorporation of the following mitigation measure would ensure that nighttime noise levels from Project operation would be reduced to a less-than significant level. See generally, DEIR, pp. 3.14-12 through 3.14-16.

Mitigation Measure 3.14-1: Noise Reduction for Energy Storage System HVAC Units

Prior to issuance of building permits for the energy storage system (ESS) facility, the Project Applicant shall provide to the County evidence demonstrating that each ESS facility HVAC system will comply with the County noise standards through equipment selection and incorporation of design measures (if applicable). Design measures may include the selection of quieter HVAC units and use of enclosures or otherwise configuring the units in a location that provides an acoustical barrier.

3.1.7 Transportation and Traffic Impacts

Impact 3.18-1: Construction of the Project would generate a temporary increase in traffic volumes on area roadways, but would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts the following mitigation measure, which will reduce the effects to a less-than-significant level. Project-generated construction traffic would cause the intersection of SR-33, West California Avenue, and West Panoche Road to operate at an unacceptable level of service during the AM and PM peak hour during peak construction conditions. This would result in a significant impact on intersection operations. The following mitigation measures would require the Applicant to develop a Traffic Management Plan. Additionally, the Applicant would be required to pay for and install a temporary traffic signal which would reduce the delay experienced by westbound movement during the AM peak hour and the eastbound movement during the PM peak hour. Said delay would be created during construction of

the Project and installation of the sign will bring the intersection up to a LOS A level of operation. With the incorporation of these mitigation measures, impacts would be less than significant. See generally, DEIR, pp. 3.18-8 through 3.18-12.

Mitigation Measure 3.18-1a: Construction and Decommissioning Traffic Management Plan

Prior to the issuance of construction or building permits, an Encroachment Permit from Caltrans for the installation of a temporary traffic control and the issuance of decommissioning authorizations, the Applicant and/or its construction contractor shall:

- *Prepare and submit a Traffic Management Plan to Fresno County Department of Public Works and Planning and the Caltrans District 6 office for approval. The Traffic Management Plan must be prepared in accordance with both the California's Manual on Uniform Traffic Control Devices (MUTCD) and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:*
  - *Temporary Traffic Control (TTC) plan that addresses traffic safety and control through the work zone;*
  - *Timing of deliveries of heavy equipment and building materials;*
  - *Directing construction traffic with a flagger;*
  - *Placing temporary signage, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;*
  - *Ensuring access for emergency vehicles to the project sites;*
  - *Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;*
  - *Maintaining access to adjacent property;*
  - *Specifying both construction/decommissioning-related vehicle travel and oversize load haul routes, minimizing construction/decommissioning traffic during the a.m. and p.m. peak hour, distributing construction/decommissioning traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.*
- *Obtain all necessary permits for the work within the road right of way or use of oversized/ overweight vehicles that would utilize County-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Fresno County Divisions of Public Works and Planning.*
- *Overlay (2" Hot Mix Asphalt) California Avenue from Derrick Avenue to the Ohio Street alignment (1 mile) due to roadway impacts resulting from Project-generated construction truck traffic.*
- *Maintain the roadway (2-miles) along the frontage of the Project site throughout the construction duration.*

- *Enter into a secured agreement with Fresno County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the state and/or Fresno County.*

Mitigation Measure 3.18-1b: Temporary Traffic Signal

The Applicant shall coordinate with Caltrans and Fresno County to pay for and install a temporary traffic signal at the SR-33/West California Avenue/West Panoche Road intersection prior to the commencement of construction activities. Appropriate warning signs and plaques, as well as advance warning signs, shall be installed along SR-33 to alert drivers of the modified traffic control at West California Avenue. The installation of a temporary traffic control device on a State facility (SR-33) will require an Encroachment Permit from Caltrans, which will be issued upon Caltrans' approval of the Traffic Management Plan (see Mitigation Measure 3.18-1a).

Impact 3.18-2: Construction of the Project would generate increased traffic volumes on area roadways, and would conflict with an applicable congestion management program, or other standards established for Fresno County or state roads.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts mitigation measures 3.18-1a and 3.18-1b, described above, which will reduce the effects to a less-than-significant level. The Project would result in a temporary increase in traffic during construction that would adversely affect the existing level of service at the SR-33/West California Avenue/ West Panoche Road intersection. The incorporation of Mitigation Measures 3.18-1a and 3.18-1b, would reduce the construction impact at this intersection to a less-than-significant level. The roadway segments expected to be used by the Project construction traffic would maintain their existing LOS throughout peak periods of construction, which are well within the County and Caltrans' acceptable capacities and performance standards. With implementation of the mitigation measures described below, construction and operation of the Project would not cause an exceedance of Fresno County LOS thresholds, and the Project would be in compliance with established Fresno County General Plan LOS standards. See generally, DEIR, pp. 3.18-12 through 3.18-13.

Mitigation Measure 3.18-2a: Traffic Management Plan

Implement Mitigation Measure 3.18-1a.

Mitigation Measure 3.18-2b: Temporary Traffic Signal

Implement Mitigation Measure 3.18-1b.

3.1.8 Tribal Cultural Resource Impacts

Impact 3.19-1: Ground disturbing activities associated with the Project could cause a substantial adverse change to previously unknown archaeological resources that are also Tribal Cultural Resources, as defined in Public Resources Code §21074(a).

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects of the Project on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: The County adopts Mitigation Measure 3.6-1 (Implementation of Accidental Discovery Procedures) and 3.6-2 (Accidental Discovery of Human Remains, described above, which will reduce the effects to a less-than-significant level. Letters from the Table Mountain Rancheria noted that the Project site is within the cultural area of interest for Table Mountain Rancheria, and correspondence from the Picayune Rancheria to Fresno County noted the area as sensitive for Tribal Cultural Resources and in proximity to sites known to the Picayune Rancheria. The results of the records search conducted at the Southern San Joaquin Valley Information Center (SSJVIC) identified no prehistoric archaeological resources within 1-mile of the Project site, although two historic period trash scatters were noted within 1-mile of the Project site. A letter from the NAHC stated that a review of the Sacred Lands File failed to identify any Native American resources in the vicinity of the Project. Finally, field surveys conducted by Dudek (2017) and LSA (2015) both returned negative findings for archaeological resources.

The potential for Tribal Cultural Resources has been identified through consultation with the Tribes, which note a heightened sensitivity for archaeological resources in the area. In light of the nature of the Project and the disturbed character of the site, types of Tribal Cultural Resources, if any, are anticipated to be subsurface prehistoric archaeological resources, including human remains. As further described in DEIR Section 3.6, no such prehistoric resources have been documented within, or in the immediate vicinity of, the Project site. If not discovered prior to development, such resources could be damaged or destroyed through earthwork, ground disturbance, or other subsurface construction activities. Damage to or loss of Tribal Cultural Resources would be a potentially significant impact. The implementation of Mitigation Measures 3.6-1 and 3.6-2 as part of Mitigation Measure 3.19-1 would reduce impacts to tribal cultural resources to a less than significant level. See generally, DEIR, p. 3.19-6.

Mitigation Measure 3.19-1:

Implement Mitigation Measures 3.6-1 and 3.6-2.

3.1.9 Cumulative Impacts

Cumulative Transportation and Traffic Impacts

Impact 3.18-5: Construction-generated traffic of the Project could, when combined with traffic generated by other projects anticipated to use SR-33, combine to cause a significant adverse cumulative impact relating to traffic flow (LOS) conditions on SR-33.

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen the significant effects on the environment (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. §15091(a)(1)).

Facts in Support of Finding: To avoid a potential significant adverse cumulative impact relating to traffic flow, evaluated by the Highway Capacity Manual's Level of Service (LOS) standards, conditions on SR 33 the County adopts Mitigation Measure 3.18-1a, described above, which would require the Applicant to prepare a Construction and Decommissioning Traffic Control Plan. Said plan will ensure that the necessary permitting of any oversize vehicles used on public roadways during construction would occur, and that the County has sufficient information about anticipated Project construction delivery times and vehicle travel routes in advance to work with other project owners to minimize construction traffic during peak a.m. and p.m. hours and to coordinate as necessary with emergency services provides to assure adequate access on shared roads. The incorporation of Mitigation Measure 3.19-1a would ensure that impacts from the Project would not be cumulatively considerable. See generally, DEIR, pp. 3.18-16 through 3.18-17.

Mitigation Measure 3.1-1:

Implement Mitigation Measure 318-1a.

3.1.10 Growth Inducing Impacts

CEQA Guidelines Section 15126.2(d) requires an evaluation of growth inducing impacts that may result from a proposed project and provides the following guidance regarding growth-inducing impacts: A project is identified as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Growth inducement can be a result of new development that increases employment levels, removes barriers to development, or provides resources that lead to secondary growth. With respect to employment, the Project would require up to 750 on-site personnel during Project construction. State of California Employment Development Department data cited in the DEIR demonstrate that the existing construction labor pool in Fresno County is sufficient for meeting Project needs. Following construction, the Project would require up to eight full-time personnel (or personnel hours totaling eight full-time positions). On a typical day, the number of staff on site may range from none (it is not necessary for staff to be present during plant operations) up to 20 during periodic, routine maintenance events. Non-routine (emergency) maintenance could require additional workers. Decommissioning and site restoration activities are expected to require a smaller workforce than construction; decommissioning and site restoration-related activities are

expected to take approximately 14 months to complete. Because construction and decommissioning are temporary, the Project is unlikely to cause substantial numbers of people to relocate to Fresno County. Therefore, this Project would not result in a large increase in employment levels that would significantly induce growth.

While it is expected that construction workers would commute to the Project site instead of relocating to Fresno County, even if all workers were to migrate into Fresno County, vacancy rate data cited in the DEIR shows that Fresno County's vacancy rate for residential rental units is higher than the national average; therefore, the existing available housing supply could accommodate them without requiring new construction. Therefore, the Project is not expected to induce population growth, the housing and provision of services for which could cause significant adverse environmental impacts.

Although the Project would contribute to the energy supply, which supports growth, the development of power infrastructure is a response to increased market demand, and the availability of electrical capacity by itself does not ensure or encourage growth within a particular area. Other factors such as economic conditions, land availability, population trends, availability of water supply or sewer services, and local planning policies have a more direct effect on growth. See generally, DEIR, pp. 3.1-9, 3.1-10.

3.1.11 Significant Irreversible Environmental Changes That Would Be Involved If the Project Is Implemented

Section 15126.2(c) of the CEQA Guidelines defines an irreversible impact as an impact that uses nonrenewable resources during the initial and continuing phases of the project. Irreversible impacts also can result from damage caused by environmental accidents associated with a project. Irretrievable commitments of resources should be evaluated to ensure that such consumption is justified. Buildout of the Project would commit nonrenewable resources during Project construction and ongoing utility services during Project operations. During operations, oil, gas, and other fossil fuels and nonrenewable resources would be consumed and irreversible commitments of small quantities of nonrenewable resources would occur as a result of long-term operations. However, once operational, the Project would result in a substantial net benefit associated with the amount of renewable energy that would be generated. See generally, DEIR, p. 3.1-10.

3.2 Mitigation Monitoring Program

Public Resources Code Section 21081.6(a)(1) states:

> *(a) When making the findings required by paragraph (1) of subdivision (a) of Section 21081 [that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment]. . . [1] The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment...*

The County will use the Mitigation Monitoring and Reporting Program (MMRP) to track Project compliance with required mitigation measures. The Final MMRP is attached to and incorporated into the environmental document approval resolution and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

3.3 Recirculation of DEIR is Not Required

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines §150885(a); *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." *Laurel Heights Improvement Ass'n v. Regents of the University* of *California* (1993) 6 Cal. 4th 1112, 1132. "Recirculation was intended to be an exception, rather than the general rule." *Id.*

No substantial changes were made between the DEIR and FEIR. Additionally, no new information was incorporated into the FEIR. Therefore, recirculation is not necessary.

3.4 Findings Regarding Project Alternatives

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any alternatives that are both environmentally superior and feasible within the meaning of CEQA. (*See, e.g., Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 445.)

Here, as noted in the preceding discussion regarding Project impacts, the County finds that all potential Project impacts either would be avoided or reduced to less-than-significant levels as a result of the incorporation of BMPs into the Project design or through the implementation of feasible mitigation measures recommended in the EIR. The Project would not cause or contribute to any significant and unavoidable impacts. The Project would contribute to a significant cumulative impact to transportation and traffic; however, with the incorporation of mitigation measures, this impact would be reduced to a less than significant level. Therefore, the Project would not have a cumulatively considerable contribution to a significant cumulative impact. Thus, as a legal matter, the County, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those significant and unavoidable impacts to agricultural land, air, and traffic. If any alternatives are in fact superior with respect to those impacts, the County is then required to determine whether the alternatives are feasible. If the County determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the EIR, the County may approve the Project as mitigated, after adopting a statement of overriding considerations.

CEQA does not require an evaluation of all possible alternatives, only an evaluation of "a range of feasible alternatives" so as to encourage both meaningful public participation and informed decision making (CEQA Guidelines §15126.6(a)). "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness" (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) Cal.App.3d 274,286-287). For this Project, the County evaluated the potential impacts of the alternatives described in DEIR Section 2.6.3 (DEIR, pp. 2-38, 2-39).

The County has considered the alternatives presented and analyzed as part of the CEQA process. In considering the Project alternatives, the County considered not only the relative environmental impacts and the feasibility of the alternatives, but also the ability of the alternatives to achieve most of the basic objectives of the Project, which are listed on page 3 of these Findings. The potential direct, indirect, and cumulative impacts of the Alternatives are analyzed on a resource-by-resource basis throughout DEIR Chapter 3 and then are compared in DEIR Chapter 4. The alternatives evaluated in detail in the EIR are:

- Increased Habitat/Reduced Acreage Alternative
- No Project Alternative

It is the Finding of the County that there is no feasible environmentally superior alternative to the Project. Thus, the Project may be approved as mitigated.

3.4.1 Alternatives Considered and Rejected from Detailed Evaluation

Potential alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid or substantially reduce any significant environmental effects (14 Cal. Code Regs. §15126.6(c)). Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, also do not require consideration (14 Cal. Code Regs. §15126(f)(2)). As described in DEIR Section 2.6.1 (p. 2-32 et seq.), the County considered several potential alternatives to determine whether they could reduce

impacts to Air Quality, Biological Resources, and Hydrology and Water Quality. Per CEQA, the lead agency may make an initial determination as to which alternatives are feasible and warrant further consideration and which are infeasible. The following potential alternatives initially were considered but then eliminated from further consideration based on the screening criteria described in DEIR Section 2.6.2 (DEIR, pp. 2-33 through 2-38):

- No groundwater alternative.
- Alternative sites: Other potential candidate sites initially identified by the Applicant, degraded agricultural lands, and impaired or underutilized lands.
- Alternative solar technology: Concentrated solar.
- Two alternative approaches to the proposed generation of solar energy: conservation and demand side management and distributed generation solar.

Each of these alternatives is summarized below, including the rationale for not carrying it forward for more detailed environmental review.

No Groundwater Alternative

A widespread groundwater overdraft condition exists in western Fresno County, where the aquifers are generally semi-confined to confined, and reliance on groundwater to meet urban and agricultural demand is high. This is particularly true within WWD boundaries because of limited groundwater recharge, periodic droughts, and inadequate surface water supplies. The Project site overlies the San Joaquin Valley Groundwater Basin's Westside Subbasin, which has been designated by the California Department of Water Resources as "high-priority" and subject to a condition of critical overdraft. Overdraft conditions have resulted in undesirable effects in western Fresno County, including land subsidence, lowering of water tables, reduction of groundwater storage capacity, increased risk of cross-contamination of aquifers as a result of well-deepening or drilling of new wells, and the spread of groundwater contamination resulting from expanded or new cones of depression.

As proposed, the Project could withdraw groundwater from two existing wells on the North Star Solar Project site. Up to a total of 200 acre-feet (af) would be needed during the 14-month construction period, up to 5 acre-feet per year (afy) would be needed for the 30-year CUP period, and up to a total of 200 af would be needed during the 14-month decommissioning and site reclamation period. A No Groundwater Alternative would match the description of the Project precisely as described in DEIR Section 2.5, *Description of the Project*, with the exception that no groundwater would be used for Project purposes. Instead, Central Valley Project (CVP) water would be delivered by the WWD. The CVP is a federal water management project implemented in California under the supervision of the United States Bureau of Reclamation. The WWD is a CVP contractor with allocations for municipal and industrial and agricultural uses.

However, a No Groundwater Alternative has not been carried forward for more detailed review because it has been determined to be infeasible. CEQA Guidelines Section 15364 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The WWD cannot

guarantee that the necessary amount of water would be available to meet the demand: the District has experienced allocations ranging from zero to 80 percent over a decade, with three recent years (2014, 2015, and 2016) having an allocation of zero, and ongoing supply shortages that have caused a need ration water to farmers even in the wettest years. Although the percentage of shortage varies, any failure of the water supply to meet the Project's demand could preclude completion of the solar plant in a reasonably timely way. Further, WWD's water year ends on February 28, so it is possible that the District could supply water in the first water year but not in the second, leaving the Project's demand unmet for the full duration of the approximately 14-month construction or decommissioning period. See generally, DEIR, pp. 2-33, 2-34.

Alternative Sites

Other Potential Candidate Sites Initially Identified by the Applicant

The Project site is uniquely suited for solar development for following reasons:

- The Project site is degraded, poorly drained farmland subject to restrictive covenants prohibiting the use of irrigation water on the property. It is not subject to a Williamson Act contract and is not designated as Prime or another category of special-status farmland.
- The Project site is flat and will require minimal grading, resulting in limited alteration of existing drainage patterns or surface disturbance.
- The Project has rights to use existing private infrastructure, such as the North Star Gen-tie Line, and would avoid the costs and impacts associated with building similar infrastructure at another location. Further, the Project would help maximize the utilization of this existing infrastructure.
- The Mendota Substation has been determined to be a desirable place to interconnect an energy generation project because power injected at this location helps stabilize the electric grid.

For these reasons, and as described below, no other sites were considered for the Project. See DEIR, pp. 2-34, 2-35.

Other Degraded Agricultural Lands

Fresno County actively participated in the Central Valley Renewable Energy Project, which identified opportunities and constraints for renewable energy development in Fresno County and elsewhere in the southern San Joaquin Valley to focus the siting of new renewable energy projects in low-conflict or impaired areas, or on degraded agricultural lands to accelerate renewable energy development while protecting natural resources. Defenders of Wildlife synthesized input received from the County and other government agencies, renewable energy developers, agricultural interests, the conservation community, and published a report called *Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley* (Defenders of Wildlife 2012).

One key recommendation of the report is that renewable energy development be focused on impaired or degraded lands, such as "agricultural lands that are demonstrably chemically or physically impaired" (Id.). The report describes WWD lands, which include the Project site, as an example of smart-from-the-start renewable energy project siting (Id.). Because the Project is

proposed on a site expressly recommended in the report, the County did not consider other degraded agricultural lands within the County as potential alternative sites. See DEIR, p. 2-35.

Impaired or Underutilized Lands

A second key recommendation made in *Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley* is that renewable energy development be focused on "brownfields, closed landfills, Superfund sites, Resource Conservation and Recovery Act (RCRA) and closed mine lands" (Defenders of Wildlife 2012). The County researched potentially contaminated and underutilized sites identified as appropriate for solar-PV projects as part of the United States Environmental Protection Agency's Re-Power America's Lands Project and reviewed the RE–Powering Screening Dataset (which provides details for more than 80,000 sites nationwide that have been pre-screened for renewable energy potential) to identify potential utility-scale or large-scale solar PV energy sites in Fresno County that were located on existing contaminated lands, landfills, or mines.

This effort resulted in the identification of 195 contaminated land sites in Fresno County, only three of which were noted as suitable for large or utility scale PV solar development. None of the three sites is reported to have an estimated solar PV capacity potential greater than approximately 73 MW: the Orange Avenue Disposal Inc. site located at 3280 South Orange Avenue in Fresno has an estimated solar PV capacity potential of approximately 7 MW; the Southeast Regional Solid Waste Disposal Site located at 12716 Dinuba Avenue in Selma has an estimated solar PV capacity potential of approximately 22 MW; and the American Avenue Landfill site located at 18950 West American Avenue in Kerman has an estimated solar PV capacity potential of approximately 73 MW. The American Avenue Landfill site also is insufficient in that the power line serving the site is scaled only for distribution at 69 kV. These sites were eliminated from further consideration as inadequately sized or served to meet the Project objective of establishing a solar PV energy-generating facility of a sufficient size and configuration to produce approximately 180 MWac of electricity. See DEIR, pp. 2-35, 2-36.

Alternative Solar Technology: Concentrated Solar

A concentrated solar (parabolic trough) power system was considered as a potential alternative to the Project. Concentrated solar power systems use reflective surfaces in large arrays to focus the sun's energy on a fixed point to produce intense heat from which electricity can be generated. Parabolic troughs concentrate sunlight onto individual units, each of which is equipped with receiver tubes filled with a heat transfer fluid. The transfer fluid is super-heated before being pumped to heat exchangers that transfer the heat to boil water and run a conventional steam turbine to produce electricity. Although concentrated solar power systems can store heated fluids to deliver electricity even when the sun is not shining, these systems can cause environmental issues related to reflectivity, and thermal plumes, and radar interference.

The land required to develop a concentrated solar energy facility is comparable to that required for a PV project – approximately 6.2 acres per MWac for solar thermal relative to between 5.5 acres per MWac for fixed-tilt PV and 6.5 acres per MWac for single-axis tracker. Use of a concentrated solar technology would meet most of the basic Project objectives; however, use of

this technology would not avoid or substantially lessen any of the potential significant effects of the Project and could generate new significant impacts such as those associated with the use, transport, disposal of hazardous materials (the heat transfer fluid); greater water demand (to generate steam to power turbines connected to electrical power generators); and as a result of the solar thermal arrays' reflective surfaces, causing or contributing to substantial glint- or glare-related impacts. Accordingly, a concentrated solar power system alternative was not considered further. See DEIR, p. 2-36.

Alternative Approaches

The County considered whether conservation and demand side management or another distributed energy resources-only alternative could provide a reasonable feasible alternative to the Project and elected not to carry them forward for further consideration. These approaches are part of a sustainable energy future; however, these methods alone will not meet the State's renewable energy goals. See DEIR, pp. 2-36, 2-37.

Conservation and Demand Side Management

Conservation and demand side management consists of a variety of approaches to reduce electricity use and shift electrical demand to times of the day when energy demand is lower. It includes increased energy efficiency and conservation, building and appliance standards, fuel substitution, and load management. Implementation of conservation and demand side management techniques could result in a reduction in demand thus reducing the need for new generation, and thereby serve the region's growing demand for power.

Increased energy efficiencies and reductions in energy demand would not meet Project objectives including the generation of approximately 180 MWac of renewable electricity from proven technology, assisting the State in achieving its RPS and SB 350 GHG reduction goals by providing a significant new source of solar energy, producing and transmitting electricity at a competitive cost; and locating a solar energy generating facility in rural western Fresno County near an available connection to the existing electrical distribution system. This potential was not carried forward for more detailed review because it would not meet most of the basic Project objectives.

This potential alternative also was not carried forward because reliance on conservation and demand side management alone would be a technically infeasible alternative to the Project. The level of efficiency presumed to result in the baseline condition is quite aggressive: the 2008 adoption and 2011 amendment by the California Public Utilities Commission (CPUC) of the State's first long-term Energy Efficiency Strategic Plan provides an integrated framework of goals and strategies for saving energy during the 2009 to 2020 timeframe. The plan champions four specific programmatic initiatives relating to residential and commercial new construction. It would be speculative to assume that incremental savings beyond these levels could be achieved. See DEIR, p. 2-37.

Other Distributed Energy Resources

In addition to energy efficiency and demand response, the range of distributed energy resources includes energy storage and "behind the meter" options such as customer generation (e.g., rooftop

solar) and alternative fuel vehicles (e.g., electric vehicles). Fresno County is already a leader in these areas. According to the 2017 California Green Innovation Index, Fresno County ranks first among California counties for industrial solar capacity installed, fourth for commercial solar, and sixth for residential solar; further, the number of clean vehicle rebates given in Fresno per 1 million people increased by 52 percent between 2014 and 2015. Nonetheless, an Other Distributed Energy Resources Alternative would not meet Project Objectives relating to the generation of approximately 180 MWac of renewable electricity from proven technology, providing a significant new source of solar energy, producing and transmitting electricity at a competitive cost, and locating a solar energy generating facility in rural western Fresno County near an available connection to the existing electrical distribution system. In addition, the implementation of a range of distributed energy resources would be an infeasible alternative to the Project because the Applicant does not own or have a right to use the many sites that would be required to generate a comparable amount of solar-generated energy as the Project. See DEIR, pp. 2-37, 2-38.

3.4.2 Alternatives Considered for Detailed Evaluation

The Increased Habitat/Reduced Acreage Alternative was selected through the screening process described above; the No Project alternative also is included as required by CEQA. The Increased Habitat/Reduced Acreage Alternative would meet most of the basic Project objectives, would be feasible, and would avoid or reduce potential environmental effects of the Project related to decommissioning-related air emissions. The Reduced Acreage Alternative would similarly meet most of the Project objectives, while reducing potential environmental impacts associated with air quality, biology, hydrology, and aesthetics.

Increased Habitat/Reduced Acreage Alternative

Description

Under this Alternative, Little Bear 6 would not be constructed. No solar project-related equipment or infrastructure would be installed on the approximately 161 acres of APN 019-110-13ST located on the south side of West California Avenue between South Ohio Avenue and State Route 33 that are designated for Little Bear 6 in Section 2.5, *Description of the Project*. The on-site 115 kV gen-tie line proposed to interconnect Little Bear 6 would not be constructed; no solar panels, substation, Energy Storage System, detention pond, or meteorological stations would be constructed in that area; and perimeter chain link fencing would not enclose that quarter section. Land within the Little Bear 6 site would continue to be used as fallowed farm land, and occasionally dry-farmed. Existing foraging, denning, and other habitat value would be maintained on the approximately 161 acres. A large stick nest has been observed on top of the utility pole in the SR-33 right-of-way adjacent to the Little Bear 6 site, approximately 435 feet south of West California Avenue. Although it is believed to have been a common raven's nest in 2016, an adult red-tailed hawk was observed sitting in the nest during the April 2017 survey. Direct impacts to the nest would be avoided by the Increased Habitat Alternative, and the potential for indirect impacts would be reduced commensurate with the greater distance between it and Project-related activities on the sites of Little Bear 3 and Little Bear 5. The Project otherwise would be as described in DEIR Section 2.5, *Description of the Project*. Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would entail less surface disturbance, less construction

dust, reduced construction and decommissioning emissions, and reduced demand for water. The boundaries of the Increased Habitat/Reduced Acreage Alternative reflect the smallest reasonable, potentially feasible extent of solar development, and greatest retention of existing habitat conditions, within the Project site because, if approved, Little Bears 1, 3, 4, and 5 are already subject to contractual obligations to provide power via a Power Purchase Agreement; no such agreement obligates the Applicant to provide power from Little Bear 6. See DEIR, p. 2-38.

Impacts

Aesthetics: Under the Increased Habitat/Reduced Acreage Alternative, Little Bear 6 would not be constructed and the project acreage would be reduced by approximately 161 acres. The acreage of Little Bear 6 continue to be used as fallowed farm land and would be occasionally dry-farmed. Under this alternative, impacts to the visual character and quality of the Project vicinity would be similar but slightly reduced in comparison to the impacts of the Project although the impact conclusions regarding Aesthetics would be the same: less than significant impacts to the existing visual character or quality of public views of the site and its surroundings, and regarding the generation of glare that could adversely affect daytime views in the area. DEIR, p. 3.2-26.

Agriculture and Forestry Resources: Compared to the Project, this alternative would not change impacts related to Farmland, existing zoning, or Williamson Act status, or other changes to the environment that could result in the conversion of Farmland to non-agricultural use. Because the elimination of Little Bear 6 from the overall Project site would have no effect on whether the Project could cause a detrimental impact on the use or management of the pomegranate orchard west of San Bernardino Avenue, impact conclusions for the Increased Habitat/Reduced Acreage Alternative would the same as those for the Project. DEIR, pp. 3.3-9, 3.3-10.

Air Quality: Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would result in less surface disturbance. The Increased Habitat/Reduced Acreage Alternative would also entail reduced construction and decommissioning activities compared to the Project and would therefore have a similar but slightly reduced impact on Air Quality. Construction emissions from the Increased Habitat/Reduced Acreage Alternative were calculated by scaling the emissions calculations based on Megawatt (MW) capacity. This alternative would eliminate 20 of the 180 MWac capacity included in the Project. It therefore is estimated that emissions would be approximately 11 percent less than those calculated for the Project. The Project would still exceed the SJVAPCD threshold of 10 tons per year for NOx absent the Applicant-proposed VERA, and dust generated by this alternative still could cause a potentially significant impact related to the exposure of sensitive receptors to risk of Valley Fever. Therefore, the same mitigation measures recommended for the Project also are recommended for the Increased Habitat/Reduced Acreage Alternative. DEIR, pp. 3.4-22, 3.4-23.

Biological Resources: Under this Alternative, the approximately 161-acres (APN 019-110-13ST) located on the south side of West California Avenue between South Ohio Avenue and State Route 33 would not be subject to construction, operation, maintenance, or decommissioning activities associated with the on-site 115 kV gen-tie line proposed to interconnect Little Bear 6 or with the solar panels, substation, energy storage system, detention pond, or meteorological stations that otherwise would be constructed in that area. Further, perimeter chain link fencing

would not enclose that quarter section. Instead, that land would continue to be used as fallowed farm land, and occasionally dry-farmed. Existing (limited) foraging, denning, and other habitat value would be maintained on the approximately 161 acres. The Increased Habitat/Reduced Acreage Alternative would entail less surface disturbance, less loss of foraging habitat, less potential impact to special-status species, but the nature of the impacts would remain the same, and the mitigation measures would be recommended to reduce potential impacts below established thresholds. DEIR, p. 3.5-30.

Cultural Resources: Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would entail less construction and associated ground disturbing activities. The reduction of the disturbance footprint would result in lessened potential for disturbance of previously unknown cultural resources, including archaeological resources and human remains. However, the same mitigation measures recommended above also would be recommended to reduce the potential significant impacts of the Increased Habitat/Reduced Acreage Alternative. DEIR, p. 3.6-12.

Energy Conservation: Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would result in less surface disturbance and reduced construction and decommissioning activities which would require fewer fuel resources. However, the capacity of the Project also would be reduced, causing a lower production of energy generation. The minimal amount of electricity required during the Increased Habitat/Reduced Acreage Alternative operation would remain offset by the generation of electricity from the Increased Habitat/Reduced Acreage Alternative panels. Overall, the Increased Habitat/Reduced Acreage Alternative would result in no significant impacts to energy conservation; impact conclusions would be the same as those identified for the Project. DEIR, p. 3.7-10.

Geology, Soils, and Paleontological Resources: The Increased Habitat/Reduced Acreage Alternative would consist of a reduction in the amount of construction disturbance, the number of solar panels, and associated appurtenances. As a result, there would be a reduction in the volume of soils that could become exposed to erosion; a reduction in the improvements (e.g., solar panels, substations, connections, and access roadways) that could be subject to geotechnical hazards present at the site; and a reduction in the potential to encounter significant fossil resources commensurate with the reduction in disturbance. Because the existing regulatory requirements including the NPDES Construction General Permit and the California Building Code with local amendments would still apply to this alternative and because Mitigation Measure 3.8-7 would reduce this Alternative's potential significant impact of damaging significant paleontological resources, the Increased Habitat/Reduced Acreage Alternative would ensure that potential impacts related to Geology, Soils, and Paleontological Resources would be less than significant. DEIR, p. 3.8-18.

Greenhouse Gas Emissions: Under the Increased Habitat/Reduced Acreage Alternative, Little Bear 6 would not be constructed, reducing the Project acreage by approximately 161 acres, and the approximate generating capacity would be reduced by 20 MW. Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would entail less construction and decommissioning emissions. Land within the Little Bear 6 site would continue to be used as fallowed farm land, and occasionally dry-farmed. Overall, the Increased Habitat/Reduced Acreage Alternative would result in a reduction in GHG emissions relative to the Project as proposed due to its smaller size. Similar to the Project, the Increased Habitat/Reduced Acreage

Alternative would have less than significant impacts in regards to generation of GHG emissions and conflicts with plans, policies, or regulations adopted for the purpose of reducing GHG emissions. However, the reduced generating capacity also would contribute to a reduced overall benefit in terms of GHG emissions if the electricity generated by the Project were to be used in place of electricity generated by fossil-fuel sources. DEIR, pp. 3.9-12, 3.9-13.

Hazards and Hazardous Materials: The Increased Habitat/Reduced Acreage Alternative would consist of less construction disturbance, and a reduction in the number of solar panels and associated infrastructure. As a result, there would be a reduction in the amount of hazardous materials required for construction and operation, although the use of hazardous materials during operation under the Project already is not substantial. However, the NPDES Construction General Permit would still apply to this alternative to reduce potential construction impacts to less than significant. Other impacts associated with the operational phase of the Project generally would be reduced but similarly addressed by the existing regulatory requirements as under the Project. This Alternative would require the same mitigation measures identified for the Project to address potential asbestos-related and herbicide-related impacts. Overall, the potential impacts would be reduced compared to the Project, but with implementation of regulatory requirements and the mitigation measures identified above, the impacts would be less than significant. DEIR, p. 3.10-21.

Hydrology and Water Quality: Under the Increased Habitat/Reduced Acreage Alternative there would be a reduction (from approximately 0.94 to 0.82 percent total site surface area) in the amount of new impervious surfaces by not constructing on the 161-acre parcel known as Little Bear 6. As a result, there would be no changes to existing drainage patterns on Little Bear 6 but the remainder of the Project site would be constructed similar to the Project as proposed. There would be reduced demand in water supply for both construction and operation; therefore, the potential impacts on groundwater supplies would be reduced relative to the Project as proposed. Otherwise, the Increased Habitat/Reduced Alternative would be required to adhere to the same regulatory requirements for drainage control as the Project and would have a less-than-significant impact with adherence to existing regulatory requirements. DEIR, p. 3.11-17.

Land Use and Planning: Under the Increased Habitat/Reduced Acreage Alternative, Little Bear 6 would not be constructed, reducing the area of the Project by approximately 161 acres. The other solar facility sites would be subject to conditions of approval specified in each CUP. For the same reasons described in DEIR Section 3.12.3.1, *Direct and Indirect Effects of the Project*, this Alternative would not physically divide an established community and would not conflict with any applicable land use plan designed to mitigate environmental effects. Therefore, this Alternative would have no impact with regard to Land Use and Planning. DEIR, pp. 3.12-6, 3.12-7.

Mineral Resources: For the same reasons described in DEIR Section 3.13.3.3, *Direct and Indirect Effects of the Project*, the Increased Habitat/Reduced Acreage Alternative would have no impact to Mineral Resources. DEIR, p. 3.13-4.

Noise and Acoustics: Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would result in less surface disturbance and reduced construction and decommissioning activities which would result in an overall reduction in Project-related noise and vibration. The closest noise receptor to Little Bear 6 would be FCI Mendota. Correctional

facilities generally contain greater sound proofing and noise reduction than other developments in the design of the facility. Additionally, FCI Mendota is closer in distance to the existing North Star Solar Project, for which noise impacts were found to be less than significant in the Mitigated Negative Declaration prepared for the project; thus, like the Project, the Increased Habitat/Reduced Acreage Alternative would not have a significant impact on FCI Mendota. DEIR, p. 3.14-17.

In the event the Energy Storage System HVAC is required to operate in the nighttime hours (10:00 p.m. to 7:00 a.m.) as part of the Increased Habitat/Reduced Acreage Alternative, noise levels may exceed County standards depending on final equipment selection and design. As a result, significant noise impacts could result from the equipment operations. Therefore, Mitigation Measure 3.14-1 is recommended as a way to reduce the potential significant noise impact to a less-than-significant level. DEIR, pp. 3.14-17, 3.14-18.

Similar to the Project, the Increased Habitat/Reduced Acreage Alternative would have less-than-significant vibration and construction noise impacts. Similar mitigation would be required for operational noise impacts which would reduce potential impacts on sensitive receptors to a less-than-significant level. DEIR, p. 3.14-18.

Population and Housing: The Increased Habitat/Reduced Acreage Alternative may require a slightly smaller workforce during construction, operation, and decommissioning in comparison to the Project, and would result in no impacts to population and housing. DEIR, p. 3.15-7.

Public Services: Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would result in incrementally lower demand for fire and emergency services, police, schools, parks, and other public services due to reduced construction and decommissioning activities and, like the Project, would result in no impacts to Public Services. DEIR, p. 3.16-6.

Recreation: For the same reasons discussed in Section 3.17.3.1, *Direct and Indirect Effects of the Project*, this alternative would result in no impact to Recreation. DEIR, p. 3.17-3.

Transportation and Traffic: The Increased Habitat/Reduced Acreage Alternative would decrease the overall development of solar equipment and infrastructure on the Project site by approximately 161 acres, resulting in a total development acreage of 1,127 acres versus 1,288 acres developed with the Project. Due to the reduced size of this alternative, traffic volumes generated by its construction would be smaller than the traffic generated by the Project. Impacts associated with the Increased Habitat/Reduced Acreage Alternative would be similar to but slightly less than those associated with the Project and the same mitigation would be required. DEIR, p. 3.18-5.

Tribal Cultural Resources: Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would entail less construction and associated ground-disturbing activities. The lessening of the disturbance footprint would result in lessened potential for disturbance of previously unknown Tribal Cultural Resources, including prehistoric archaeological resources and human remains. Nonetheless, because ground disturbing activities anywhere within the Project boundary could cause a substantial adverse change to previously unknown archaeological

resources that are also Tribal Cultural Resources, Mitigation Measure 3.19-1 is recommended also for the Increased Habitat/ Reduced Acreage Alternative. DEIR, p. 3.19-7.

Utilities and Service Systems: Compared to the Project, the Increased Habitat/Reduced Acreage Alternative would result in less surface disturbance, reduced construction and decommissioning activities, and reduced demand for water. Similar to the Project, the Increased Habitat/Reduced Acreage Alternative would have no impact in regards to wastewater treatment capacity, the provision of solid waste services, and conflicts with solid waste reduction statutes and regulations. The Increased Habitat/Reduced Acreage Alternative would require similar water, wastewater, stormwater, electricity, and telecommunications facilities as the Projects and would therefore result in similar, but slightly reduced, impacts related to the construction of those facilities. The Increased Habitat/Reduced Acreage Alternative would require less water for construction, O&M, and decommissioning activities, and relative to the Project, would have similar but slightly reduced impacts related to water supply. The Increased Habitat/Reduced Acreage Alternative would also entail reduced construction and decommissioning activities compared to the Project and would therefore have a similar but slightly reduced impact on the capacity of solid waste infrastructure. DEIR, pp. 3.20-14, 3.20-15.

Findings

Based on the whole record, the County finds that the Increased Habitat/Reduced Acreage Alternative would result in reduced environmental impacts than under the Project. The Increased Habitat/Reduced Acreage Alternative would reduce impacts to aesthetics, air quality, hydrology and water quality, population and housing, public services, transportation and traffic, and utilities. This alternative would lessen the potential for impacts to agriculture, biological resources, cultural resources, geology and soils, and hazards and hazardous materials. The alternative would have similar impacts to land use and planning, mineral resources, noise and acoustics, tribal cultural resources, and recreation. Despite a reduction in some environmental impacts or reduction in the potential for impacts, the significance of impacts and mitigation measures required to mitigate such impacts would remain the same for this alternative as for the Project. Additionally, the alternative also would produce less solar energy than the Project, resulting in a smaller contribution to energy conservation and lessening the reduction in GHG that would result from the operation of the Project. Therefore, as compared to the Project, the Increased Habitat/Reduced Acreage Alternative is considered the environmentally superior alternative with respect to hydrology and water quality but not with respect to GHG and Energy Conservation. For these resource areas, the Project would be environmentally superior (DEIR, pp. 4-2, 4-3).

No Project Alternative

Description

If the No Project Alternative is implemented, the Project site would continue to be used for dry-farmed agriculture and/or left fallow. The Project site is designated "Agriculture" as shown on Fresno County General Plan Countywide Land Use Diagram Figure LU-1a and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). If the Project were not approved, then other uses consistent with the AE-20 zoning designation could be made on one or more of the parcels that comprise the Project site. Pursuant to Fresno County Ordinance Code Section 816,

uses (among others) that are allowed by right without a permit relate to livestock, poultry, and crops; home occupations; agricultural products; apiaries; kennels; and welding and blacksmith shops. No such competing proposals for site use are before the County. Accordingly, rather than speculate as to possible other uses, the analysis of the No Project Alternative in this Draft EIR assumes a no-development/no Project scenario where the existing agricultural use is continued as it exists under pre-Project conditions.

Under a no-development scenario, the property would continue in agricultural use and the solar facility, gen-tie lines, and other proposed infrastructure would not be constructed, operated, maintained, or decommissioned. Project-related workers and materials would not travel to the Project site, the site surface would not be disturbed differently than under baseline conditions, no Project-related vehicles or equipment would generate noise, and the existing shed and silos would remain in place. The existing environmental setting would be maintained. Changes to that setting, including changes to the landscape (visual resources, habitat, and land use/agriculture); Project-related construction noise, traffic, and air emissions would not occur; and environmental benefits relating to renewable energy would not be realized from solar development of the site.

Impacts

Because there would be no change in the physical environment relative to baseline conditions, the No Project Alternative would create no adverse impact related to Aesthetics (DEIR, p. 3.2-26), Agriculture or Forestry Resources (DEIR, p. 3.3-10), Air Quality (DEIR, p. 3.4-23), Biological Resources (DEIR, p. 3.5-30), Cultural Resources (DEIR, p. 3.6-12), Energy Conservation (DEIR, p. 3.7-10), Geology and Soils (DEIR, p. 3.8-18), Hazards and Hazardous Materials (DEIR, p. 3.10-21), Hydrology or Water Quality (DEIR, p. 3.11-17), Land Use and Planning (DEIR, p. 3.12-7), Mineral Resources (DEIR, pp. 3.13-4, 3.13-5), Noise and Acoustics (DEIR, p. 3.14-18), Population and Housing (DEIR, p. 3.15-7), Public Services (DEIR, p. 3.16-7), Recreation (DEIR, p. 3.17-4), Transportation and Traffic (DEIR, p. 3.18-15), Tribal Cultural Resources (DEIR, p. 3.19-7), or Utilities and Service Systems (DEIR, p. 3.20-15).

However, the No Project Alternative would result in the loss of a new generator of renewable energy resources, thereby slowing the progress of the state's energy goals. As a result, potential environmental benefits of the Project relating to Energy Conservation (DEIR, p. 3.7-10) and Greenhouse Gas Emissions would not be realized (DEIR, p. 3.9-13).

Findings

Based on the whole record, the County finds that the No Project Alternative would result in fewer environmental impacts and fewer environmental benefits than the Project. The County also finds that the No Project Alternative would not meet any of the Project objectives; as such, it is not a feasible alternative.

3.4.3 Conclusions Regarding the Evaluated Alternatives

Table 4-1 compares the conclusions of the impact analyses for both alternatives relative to the conclusions for the Project (DEIR, pp. 4-3, 4-4).

3.4.4 The Environmentally Superior Alternative is the Project

The CEQA Guidelines define the Environmentally Superior Alternative as that alternative with the least adverse impacts to the project area and its surrounding environment. For this Project, the No Project Alternative is environmentally superior because it would not create any of the localized impacts of the Project, even though it would have a less beneficial impact than that of the Project on energy conservation and GHG emissions. The No Project Alternative would fail to meet the basic objectives of the Project, including, but not limited to, the generation of renewable solar electricity from proven technology, construction of a project that would assist the State in achieving RPS and SB 350 GHG reduction goals, and benefitting local communities through the creation of jobs, demand for local goods and services and increased sales and use tax revenue. Since the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines §15126.6(e)(2)).

Determining an environmentally superior alternative can be difficult because of the many factors and priorities that must be balanced. For example, the Increased Habitat/Reduced Acreage Alternative could be preferred because, relative to the Project, it would require less groundwater and so would have comparatively reduced groundwater supply impacts, and because incrementally reduced impacts would result from the 161 fewer acres of disturbance even though the impact conclusions would be the same as the Project. By contrast, the Project could be preferred because it would generate more renewable energy and result in a net GHG emissions reduction benefit relative to the Increased Habitat/Reduced Acreage Alternative. All other impacts of the Project and alternatives would be similar for all environmental resources. Prioritizing the long-term benefits of the Project relative to renewable energy generation and associated GHG emissions reductions over short-term impacts that would readily be reduced to less than significant levels, the County has identified the Project as the Environmentally Superior Alternative.

3.4.5 Finding

The County finds that the Project is the Environmentally Superior Alternative, other than the No Project Alternative.

DEIR TABLE 4-1
SUMMARY OF IMPACTS OF THE PROJECT AND INCREASED HABITAT/REDUCED ACREAGE ALTERNATIVE

Resource Area	Project	Increased Habitat/Reduced Acreage Alternative
Aesthetics	Impacts determined to be Less than Significant. **No Preference**	Impacts would be similar but reduced compared to the Project; this would generally not affect significance determinations, which would remain the same as for the Project. **No Preference**
Agriculture and Forestry Resources	Impacts determined to be Less than Significant. **No Preference**	Impacts would be the same as the Project. **No Preference**

Resource Area	Project	Increased Habitat/Reduced Acreage Alternative
Air Quality	Impacts determined to be Less than Significant with Mitigation Incorporated. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**
Biological Resources	Impacts determined to be Less than Significant with Mitigation Incorporated. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**
Cultural Resources	Impacts determined to be Less than Significant with Mitigation Incorporated. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**
Energy Conservation	Impacts determined to be Less than Significant; beneficial contribution resulting from generation of renewable energy. **Environmentally Preferred**	Impacts (including beneficial contribution to energy supply) would be similar to the Project but reduced. **No Preference**
Geology, Soils, and Paleontological Resources	Impacts determined to be Less than Significant with Mitigation Incorporated. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**
Greenhouse Gas Emissions	Impacts determined to be Less than Significant; overall beneficial impact from net GHG reduction. **Environmentally Preferred**	Impacts would be the same as the Project, overall beneficial impact from net GHG reduction would be reduced in comparison to the Project. **No Preference**
Hazards and Hazardous Materials	Impacts determined to be Less than Significant with Mitigation Incorporated. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**
Hydrology and Water Quality	Impacts determined to be Less than Significant. **No Preference**	Impacts to groundwater supplies would be reduced compared to the Project. Other impacts would be similar but reduced compared to the Project this would not affect significance determinations, which would remain the same as for the Project. **Environmentally Preferred**
Land Use and Planning	No Impacts. **No Preference**	No Impacts. **No Preference**

DEIR TABLE 4-1 (CONTINUED)
SUMMARY OF IMPACTS OF THE PROJECT AND INCREASED HABITAT/REDUCED ACREAGE ALTERNATIVE

Resource Area	Project	Increased Habitat/Reduced Acreage Alternative
Mineral Resources	No Impacts. **No Preference**	No Impacts. **No Preference**

Resource Area	Project	Increased Habitat/Reduced Acreage Alternative
Noise	Impacts determined to be Less than Significant with Mitigation Incorporated. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**
Population and Housing	Impacts determined to be Less than Significant. **No Preference**	Impacts would be the same as the Project. **No Preference**
Public Services	No Impacts. **No Preference**	No Impacts. **No Preference**
Recreation	No Impacts. **No Preference**	No Impacts. **No Preference**
Transportation and Traffic	Impacts determined to be Less than Significant with Mitigation Incorporated. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**
Tribal Cultural Resources	Impacts determined to be Less than Significant with Mitigation Incorporated. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**
Utilities and Service Systems	Impacts determined to be Less than Significant. **No Preference**	Impacts would be similar but reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. **No Preference**

PRELIMINARY CLOSURE, DECOMMISSIONING, AND RECLAMATION PLAN

LITTLE BEAR SOLAR PROJECT

FRESNO COUNTY, CA

[CUP Reference TBD]

SUBMITTED TO:

Fresno County Department of Public Works and Planning

Development Services Division

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February, 2017

EXHIBIT 10

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FIGURES

APPENDICES

Acronyms and Abbreviations

County	Fresno County Department of Public Works and Planning Development Services Division
CUP	Conditional Use Permit
ESA	Environmental Site Assessment
O&M	Operations and Maintenance
Project	Little Bear Solar Project
PV	Photovoltaic
PPA	Power Purchase Agreement
SFG	Fresno County Solar Facility Guidelines
SPGF	Solar Power Generation Facility
WWD	Westland Water District

1 Introduction

1.1 Purpose of the Reclamation Plan

The purpose of this preliminary Closure, Decommissioning, and Reclamation Plan (Reclamation Plan) is to establish the methodologies that could be employed for decommissioning and reclamation activities associated with the permanent closure of the facilities at the Little Bear Solar Project (Project). The actual actions implemented in the facility closure will be determined based on the expected future use of the site. Therefore, a more detailed reclamation plan will be developed in advance of the start of decommissioning activities.

This Reclamation Plan has been developed in compliance with a requirement in Fresno County Development Services Division's *Solar Facility Guidelines* (SFG) to "provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements." The SFG provide specific direction on the contents of the Reclamation Plan, which are discussed in further detail starting in Section 2.

The Project is expected to operate at a minimum for the term of its Power Purchase Agreement (PPA) or other energy contracts. Because much of the needed electrical infrastructure will have been developed, it is possible that the Solar Power Generation Facility (SPGF) would continue to be upgraded and used to generate solar energy even beyond the term of the initial energy purchase agreements, remaining in solar energy production for the foreseeable future. Even if the SPGF does not continue to operate, certain facility components such as access roads, electrical transmission lines, Operations and Maintenance (O&M) building, and others could be used to support other future uses on this site, including agricultural production.

For purposes of developing this plan, it is assumed that if and when the Project is decommissioned, all Project structures and electrical equipment would be removed from the site and the disturbed areas would be reclaimed for purposes of restoring the site to its present-day conditions, to the extent feasible.

This preliminary reclamation plan addresses the following:

- Project Description
- Regulatory Criteria
- Decommissioning and Reclamation Activities
    - Pre-Decommissioning
    - Removal of Facilities
    - Hazardous Waste Management
    - Debris Management, Disposal, and Recycling

    - Post-Demolition Site Restoration
- Project Reclamation Costs and Bonding

As mentioned above, because this document addresses Project actions that would occur well in the future, it will be updated and finalized in the months prior to the scheduled decommissioning. This will ensure the final plan addresses the proposed future land use of the site and the applicable rules and regulations in place at that time.

1.2 Project Overview

The Project site is located in the San Joaquin Valley, approximately 13 miles east of Interstate 5, approximately 2.5 miles southwest of the City of Mendota, and immediately west of State Route 33 (SR-33), in unincorporated Fresno County, Sections 13 and 14, Township 14 South, Range 14 East, Mount Diablo Base and Meridian. Specifically, the Project site is bounded by West California Avenue to the north, West Jensen Avenue to the south, San Bernardino Avenue to the west, and SR-33 to the east. **Figure 1—Project Vicinity** shows the location of the Project site

The Project will interconnect to the PG&E-owned Mendota Substation located approximately 2 miles west of the Project site using an existing 115 kV gen-tie line that interconnects the North Star Solar Project and the Mendota Substation. The location of the Project site and the Mendota Substation is shown in **Figure 2—Project Location**.

The Project contemplates the construction and operation of an approximately 180 megawatt (MW) solar photovoltaic power generation facility. The Project will consist of five individual facilities, ranging from approximately 157 to 322 acres, and generally referred to hereafter as “Facility”, or by individual Facility name (“Little Bear 1,” “Little Bear 3,” “Little Bear 4,” “Little Bear 5” and “Little Bear 6”). Each Facility will consist of solar photovoltaic (PV) modules grouped together in a series of arrays arranged over the site. The electric power generated by the Project will be transmitted to the Mendota Substation by the combination of a new, approximately 1.25-mile-long, onsite gen-tie line and the existing North Star gen-tie line. The proposed solar facility is intended to operate year-round.

The solar PV modules will be mounted on support structures which will be designed to track the sun’s path through the sky along a single axis, oriented north-south in order to maximize the amount of incident solar radiation absorbed over the year and the annual production of electrical power. The direct current (DC) power output from the solar PV modules in each array will be routed to one or more current inverter(s), which will convert the DC power input into an alternating current (AC) power output. The AC current inverter outputs will then be routed to a step-up transformer. An underground network of AC power cables will connect the step-up transformers to a lineup of medium voltage switchgear and then to the Facility’s 115 kV substation.

Each Facility will include internal roads constructed of compacted native soil. Earthen basins will be constructed to contain storm water runoff on the Project site. The Facilities will be secured through a combination of perimeter security fencing, controlled access gates, electronic security systems, and remote monitoring. Security fencing will be six-foot chain link topped with three-strand barbed wire. Telecommunications will be provided by a local provider or a microwave/satellite communications tower that will be approximately 60 feet tall. The Project will have meteorological stations within the solar field, and each Facility may have between two and five 20-foot tall steel lattice meteorological towers mounted on concrete foundations and installed around the perimeter of the solar field.

Each Facility may optionally have an Energy Storage System (ESS) that will provide up to four hours of electrical storage. The ESS will be sited on an approximately one-acre area next to the onsite substation in separate outside rated enclosures and will consist of self-contained battery storage modules placed in racks, converters, switchboards, integrated heating, ventilation, and air conditioning (HVAC) units, inverters, transformers, and controls in prefabricated metal containers or in a building. The battery storage modules would use proven storage technologies such as Lithium Ion, Sodium-Sulphur, or Vanadium-Redox-Flow batteries.

The five Facilities may share a single operations and maintenance (O&M) building, of up to approximately 2,000 square feet, along with a parking area and other associated facilities. The O&M building is depicted on the Little Bear 1 site in Figure 3a – Project Design. If a Facility does not require use of the shared O&M building, storage enclosures may be installed on concrete pads within the Facility site.

Figure 3 – Project Layout shows the location of the components of the proposed Project and associated facilities.

2 Guidance for Reclamation Plan Contents

The County's SFG provides the following guidance on the minimum content for reclamation plans. Where necessary, reference is made to other sections of the Reclamation Plan where more detailed information is provided:

1. Description of present use of the site;

The site is intermittently used for dry-farm agriculture and related activities, such as seasonal livestock grazing. According to information provided by Westlands Water District (WWD), the Project property is non-irrigable and thus only capable of being dry farmed. Consequently, the site has mostly lain fallow during the past ten years.

The corridor of land containing the North Star Solar Project gen-tie line continues to be used for a mixture of agricultural uses, such as field crops and orchards.

2. Describe the proposed alternate use of the land (all equipment to be installed above and underground, structures, fencing, etc.);

The Project will include the following main elements: modular photovoltaic solar panels on single-axis trackers; direct current to alternating current power inverters mounted on concrete pads; three-phase transformers mounted on concrete pads, a medium-voltage (34.5 kV) collection system either overhead or underground, electric substations, a 115 kV gen-tie line, a control/administration building and parking lot, meteorology towers, security fencing and lighting and other on-site facilities as required. Earthen basins will be constructed to contain storm water runoff from the Project site.

3. Duration of the alternate use of the property (specify termination date);

The proposed SPGF is expected to be in commercial operation for approximately 30 years from the commencement of operations, with a potential for continued use in accordance with County permitting requirements.

4. Address ownership of the property (lease or sale);

The Project will own the property in fee title. The Project also holds real estate rights for the land across which the gen-tie line is located, through a shared facilities agreement.

5. Describe how the subject property will be reclaimed to its previous agricultural condition (if applicable), specifically:

a. Timeline for completion of reclamation after solar facility lease has terminated (identify phasing if needed);

b. Handling of any hazardous chemicals/materials to be removed;

c. Removal of all equipment, structures, buildings and improvements at and above grade;

d. Removal of any below-grade foundations;

e. Removal of any below-grade infrastructure (cables/lines, etc.) that are no longer deemed necessary by the local public utility company;

f. Detail any grading necessary to return the site to original grade;

g. Type of crops to be planted; and,

h. Irrigation system details to be used (existing wells, pumps, etc. should remain throughout the solar facility use)

Section 3, Project Decommissioning and Reclamation Procedures (below), provides a discussion of the procedures that will be used to return the proposed Project site back to pre-construction conditions. It should be noted that although the property has been historically used for agricultural production it no longer has rights to water delivery from the Westlands Water District, the present property owner. In consideration of these restrictions, this Reclamation Plan contemplates decommissioning of the project and stabilization of the site, and does not propose additional actions to restore agricultural capacity to the property beyond its present condition.

6. A Site Plan shall be submitted along with the text of the Reclamation Plan showing the location of equipment, structures, above and underground utilities, fencing, buffer area, reclamation phasing, etc.

Figure 3 – Project Layout shows the site plan for the Project.

7. An engineering cost estimate of reclaiming the site to its previous agricultural condition shall be submitted for review and approval;

Information for the engineering cost estimate to implement the Reclamation Plan is provided in Attachment A.

3 Decommissioning and Reclamation Procedures

The procedures described for decommissioning and reclamation are designed to promote public health and safety, environmental protection and compliance with applicable regulations. It is assumed that decommissioning will begin approximately 30 or more years after Project operation is initiated. The Project decommissioning plan may incorporate the sale of some of the facility components via the used equipment market and recycling of components. Decommissioning will be conducted in accordance with a Final Reclamation Plan that will be developed in the months prior to decommissioning being initiated.

This conceptual reclamation plan assumes that all equipment and facilities within and associated with the SPGF will be removed.

3.1 Pre-Decommissioning Activities

Pre-decommissioning activities will be conducted to prepare the Project for demolition. This would include assessing the existing site conditions and development of a Final Reclamation Plan and schedule as described above.

Pre-decommissioning activities would include removing hazardous materials from the site including residues that occur in equipment. All operational liquids and chemicals are expected to be removed and disposed of as discussed in Section 3.4. Hazardous material and petroleum containers, pipelines, and other similar structures shall be rinsed clean, when feasible, and the waste liquid collected for off-site disposal.

Locations for decommissioned structures, non-hazardous waste, and debris will be designated on the Final Reclamation Plan to facilitate the decommissioning process and off-site removal.

3.2 Removal of Facilities

Site decommissioning and equipment removal may take a year or more. Therefore, access roads, fencing, electrical power, and raw/sanitary water facilities will temporarily remain in place for use by the decommissioning and restoration workers until no longer needed. Therefore, these components would be the last to be removed prior to site rehabilitation.

SPGF Above- and Below-Ground Facilities

Structures that need to be dismantled during decommissioning include the onsite substations, onsite O&M area, perimeter fence, solar field, and transformers and inverters. These structures will be dismantled and moved to designated areas for either recycling or disposal at an approved landfill.

Above-ground structures will be removed through mechanical or other approved methods. Below-ground structures will be removed or, upon agency approval, may remain in place to minimize soil disturbance. Below-ground facilities/utilities that potentially may be removed include pipelines, electrical lines and conduits, and concrete slabs.

Stormwater retention basins will be filled and brought to grade level.

Gen-Tie Transmission Lines

If the gen-tie transmission lines will not continue to be utilized for another purpose at the time of Project decommissioning, the lines will be removed. Decommissioning of the gen-tie will consist of removal of all structures associated with the construction of the transmission line(s) to include, but not limited to overhead conductors and the removal of poles. All steel will be recycled and the foundations will be removed to a depth of at least 2 feet below the ground surface or as otherwise obligated by any real estate agreements. Aluminum from overhead conductors will be recycled.

Roads

Access and on-site roads will remain in place to accomplish decommissioning at the end of the facility's life and would be one of the last Project components to be removed. Any graveled roads or areas—if not left in place for future uses—would be removed and the material used to fortify existing perimeter roads. The compacted native soil roads in the solar field would not need to be removed but may be deep-chiseled to alleviate soil compaction.

3.3 Debris Management, Disposal, and Recycling

All removed material and demolition debris will be placed in designated locations within the SPGF. Each stockpile will be transported off-site to either a used equipment market, off-site recycling center, or approved landfill depending on the material type. Debris will be broken down into manageable sizes so that transportation is simplified.

3.4 Hazardous Waste Management

All disposal and transportation of hazardous waste will be conducted under compliance with applicable regulations as required. In areas where no record of hazardous waste exposure occurred, a visual inspection would be conducted. If a concern is identified, further evaluation of the area shall occur and the area or structure will be treated accordingly. A licensed state waste contractor would be used to ensure that all required laws and regulations have been met and to address any remaining requirements needed to successfully close the Project.

3.5 Post-Demolition Site Restoration

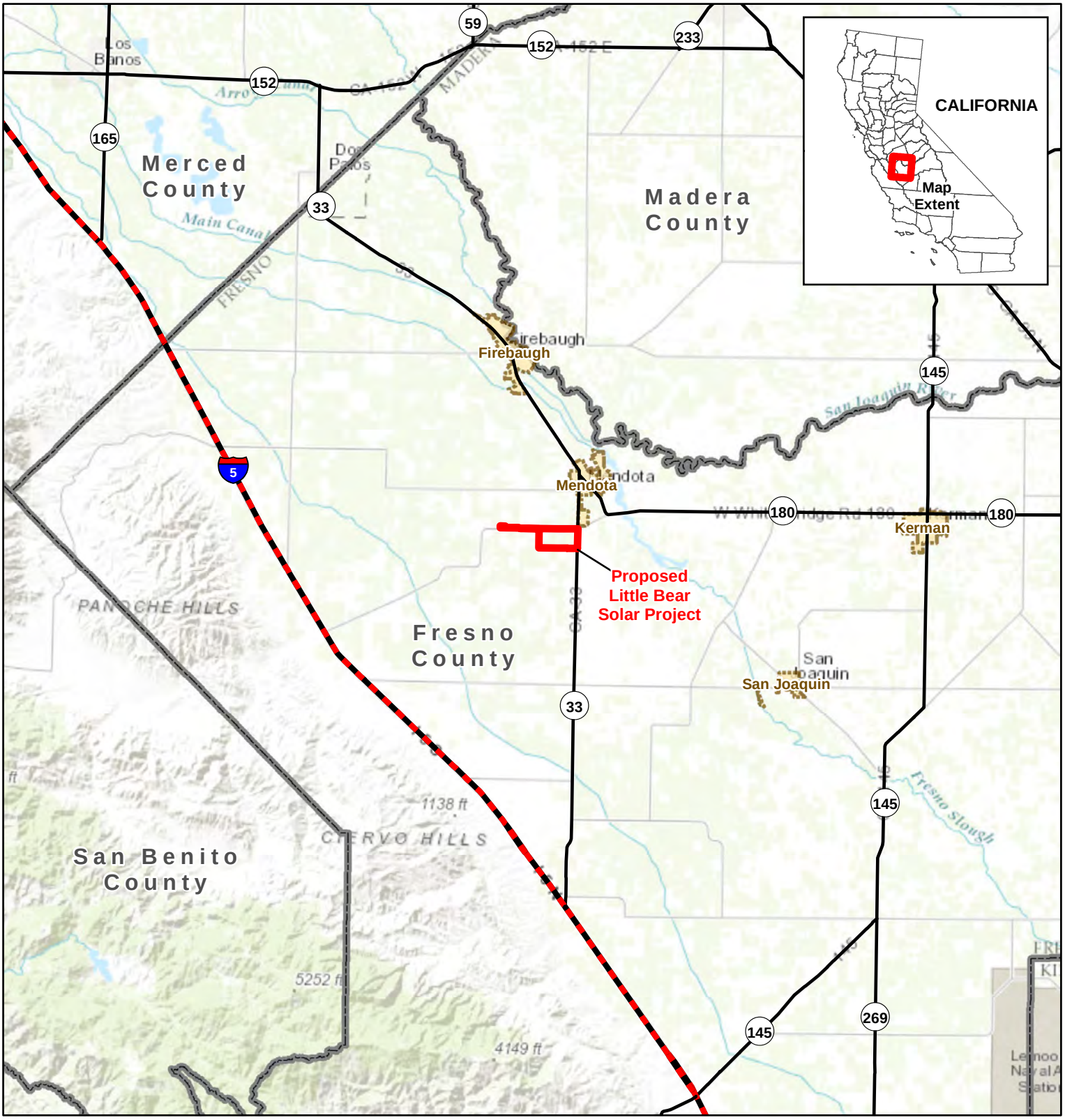
After all removal of existing structures of the SPGF and ancillary facilities, the Project area will be restored to topographic conditions similar to pre-construction. The site will be chisled and disced to loosen compacted soils. A rangeland seed mix of grasses and forage crops will be broadcast on the property to revegetate the site. Revegetation will assist in preventing soil erosion and dust.

4 Project Decommissioning Costs and Bonding

Prior to the issuance of any construction-related permits (e.g., Grading Permit), the Applicant will provide financial assurance in an amount sufficient to ensure restoration the Project land to its previous conditions, to the extent feasible, in accordance with the approved Reclamation Plan. Financial assurances shall be made to the County of Fresno and may take the form of cash, letter of credit or bond that complies with Section 66499 of the California Government Code, et seq.

The bond instrument will be based on a decommissioning cost estimate provided by the Applicant and based on the final, approved design of the Project. This estimate will consider any Project components that are expected to be left in place at the request of and for the benefit to the landowner (e.g., O&M building, electric lines, access road, water pipelines).

FIGURES



Legend

- Interstate
- State Highway
- Proposed Project
- Municipality
- County Boundary

0 5 10

Miles

Universal Transverse Mercator
North American Datum 1983
Zone 11 North, Meters

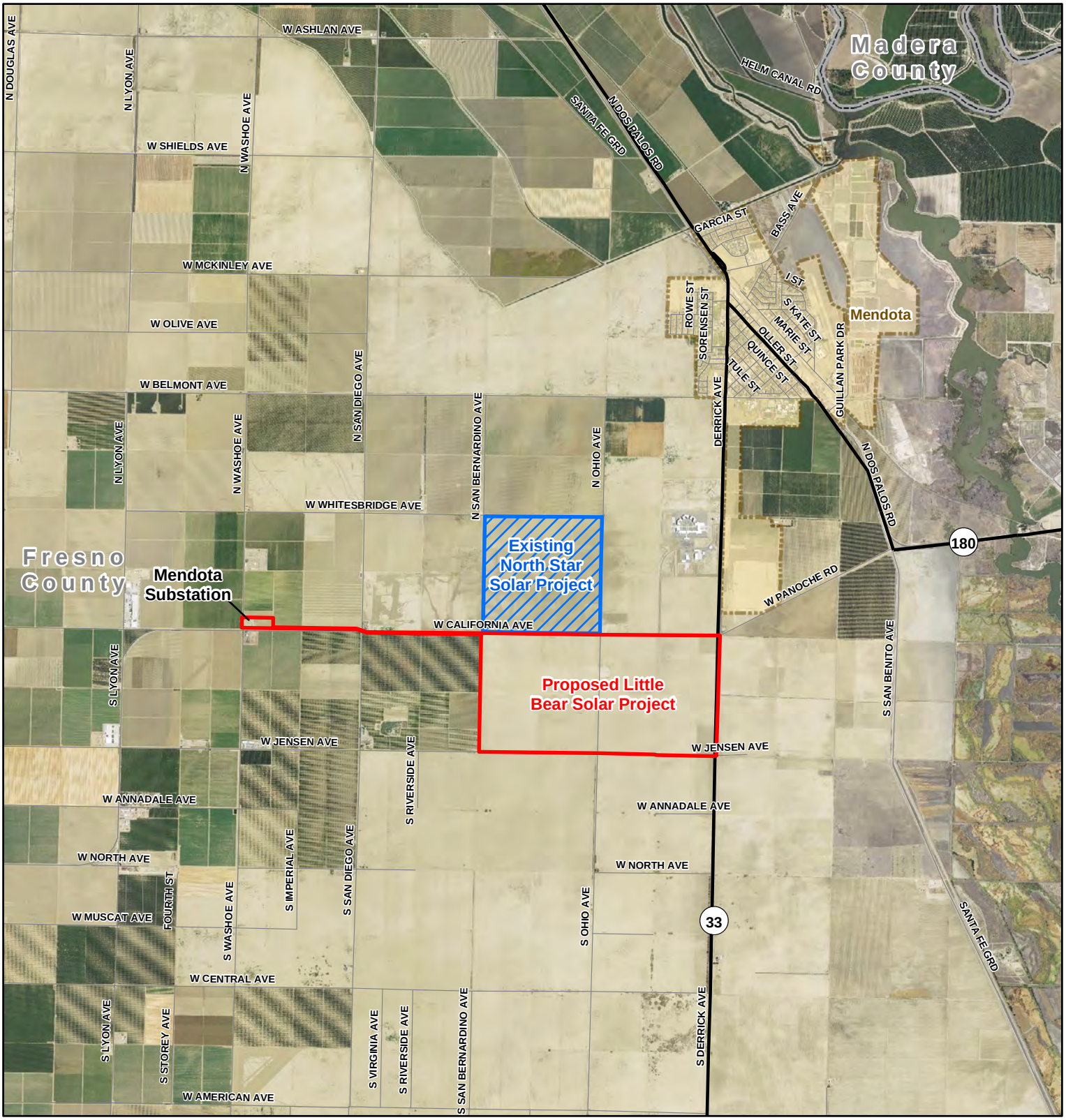
LITTLE BEAR SOLAR PROJECT

Figure 1-- Regional Location

Map Extent: Fresno County, CA

Date: 09-08-16		Author: rnc

G:\Little Bear Solar Project/MXD's/Project Location



Legend

- State Highway
- Road
- Proposed Project
- Existing North Star Solar Project
- Municipality
- County Boundary

0 0.5 1

Miles

Universal Transverse Mercator
North American Datum 1983
Zone 11 North, Meters

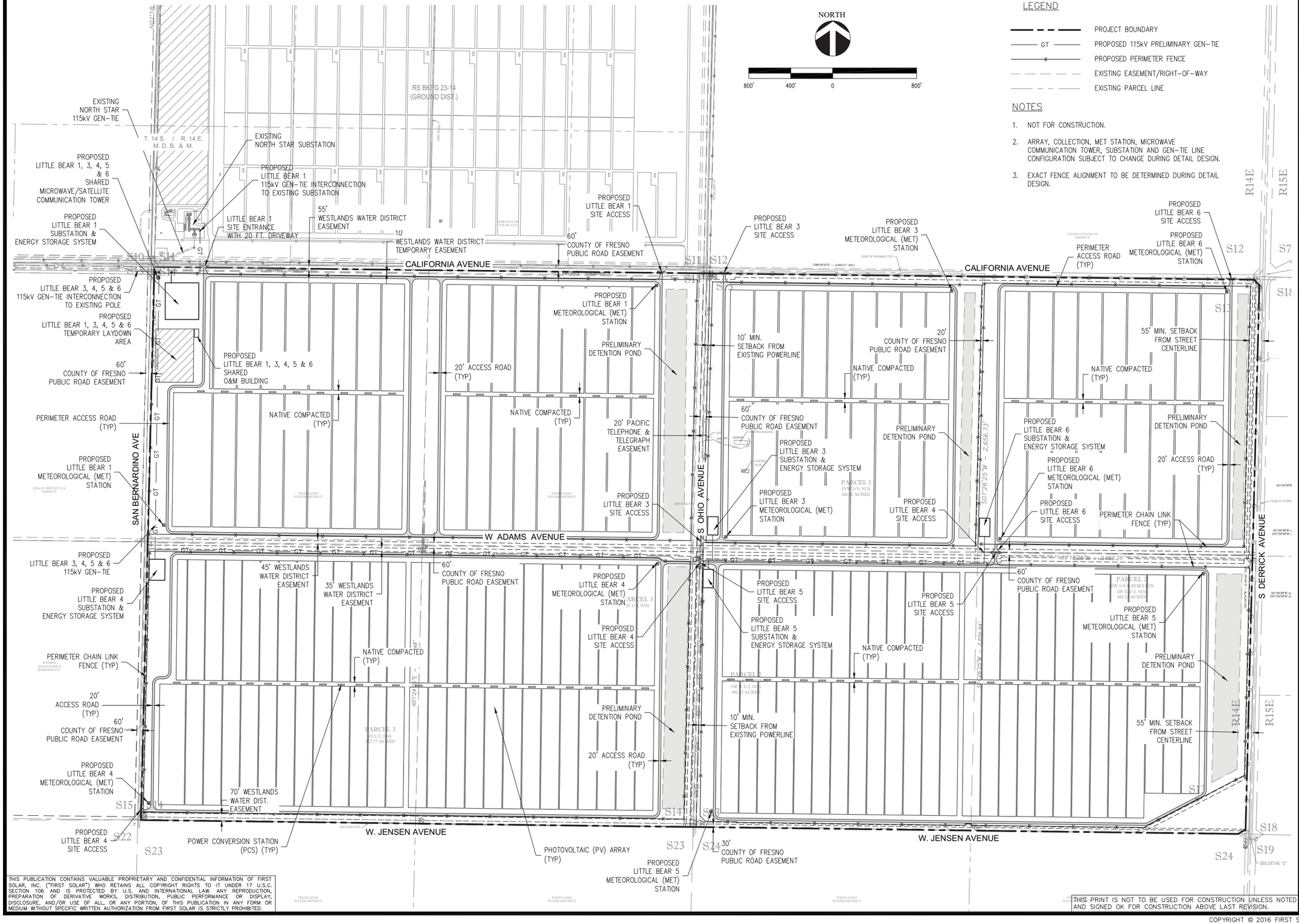
LITTLE BEAR SOLAR PROJECT

Figure 2 -- Project Vicinity

Map Extent: Fresno County, CA

Date: 09-08-16		Author: rnc

G:\Little Bear Solar Project/MXD's/Project Location



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LITTLE BEAR 1, 3, 4, 5 & 6
SOLAR
MENDOTA, FRESNO COUNTY
CALIFORNIA
20MWac

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP

FS JOB #:
PROJ. DEVT. ENGR: A. ACEVEDO-CROSS
PROJ. MGR:
SCALE: 1"=400' @ 24"x36" SHEET
COPYRIGHT BY: FIRST SOLAR, INC.

SHEET TITLE

SITE PLAN
(2/1/17)

SHEET 1 OF 1

THIS PRINT IS NOT TO BE USED FOR CONSTRUCTION UNLESS NOTED AND SIGNED OK FOR CONSTRUCTION ABOVE LAST REVISION.

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FIGURE 3 -- PROJECT LAYOUT

APPENDIX A

ESTIMATE OF RECLAMATION COSTS

[to be completed at time of final design]