



# County of Fresno

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

October 26, 2021

Ryan Schalk  
EDP Renewables  
53 SW Yamhill Street  
Portland, OR 97204

Dear Mr. Schalk:

Subject: Resolution No. 12905 – Environmental Impact Report No. 7230 and  
Unclassified Conditional Use Permit Application No. 3555

On September 9, 2021, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Conditional Use Permit.

If you have any questions regarding the information in this letter, please contact me at [eahmad@fresnocountyca.gov](mailto:eahmad@fresnocountyca.gov) or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner  
Development Services and Capital Projects Division

WMK:

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Enclosure



## Inter Office Memo

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**DATE:** September 9, 2021

**TO:** Board of Supervisors

**FROM:** Planning Commission

**SUBJECT:** RESOLUTION NO. 12905 - ENVIRONMENTAL IMPACT REPORT NO. 7230 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3555

**APPLICANT:** RE Scarlet, LLC

**OWNER:** Westlands Water District

**REQUEST:** A 4,089-acre project site in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District consisting of the construction, operation, maintenance, and ultimate decommissioning of:

- 3,500 acre 400-megawatt (MW) solar photovoltaic (PV) electricity generating facility;
- 10-acre 400 MW energy storage system;
- Related improvements such as a maintenance and operations buildings, telecommunications tower etc.;
- Two substations on approximately five acres each;
- Onsite switchyard on approximately five acres;
- Approximately 3.1 miles of onsite 230 kilovolt (kV) transmission line connecting to PG&E facilities;
- Expansion of PG&E electrical infrastructure would include three-acre expansion of the Tranquillity Switching Station to the north including approximately 1,900 feet of 230 kilovolt (kV) transmission line to connect to the expanded facility.

**LOCATION:** The project site is located in unincorporated Fresno County, approximately 3.5 miles west-southwest of the community of Tranquillity, 6.5 miles east of Interstate 5 (I-5), south of W. South Avenue, north of W. Dinuba Avenue, east of State Route 33 (S. Derrick Avenue), west of S. San Mateo Avenue, and northeast of and adjacent to the Great Valley Solar Facility.

PLANNING COMMISSION ACTION:

At its hearing of September 9, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Ede to:

1. Approve the California Environmental Quality Act (CEQA) Findings of Fact attached as Exhibit B (certifying Environmental Impact Report No. 7230 for the Scarlet Solar Energy Project); and
2. Approve the Mitigation Monitoring and Reporting Program and Conditions of Compliance Reporting Matrix attached as Exhibit C prepared for Unclassified Conditional Use Permit (CUP) No. 3555 based on the Findings above; and
3. Determine that the required Findings discussed in the Staff Report can be made for the project; and
4. Approve Unclassified Conditional Use Permit Application No. 3555 with Mitigation Measures, Conditions of approval and Project Notes.

This motion passed on the following vote:

VOTING:      Yes:              Commissioners Abrahamian, Ede, Carver, Chatha, Ewell, and Hill

                  No:                None

                  Absent:            Commissioners Eubanks, and Woolf

                  Abstain:          None

STEVEN E. WHITE, DIRECTOR  
 Department of Public Works and Planning  
 Secretary-Fresno County Planning Commission

By:   
 William M. Kettler, Manager  
 Development Services and Capital Projects Division

WMK:ea:im  
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## RESOLUTION # 12905

NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Conditional Use Permit.

Attachments

EXHIBIT A

Environmental Impact Report No. 7230  
Unclassified Conditional Use Permit Application No. 3555

- Staff: The Fresno County Planning Commission considered the Staff Report dated September 9, 2021 and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- EDR is a global renewal energy developer, owner, and operator, who have solar projects all over the USA and in California.
  - The proposed 400 MV Scarlet Solar Project sits on good available land as evidenced by the project findings which indicated no significant impact on the environment.
  - The project will be developed in two phases; construction of a 200 MV Phase-1 will start in 2021 and the construction of a 200 MV Phase-2 will start in 2022.
  - The federally-owned parcel within the project site will have access from Manning Avenue and will remain in agricultural use.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

WKM:ea:im  
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EXHIBIT B



## Scarlet Solar Energy Project

Findings of Fact  
SCH#2018091022

*prepared by*

**County of Fresno**

Department of Public Works and Planning  
2220 Tulare Street, Sixth Floor  
Fresno, California 96721  
Contact: Ejaz Ahmad

*prepared with the assistance of*

**Rincon Consultants, Inc.**

7080 N. Whitney, Suite 101  
Fresno, California 93720

**August 2021**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)



# Scarlet Solar Energy Project

Findings of Fact  
SCH#2018091022

*prepared by*

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Department of Public Works and Planning  
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**August 2021**



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Environmental Scientists | Planners | Engineers  
rinconconsultants.com



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## Abbreviations

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APLIC	Avian Power Line Interaction Committee
CAISO	California Independent System Operator
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDDB	California Natural Discovery Database
COA	Condition of Approval
County	Fresno County
CPUC	California Public Utilities Commission
CUP	Conditional Use Permit
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
GHG	Greenhouse gas emissions
HEPA	High Efficiency Particulate Air
HMBP	Hazardous Materials Business Plan
IS	Initial Study
kV	kilovolt
MMRP	Mitigation Monitoring and Reporting Program
MW	megawatt
NOP	Notice of Preparation
NO <sub>x</sub>	Nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and maintenance
OSHA	Occupational Safety and Health Administration
PG&E	Pacific Gas and Electric Company
PM <sub>2.5</sub>	Particulate matter 2.5 microns or less in diameter
PM <sub>10</sub>	Particulate matter 10 microns or less in diameter
Project	Scarlet Solar Energy Project
PRC	Public Resources Code
PV	Photovoltaic
SB	Senate Bill
SCADA	supervisory control and data acquisition
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
SVP	Society of Vertebrate Paleontology
USFWS	United States Fish and Wildlife Service
VERA	Voluntary Emission Reduction Agreement
WEAP	Worker Environmental Awareness Program

# 1 Introduction

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This document provides a brief summary of the Scarlet Solar Energy Project (Project) and the environmental review process. This document contains the Findings of Fact (Findings) of the County of Fresno's Planning Commission (Commission) for each significant environmental effect identified within the Final Environmental Impact Report (EIR), as required by Section 21081 of the Public Resources Code (PRC) and Section 15091 of the *State CEQA Guidelines* (California Code of Regulations [CCR] Title 14).

## 1.1 Project Description

### 1.1.1 Project Location

The Project site is located in unincorporated Fresno County, approximately 3.5 miles west-southwest of the community of Tranquillity and approximately 6.5 miles east of Interstate 5 (I-5). The Project site is northeast of and adjacent to the Great Valley Solar Facility (previously the Tranquillity Solar Facility). The Project site would encompass up to 33 parcels<sup>1</sup> located generally south of West South Avenue, north of West Dinuba Avenue, east of South Ohio Avenue and State Route (SR) 33 (South Derrick Avenue), and west of South San Mateo Avenue. The Project site encompasses approximately 76 acres of federally owned land that are not part of the Project.<sup>2</sup>

### 1.1.2 Project Overview

The Scarlet Solar Energy Project (Project) is proposed by RE Scarlet LLC (Applicant), a wholly owned subsidiary of EDP Renewables North America LLC (EDPR NA). The Applicant has applied to the Fresno County Department of Public Works and Planning (the County) for an Unclassified Conditional Use Permit (CUP) to construct, operate, maintain, and decommission a 400-megawatt (MW) solar photovoltaic (PV) electricity generating facility and 400 MW energy storage system and associated infrastructure to be known as the Scarlet Solar Energy Project. It would provide solar power to utility customers by interconnecting to the regional electricity grid at Pacific Gas and Electric Company's (PG&E) Tranquillity Switching Station.

The Project consists of two major components: the solar facility and the PG&E improvements. The solar facility would include solar PV modules, support structures, electrical inverters, intermediate voltage transformers, two electrical substations, and a switchyard, and a generation intertie (gen-tie) transmission line. Each substation area would include an electrical control building. Other necessary infrastructure would include a permanent operation and maintenance building, a supervisory control and data acquisition (SCADA) system, up to 400 MW of on-site battery storage, meteorological data system, access roads, and security fencing.

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<sup>1</sup> The Project will be constructed on any or all of assessor parcels 028-07-134, 028-07-139, 028-07-140, 028-07-141, 028-07-143, 028-07-144, 028-07-145, 028-07-147, 028-07-148, 028-07-149, 028-08-166, 028-11-101, 028-11-102, 028-11-104, 028-11-106, 028-11-107, 028-11-109, 028-11-110, 028-11-112, 028-11-113, 028-11-114, 028-11-115, 028-11-116, 028-11-117, 028-11-119, 028-11-120, 028-12-061, 028-12-062, 028-10-074, 028-10-072, 028-10-082, 028-10-081, and 028-101-75S.<sup>2</sup> The project site excludes assessor parcels 028-12-033, 028-12-035, 028-12-037, and 028-12-039.

<sup>2</sup> The project site excludes assessor parcels 028-12-033, 028-12-035, 028-12-037, and 028-12-039.

Improvements to PG&E electrical infrastructure would include expansion of PG&E's Tranquillity Switching Station and approximately 1,900 feet of 230 kilovolt (kV) transmission line to connect the solar facility's 230 kV gen-tie line to the Tranquillity Switching Station.

### 1.1.3 Project Objectives

The Applicant has identified the following objectives for the Project:

- Establish a solar PV power generating facility of a sufficient size and configuration to produce up to 400 MW<sub>ac</sub> of electricity at the Point of Interconnection in a cost-competitive manner;
- Develop sites in proximity to existing transmission infrastructure in order to minimize environmental impacts;
- Assist California utilities in meeting their obligations under California's RPS Program to achieve 60 percent eligible renewable energy resources by the end of 2030 and zero-carbon sources by the end of 2045 in addition to meeting the 2030 greenhouse gas emissions reduction goals as required by the California Global Warming Solutions Act (Senate Bill [SB] 32);
- Assist California utilities in meeting their obligations under the CPUC's Energy Storage Framework and Design Program by providing up to 400 MW of storage capacity; and
- Facilitate grid integration of intermittent and variable PV energy generation and minimize energy losses associated with transmission to off-site storage by collocating battery storage at the Project site.

### 1.1.4 Project Approvals

Project approval requires the County as lead agency, as well as certain "responsible agencies," to take discrete planning and regulatory actions to approve the overall project. In addition to certifying the Final EIR and adopting these Findings and Mitigation Monitoring and Reporting Program (CEQA requirements), permits and approvals would be required from the County including, but not limited to:

- **Unclassified Conditional Use Permit** – The Project would require an Unclassified Conditional Use Permit (CUP) from Fresno County to allow for use of the Project site for a solar facility.
- **Encroachment Permit** – An Encroachment Permit would be required for any improvements in the County right-of-way prior to commencement of construction.
- **Parcel Map and Other County Approvals** – The Project may result in the modification of the existing parcels to create new parcels. This is anticipated to be addressed by Fresno County via a Parcel Map Waiver and would not require an amendment to the County's General Plan. The Applicant would prepare a parcel map application or lot line adjustment request and submit to the Fresno County Public Works and Planning Department for the creation of these parcel(s).
- **Site Plan Review** – Site Plan review and approval would be required by Fresno County prior to the issuance of Building and Grading Permits.
- **Building and Grading Permits** – Fresno County Building and Grading Permits would be required for the erection, demolition, or conversion of any building or structure. Such permits are ministerial and would be secured prior to the commencement of construction.
- **Pest and Weed Management Plan** – A Pest and Weed Management Plan detailing methods of exotic weed, rodent, nuisance arthropod, and vector control during operation and after decommissioning of the Project has been prepared by the Applicant and would be submitted to the County. Among other things, the plan would include vegetation management to discourage

the harboring of rodents on-site and prevent impacts on surrounding agricultural operations. The growth of on-site vegetation would be controlled either by periodic mowing or herbicide use, as appropriate. All herbicides would be applied by (or under the oversight of) an applicator licensed to apply pesticides in California. Herbicides would be applied in accordance with the label instructions only for their intended use. Applicators would wear all required personal protective equipment.

In addition, the following discretionary approvals from other agencies may be required for the project:

- **California Regional Water Quality Control Board** – A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water Permit would be required for the Project. Construction activities disturbing one acre or more of land are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (Construction General Permit) and must apply for Construction General Permit coverage.
- **San Joaquin Valley Air Pollution Control District** – District approval of Indirect Source Review, stationary and/or mobile sources may be required. As discussed in Section 4.3, *Air Quality*, prior to issuance of construction permits for the Solar Facility, the Applicant would provide evidence to the County of a fully-executed Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District if required to reduce nitrogen oxides (NO<sub>x</sub>), particulate matter 10 microns or less in diameter (PM<sub>10</sub>), and particulate matter 2.5 microns or less in diameter (PM<sub>2.5</sub>) emissions.
- **California Department of Transportation** – An Oversize/Overweight permit and Traffic Control Plan would be required for the transportation of substation transformers. An encroachment permit would be required for overhead lines crossing SR 33.
- **California Department of Fish and Wildlife** – Authorization may be required if the proposed activities could result in “take” as defined in the California Endangered Species Act (Fish and Game Code Section 2050 et seq.).
- **United States 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.
- **California Public Utilities Commission (CPUC)** – The CPUC has sole jurisdiction over the PG&E facilities and those facilities are subject to General Order 131-D permitting/licensing requirements. PG&E would file the appropriate documents required for the project with the CPUC in order to comply with the General Order.

## 1.2 CEQA Public Review Process

The following provides a summary of the environmental review process to date for the Project that has resulted in the preparation of this Final EIR.

### 1.2.1 Notice of Preparation

The County of Fresno prepared an Initial Study and circulated a Notice of Preparation (NOP) regarding this EIR for a 34-day agency and public review period, starting on September 12, 2018 and ending on October 15, 2018. The Initial Study determined that the Project required the preparation of an EIR to further evaluate potentially significant impacts related to aesthetics, agriculture, air

quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation, and utilities and service systems. In addition, the County held an EIR Scoping Meeting on October 11, 2018. The County received letters from five agencies and three County departments during the public review period in response to the NOP. No verbal comments were received during the EIR Scoping Meeting. The written comments are summarized in Table 1-1 of the Draft EIR, and the Initial Study, NOP, and NOP response letters are presented in Appendix A to the Draft EIR.

The Initial Study in Appendix A determined the Project would have no impact to any of the following resource considerations:

- Forestry Resources
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Tribal Cultural Resources

### 1.2.2 Draft EIR

The Draft EIR was released for public and agency review on May 7, 2021, with a 45-day review period ending on June 22, 2021; however, comments on the Draft EIR were accepted through June 29, 2021. The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at County offices, on the County's website, and at County libraries.

### 1.2.3 Final EIR

The County received comment letters from local, regional, and state agencies regarding the Draft EIR. The Final EIR document responds to the written comments received, as required by CEQA, and contains minor edits to the Draft EIR, which are included in Section 3.0, Minor Revisions to the Draft EIR. The Final EIR and response to comments were provided to agencies that commented on the Draft EIR. In addition, the Final EIR and was made available for review on the County's website.

## 1.3 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 County's decision on the project includes the following documents:

- The NOP and all other public notices issued by the County in conjunction with the Project;
- The May 2021 Draft EIR for the Project;
- The August 2021 Final EIR for the Project;
- The Mitigation Monitoring and Reporting Project (MMRP) 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 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).



## 2 Findings of Fact

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### 2.1 Findings Required Under CEQA

These findings have been prepared in accordance with CEQA and the State CEQA Guidelines. Public Resources Code (PRC) 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 that, "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."

PRC Section 21081 requires a lead agency to adopt written findings of project effects when a lead agency decides to approve a project for which an EIR has been certified. Pursuant to Section 15091 of the State CEQA Guidelines, 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:

- a. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The CCR Title 14, Section 15091(b), requires that the City's findings be supported by substantial evidence in the record. The documents and other materials that constitute the administrative record upon which the Commission based its decision and findings are held by the County of Fresno at the following location:

County of Fresno  
Department of Public Works and Planning  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721

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 Final EIR and adopted by the County, and states the County's findings on the significance of each impact after implementation of the adopted mitigation measures. In making these findings, the County ratifies, adopts, and incorporates into these findings the analysis and explanation in the Final EIR and the determinations and conclusions of the Final EIR 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 have no impact or less than significant impacts prior to mitigation are discussed in detail in the EIR and summarized below with reference to their location in the Initial Study (IS) or Draft EIR (DEIR):

- Aesthetics – Have a substantial adverse effect on a scenic vista. (No Impact, IS page 23)
- Aesthetics – Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (No Impact, IS page 23)
- Aesthetics – Substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Less Than Significant Impact, DEIR pages 4.1-14 through 4.1-16)
- Aesthetics – Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. (Less Than Significant Impact, DEIR pages 4.1-16 through 4.1-18)
- Agriculture and Forestry Resources – Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (Less Than Significant Impact, DEIR pages 4.2-8 through 4.2-9)
- Agriculture and Forestry Resources – Conflict with existing zoning for agricultural use, or a Williamson Act contract. (Less Than Significant Impact, DEIR page 4.2-9)
- Agriculture and Forestry Resources – Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). (No Impact, IS page 28)
- Agriculture and Forestry Resources – Result in the loss of forest land or conversion of forest land to non-forest use. (No Impact, IS page 28)
- Agriculture and Forestry Resources – Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. (Less Than Significant Impact, DEIR pages 4.2-10 through 4.2-11)
- Air Quality – Conflict with or obstruct implementation of the applicable air quality plan. (Less Than Significant Impact, DEIR pages 4.3-16 through 4.3-31)
- Air Quality – Expose sensitive receptors to substantial pollutant concentrations. (Less Than Significant Impact, DEIR pages 4.3-31 through 4.3-35)
- Air Quality – Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (No Impact, IS page 30)
- Biological Resources – Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). (Less Than Significant Impact, DEIR pages 4.4-22)
- Biological Resources – Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (No Impact, IS page 32)
- Biological Resources – 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, IS page 32)

County of Fresno  
Scarlet Solar Energy Project

- Biological Resources – Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. (Less Than Significant Impact, DEIR page 4.4-13)
- Cultural Resources – Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5. (Less Than Significant Impact, IS page 35)
- Cultural Resources – Disturb any human remains, including those interred outside of formal cemeteries. (Less Than Significant Impact, DEIR page 4.5-11)
- Energy – Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction, operation and maintenance, or decommissioning. (Less Than Significant Impact, DEIR pages 4.6-6 through 4.6-9)
- Energy – Conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (No Impact, DEIR pages 4.6-9 through 4.6-10)
- Geology and Soils – 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, IS page 38)
- Geology and Soils – Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. (Less Than Significant Impact, DEIR pages 4.7-9 through 4.7-10)
- Geology and Soils – Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving landslides. (No Impact, IS pages 37-38)
- Geology and Soils – Result in substantial soil erosion or the loss of topsoil. (Less Than Significant Impact, DEIR pages 4.7-12 through 4.7-13)
- Geology and Soils – Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. (Less Than Significant Impact, DEIR pages 4.7-13 through 4.7-14)
- Geology and Soils – Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Less Than Significant Impact, DEIR pages 4.7-14 through 4.7-15)
- Greenhouse Gas Emissions – Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (Less Than Significant Impact, DEIR pages 4.8-13 through 4.8-17)
- Greenhouse Gas Emissions – Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Less Than Significant Impact, DEIR pages 4.8-13 through 4.8-17)
- Hazards and Hazardous Materials – Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less Than Significant Impact, DEIR pages 4.9-11 through 4.9-13)
- Hazards and Hazardous Materials – Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. (No Impact, IS page 44)

- Hazards and Hazardous Materials – Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. (No Impact, IS page 45)
- Hazards and Hazardous Materials – For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the Project result in a safety hazard or excessive noise for people residing or working in the Project area. (No Impact, IS page 45)
- Hazards and Hazardous Materials – Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less Than Significant Impact, IS page 45)
- Hazards and Hazardous Materials – Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. (Less Than Significant Impact, DEIR pages 4.9-21 through 4.9-22)
- Hydrology and Water Quality – Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (Less Than Significant, DEIR pages 4.10-9 through 4.10-11)
- Hydrology and Water Quality – Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. (Less Than Significant DEIR pages 4.10-12 through 4.10-14)
- Hydrology and Water Quality – Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - Result in substantial erosion or siltation on- or -off-site. (Less Than Significant Impact)
  - Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. (Less Than Significant Impact)
  - Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Less Than Significant Impact)
  - Impede or redirect flood flows. (Less Than Significant Impact)  
(DEIR pages 4.10-15 through 4.10-18)
- Hydrology and Water Quality – Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Less Than Significant Impact, DEIR pages 4.10-9 through 4.10-14)
- Land Use and Planning – Physically divide an established community. (No Impact, IS page 51)
- Land Use and Planning – Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (No Impact, DEIR pages 4.11-4 through 4.11-6)
- Mineral Resources – Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. (No Impact, IS page 53)
- Mineral Resources – Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. (No Impact, IS page 53)

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- Noise – Result in the generation of 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. (Less Than Significant Impact, DEIR pages 4.12-10 through 4.12-18)
- Noise – Result in the generation of excessive groundborne vibration or groundborne noise levels. (Less Than Significant Impact, DEIR pages 4.12-18 through 4.12-20)
- Noise – For a Project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels. (No Impact, IS page 56)
- Population and Housing – Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure). (Less Than Significant Impact, IS pages 59-60)
- Population and Housing – Displace substantial amounts of existing people or housing, necessitating the construction of replacement housing elsewhere. (No Impact, IS page 60)
- Public Services – Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, and other public facilities. (Less Than Significant Impact, IS page 61)
- Recreation – Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (No Impact, IS page 63)
- Recreation – Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. (No Impact, IS page 63)
- Transportation – Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. (No Impact, IS page 66)
- Transportation – Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b). (Less Than Significant Impact, DEIR pages 4.13-4 through 4.13-5)
- Transportation – Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Less Than Significant Impact, DEIR pages 4.13-5 through 4.13-6)
- Transportation – Result in inadequate emergency access. (Less Than Significant Impact, DEIR pages 4.13-6 through 4.13-7)
- Tribal Cultural Resources – Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). (No Impact, IS pages 69-70)
- Tribal Cultural Resources – Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 2024.1. (No Impact, IS pages 69-70)

- Utilities and Service Systems – Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (Less Than Significant Impact, DEIR pages 4.14-7 through 4.14-9)
- Utilities and Service Systems – Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. (Less Than Significant Impact, DEIR pages 4.14-10 through 4.14-11)
- Utilities and Service Systems – Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments. (No Impact, IS page 72)
- Utilities and Service Systems – Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (Less Than Significant Impact, DEIR pages 4.14-12 through 4.14-15)
- Utilities and Service Systems – Comply with federal, state, and local management and reduction statutes and regulations related to solid waste. (Less Than Significant Impact, DEIR pages 4.14-12 through 4.14-15)

The County has reviewed the Final EIR, which contains responses to comments on the Draft EIR, any text changes to the Draft EIR, and additional information. The County also has considered the entire record for this project. The following Findings of Fact regarding the significant effects of the project pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091 are based on this review.

## Air Quality

<p><b>Threshold a:</b> Whether the Project would conflict with or obstruct implementation of the applicable air quality plan</p> <p><b>Threshold b:</b> Whether the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard</p>
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### **IMPACT AQ-1. THE PROJECT WOULD EXCEED SJVAPCD THRESHOLDS FOR EMISSIONS OF SOME CRITERIA AIR POLLUTANTS DURING CONSTRUCTION, OPERATION AND MAINTENANCE, AND DECOMMISSIONING, AND WOULD THEREFORE CONFLICT WITH SJVAPCD’S AIR QUALITY MANAGEMENT PLANS.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.3 of the Draft EIR found construction, operation and maintenance, and decommissioning of the Project would result in emissions of criteria pollutants including ozone precursors, such as PM<sub>2.5</sub> and NO<sub>x</sub>, as well as particulate matter (PM). While the PG&E Improvements would not result in emissions of criteria pollutants in excess of San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds, construction of the Solar Facility would result in exceedances of the SJVAPCD thresholds for PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>x</sub>. Operation and maintenance and decommissioning of the Solar Facility would also generate PM<sub>10</sub> emissions greater than SJVAPCD thresholds. Therefore,

implementation of Mitigation Measures AQ-1 and AQ-2 would be required to reduce impacts to a less than significant level.

As a condition of approval (COA), the Project would comply with SJVAPCD Rule 8021 and Regulation VIII to control dust emissions generated during construction activities. Additionally, the Project would comply with the SJVAPCD Rule 9510, *Indirect Source Review*, which requires large development projects to reduce exhaust emissions from construction equipment 20 percent for NO<sub>x</sub> and 45 percent for PM<sub>10</sub> compared to the statewide average. Despite compliance with SJVAPCD regulations and the COA (Exhibit 1 of the Staff Report), impacts would still be potentially significant; therefore, Mitigation Measures AQ-1 and AQ-2 would be required. With implementation of MM-AQ 1 and MM AQ-2, impacts related to obstruction of the applicable air quality plans and net increase of any criteria pollutant would be less than significant. (Draft EIR pages 4.3-16 through 4.3-31)

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measures are applicable to both the Solar Facility and the PG&E Improvements, and will be implemented to ensure that Project-related impacts related to special-status species are avoided or minimized to a less than significant level:

***MM AQ-1 Air Quality Best Management Practices. During construction and decommissioning of the Project, the following measures shall be implemented:***

- *Ozone precursor emissions from mobile construction equipment shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction.*
- *Electricity from power poles shall be used whenever practicable instead of temporary diesel- or gasoline-powered generators to reduce the associated emissions.*
- *Construction equipment will use only California-certified diesel or gasoline fuels*
- *The Applicant will use construction equipment that is at the Tier 4 interim emission level for equipment less than or equal to 81 horsepower and Tier 3 engines for all other equipment.*

***MM AQ-2 Further Reduction of NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> Emissions During Construction, and Decommissioning and PM<sub>10</sub> Emissions During Operation and Maintenance.*** *Prior to issuance of construction/grading permits for the Project, the Project Applicant shall enter into a Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to mitigate or reduce Project construction emissions of NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, and Project operation and maintenance emissions of PM<sub>10</sub> beyond the requirements of Rule 9510 through the payment of fees (on a per-ton basis) to the SJVAPCD. The payment of fees shall be made to the SJVAPCD based on the fee schedule in the development mitigation contract and the amount of reduction necessary to offset project emissions below the SJVAPCD's thresholds. Prior to the issuance of construction/grading permits for the Project, the Project Applicant shall provide evidence to the County of a fully-executed VERA.*

*Twelve months prior to initiation of decommissioning activities, the Project Applicant shall provide evidence, consisting of an air quality analysis based on final decommissioning plans and prepared by an air quality specialist, to the County demonstrating that Project decommissioning emissions would not exceed the SJVAPCD PM<sub>10</sub> significance thresholds of 15 tons per year. If the PM<sub>10</sub> emissions will exceed the SJVAPCD thresholds of significance of 15 tons per year, the Project Applicant shall enter into a new VERA with the SJVAPCD to offset the decommissioning emissions below the thresholds of significance. Prior to the issuance of permits for decommissioning activities, the Project Applicant shall provide evidence to the County of the new fully-executed VERA, should one be required.*

## Biological Resources

<p><b>Threshold a:</b></p> <p><b>Threshold g:</b></p>	<p>Whether the Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service</p> <p>Whether the Project would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal</p>
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### IMPACT BIO-1. IMPLEMENTATION OF THE PROJECT HAS POTENTIAL TO HAVE A DIRECT OR INDIRECT ADVERSE EFFECT ON SPECIAL STATUS SPECIES.

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.4 of the Draft EIR (pages 4.4-13 through 4.4-21) found that the Project would not substantially reduce habitat for fish and wildlife species because the site is highly disturbed and is currently used for agricultural production, and thereby does not provide habitat for fish species or significant habitat for plants or other wildlife species compared to that of the region.

Activities associated with construction and/or decommissioning of the Project could result in the disturbance of burrowing owl burrows through ground-disturbing activities, as well as loss of foraging habitat during vegetation clearing. Implementation of BIO-1(a) through BIO-1(g) would reduce impacts to Burrowing owl to less than significant. (Draft EIR page 4.4-14)

No kit foxes were observed during protocol surveys of the Project site or surveying of adjacent solar facilities. However, San Joaquin kit fox is a highly mobile animal known to occur in the region, and project activities could potentially result in injury, mortality, or den destruction during ground disturbing activities, if present. Implementation of Mitigation Measures BIO-1(a), BIO-1(h) through BIO-1(u) would reduce impacts to San Joaquin Kit Fox to less than significant. (Draft EIR pages 4.4-15 through 4.4-16)



There are no trees on the Project site, however the site provides foraging habitat and nesting grounds for multiple Species of Special Concern. Vegetation clearing or ground disturbance could result in the destruction of nests, eggs, or chicks of ground-nesting species during the typical avian breeding season. Project activities could also result in noise and other disturbance with potential to cause nest failure, and some project components (such as hollow chain link fencing poles or other hollow tubes) could result in accidental bird entrapment. Implementation of Mitigation Measures BIO-1(a) and BIO-1(h) would reduce impacts to Swainson's Hawk, migratory and nesting birds, and other special-status bird species and raptors to less than significant. (Draft EIR pages 4.4-14 through 4.4-15)

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measures are applicable to both the Solar Facility and the PG&E Improvements, and will be implemented to ensure that Project-related impacts related to special-status species are avoided or minimized to a less than significant level:

***MM BIO-1(a) Worker Environmental Awareness Program.*** *Prior to initiation of construction activities (including staging and mobilization), operation and maintenance activities, and decommissioning, all personnel associated with Project construction shall attend Worker Environmental Awareness Program training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the Project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the Project. All employees shall sign a form provided by the trainer documenting they have attended the training and understand the information presented to them.*

***MM BIO-1(b) Pre-Construction Nesting Bird Surveys and Impact Avoidance.*** *If Project activities are scheduled to take place between September 16 through January 31, which is outside of the avian nesting season, no action would be required to protect nesting birds. If Project activities have been continuous since prior to February 1, no action would be required to protect nesting birds. If any Project activities that could harm birds or their nests (e.g., clearing temporary workspaces; staging or stockpiling machinery or supplies; parking vehicles, equipment, or trailers; grading or leveling; creating stockpiles of dirt or gravel; or any activity that could cover or remove existing habitat or disrupt surface soils) commence during the typical avian nesting season (February 1 through September 15), the following measures shall be implemented to avoid impacts on nesting raptors and other protected and common birds.*

- *No more than 14 days prior to initiation of such activities, a qualified biologist shall conduct a pre-construction survey to determine if birds or nests are present. The survey area shall include suitable nesting habitat within 300 feet of the Project boundary (inaccessible areas outside of the Project site can be surveyed from the site or from public roads using binoculars or spotting scopes). Surveys may be phased as construction is phased, so that each section is*

surveyed no more than 14 days prior to the start of construction in that area. If no active nests are identified, no further mitigation is required.

- If active nests are identified, a qualified biologist shall establish a no-disturbance buffer around the nests and no construction within the buffer shall be allowed until a qualified biologist determines that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). The avoidance buffer size shall be determined based on species that is nesting, the status of the nest, site conditions, and level of anticipated Project activity in the vicinity of the nest. Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer shall be monitored by a qualified biologist to determine whether nesting birds exhibit any negative responses to the activity. The biologist shall have the authority to halt or redirect construction activities in order to protect nesting birds and to help ensure an impact to nesting birds is avoided.

**MM BIO-1(c) Cap Hollow Tubes and Poles.** Any vertical tubes (e.g., solar mount poles, chain link fencing poles, or any other hollow tubes or poles) used on the Project site shall be capped immediately after installation to avoid entrapment of birds.

**MM BIO-1(d) Avoid Construction and Decommissioning Activities During the Burrowing Owl Nesting Season.** Ground-disturbance activities associated with construction and decommissioning of the Project shall begin outside of the burrowing owl nesting season (February 1 through September 15), unless reasonably necessary to stay on schedule. The site shall be maintained in a manner inhospitable to burrowing owl, such as keeping the site free of vegetation and maintaining regular site disturbance by construction equipment and personnel.

**MM BIO-1(e) Burrowing Owl Take Avoidance Survey.** No more than 14 days prior to initiation of ground-disturbing activities associated with construction and decommissioning, a qualified biologist shall conduct a take avoidance survey of the Project site and surrounding areas to a distance of 150 meters, in accordance with the methods outlined in the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 2012). The pre-construction survey will cover all areas within 150 meters of the portion of the site in which construction/decommissioning is scheduled to start. Surveys will be phased, based on the construction/decommissioning schedule, such that they are conducted no more than 14 days before the start of ground disturbance in new areas. If construction/decommissioning activities in portions of the site cease for a period of 14 days, those portions of the site will be resurveyed for burrowing owls prior to the resumption of construction. If no occupied (breeding or wintering) burrowing owl burrows are identified, no further mitigation will be required.

**MM BIO-1(f) Burrowing Owl Burrow Avoidance or Passive Relocation.** If occupied burrows are identified on the site or within 150 meters of the Project disturbance area, one of the following actions shall be taken: (1) permanent avoidance of the burrow or (2) establishment of a temporary avoidance buffer followed by passive relocation and compensatory mitigation for loss of habitat in conjunction with the measures below:

1. *Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFG 2012) or as otherwise determined appropriate by the qualified biologist in consultation with CDFW:*
2. *Avoidance of active burrows is preferable, however if an occupied burrow cannot be avoided, and the burrow is not actively in use as a nest, the burrowing owls can be excluded from burrows in accordance with an approved Burrowing Owl Exclusion Plan, which shall be prepared and submitted for approval by CDFW prior to passive relocation of any burrowing owls. The Burrowing Owl Exclusion Plan shall be based on the recommendations made in the Staff Report on Burrowing Owl Mitigation and shall include the following information for each proposed passive relocation:*
  - *Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species;*
  - *Identification of type of scope to be used and appropriate timing of scoping;*
  - *Occupancy factors to look for and what shall guide determination of vacancy and excavation timing;*
  - *Methods for burrow excavation;*
  - *Removal of other potential owl burrow surrogates or refugia on site;*
  - *Methods for photographic documentation of the excavation and closure of the burrow;*
  - *Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;*
  - *Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals; and*
  - *Method for compensatory mitigation for burrow loss.*
3. *If burrowing owls cannot be excluded from an off-site burrow and it is not feasible to maintain an avoidance buffer as stated above, coordination shall be conducted with CDFW to determine and implement appropriate measures to minimize impacts to off-site burrowing owls. Such measures could include, but are not limited to: 1) installation of barriers between the construction area and the occupied burrows to block noise and views of construction equipment and personnel, and 2) regular monitoring by a qualified biologist to determine if construction is resulting in disturbance of the owls that could lead to nest abandonment or harm to adult owls or their young. If such disturbance was occurring, the biological monitor would have the authority to halt construction until further modifications could be made to avoid disturbance of the owls.*

**MM BIO-1(g) Management of Permanent Avoidance Buffers.** *If permanent avoidance buffers are established on the Project site to protect burrowing owls, such areas shall be managed for the duration of the Project through decommissioning to preserve current values as foraging habitat for burrowing owl. Management shall include: 1) exclusion of all Project activities throughout the construction, operation, and decommissioning phases, including staging, parking, driving, or dumping; 2) vegetation management by grazing or mowing to preserve open, low-growing vegetation; 3) fencing to discourage*

human incursion; and 4) signs identifying the area as a biologically sensitive area managed for burrowing owl.

**MM BIO-1(h) Swainson's Hawk Avoidance and Minimization.** *If Project construction or decommissioning is initiated during the Swainson's hawk nesting season (March 1 through September 15), a qualified biologist shall conduct a pre-construction Swainson's hawk and general raptor nest survey of all potential nesting habitat within 0.5-mile of the Project site. The survey shall be conducted according to current Swainson's hawk protocol (Swainson's Hawk Technical Advisory Committee 2000). If no active nests are identified, no further mitigation would be required. If active Swainson's hawk nests are identified an avoidance buffer of 0.5 mile shall be established around active nests consistent with the CDFW Staff Report (California Department of Fish and Game 1994). If active nests of non-listed raptors are identified, an appropriate avoidance buffer, as determined by the qualified biologist, shall be established. No construction within avoidance buffers 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). If it is not feasible to maintain a 0.5-mile buffer for an active Swainson's hawk nest to reasonably accommodate construction, maintenance, or decommissioning activities, the established buffer distance may be reduced through coordination with CDFW. Project activities within the reduced buffer shall be monitored at the discretion of a qualified biologist and based on coordination with CDFW.*

**MM BIO-1(i) Pre-Construction Survey for San Joaquin Kit Fox.** *A qualified biologist shall conduct a preconstruction survey no more than 14 days prior to the beginning of ground disturbance and/or construction or decommissioning activities, or any other Project activity likely to impact San Joaquin kit fox. This is to determine if San Joaquin kit fox dens are present in or within 500 feet of the Project site (inaccessible areas outside of the Project site can be surveyed using binoculars or spotting scopes from public roads). The surveys shall be conducted in all areas of suitable habitat for San Joaquin kit fox. Survey shall be phased so that surveys occur within 14 days prior to disturbance of any portion of the site.*

**MM BIO-1(j) San Joaquin Kit Fox Den Avoidance.** *If potential dens are observed and avoidance of the dens is determined to be feasible by a qualified biologist in consultation with the Project Applicant and CDFW, the following minimum buffer distances shall be established prior to construction activities (consistent with USFWS standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance [USFWS 2011]):*

- Potential den: 50 feet
- Atypical den: 50 feet
- Known den: 100 feet
- Natal/pupping den: at least 500 feet -USFWS must be contacted

*If occupied San Joaquin kit fox dens are observed on the site, USFWS must be contacted. If avoidance of potential dens is not feasible, the following measures are required to avoid potential adverse effects to the San Joaquin kit fox:*

1. *If the qualified biologist determines that potential dens are inactive after monitoring the den per the USFWS Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS*

2011), the biologist shall excavate these dens by hand with a shovel to prevent foxes from re-using them during construction.

2. If the qualified biologist determines that a potential non-natal den may be active, an on-site passive relocation program may 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 with a shovel to prevent re-use during construction with prior concurrence from USFWS.

**MM BIO-1(k) Vehicle Speed Limits.** On-site vehicles shall observe a daytime speed limit of 20 mph and a nighttime speed limit of 10 mph throughout the Project site, except on County roads and state and federal highways. Off-road traffic shall be prohibited outside of designated Project areas.

**MM BIO-1(l) Hole and Trench Covering and Inspection for Kit Fox.** To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted.

**MM BIO-1(m) Construction Pipe and Culvert Inspections for Kit Fox.** All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped

**MM BIO-1(n) Trash Disposal.** During construction, operations, and decommissioning, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction site or Project site.

**MM BIO-1(o) Firearm Restrictions.** No firearms shall be allowed on the Project site during construction, operations, and decommissioning.

**MM BIO-1(p) Pet Restrictions.** No pets, such as dogs or cats, shall be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens during construction, operations, and decommissioning.

**MM BIO-1(q) Rodenticide and Herbicide Restrictions.** During construction, operations, and decommissioning, use of rodenticides and herbicides in Project areas shall be in compliance with the approved pest and weed management plan.

**MM BIO-1(r) Notification of Kill or Injury of Kit Fox.** During construction, operations, and decommissioning, a representative shall be appointed by the Project Applicant who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.

Any contractor, employee, or military or agency personnel responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured, or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or the wildlife biologist at (530) 934-9309. The USFWS shall be contacted at Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825, (916) 414-6620 or (916) 414-6600.

The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.

**MM BIO-1(s) Reporting of Kit Fox Sighting.** During construction, operations, and decommissioning, new sightings of kit fox shall be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS.

**MM BIO-1(t) Site Restoration.** Upon completion of the Project and decommissioning, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre- Project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be in compliance with the approved Reclamation Plan.

**MM BIO-1(u) Wildlife Fencing.** Fencing of the Solar Facility Project site shall incorporate wildlife-friendly fencing design. Fencing plans may use one of several potential designs that would allow kit foxes to pass through the fence while still providing for Project security and exclusion of other unwanted species (e.g., domestic dogs and coyotes). Raised fences or fences with entry/exit points of at least 6 inches in diameter spaced along the bottom of the fence to allow species such as San Joaquin kit fox access into and through the Project site would be appropriate designs.

**Threshold d:** Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites

**IMPACT BIO-3. THE PROJECT HAS THE POTENTIAL TO SUBSTANTIALLY INTERFERE WITH THE LOCAL MOVEMENT OF WILDLIFE AND MIGRATORY BIRDS ON THE PROJECT SITE AS A RESULT OF IMPLEMENTATION OF THE PROJECT.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.4 of the Draft EIR (pages 4.4-22 through 4.4-24) found that the Project would introduce new collision and electrocution hazards to the site, including new transmission lines with which special status avian species, raptors, and migratory birds may come in contact. Additionally, fencing for the Project could potentially interfere with movement and predator avoidance for local wildlife. Implementation of Mitigation Measures BIO-3(a), BIO-3(b), and BIO-1(u) (described above) would ensure impacts to wildlife movement corridors and nursery sites for native resident or migratory wildlife species would be reduced to less than significant levels.

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measures are applicable to both the Solar Facility and the PG&E Improvements, and will be implemented to ensure that Project-related impacts to wildlife movement corridors and nursery sites for native resident or migratory fish or wildlife species are avoided or minimized to a less than significant level:

***MM BIO-3(a) Avian/Power Line Collision Avoidance and Minimization.***

*Construction of the gen-tie transmission line shall include installation of bird flight diverters, in accordance with the applicable measures of the most recent Avian Power Line Interaction Committee (APLIC) guidelines for minimizing avian collisions (Reducing Avian Collisions with Power Lines; APLIC 2012). Details of design components shall be indicated on all construction plans and be provided and approved by the County prior to construction. The applicant shall monitor for new versions of the APLIC collision guidelines and update designs or implement new measures as needed during Project construction, provided these actions do not require the purchase of previously ordered transmission line structures. Once constructed, all bird flight diverters shall be maintained for the duration of construction and operation.*

***MM BIO-3(b) Avian Electrocution Avoidance and Minimization.*** *The applicant shall design, construct, and maintain all transmission facilities, towers, poles, and lines in accordance with applicable policies set forth in the most recent APLIC Avian Protection Plan Guidelines for minimizing avian electrocutions (APLIC 2006). Details of design components shall be indicated on all construction plans and shall be provided and approved by County prior to construction. The Applicant shall monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during Project construction.*

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measure (described above under Impact BIO-

1) is applicable to the Solar Facility, and will be implemented to ensure that Project-related to wildlife movement corridors and nursery sites for native resident or migratory fish or wildlife species are avoided or minimized to a less than significant level:

***MM BIO-1(u) Wildlife Fencing.***

**Threshold e:** Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

**IMPACT BIO-4. THE PROJECT HAS THE POTENTIAL TO CONFLICT WITH LOCAL POLICIES PROTECTING BIOLOGICAL RESOURCES.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.4 of the Draft EIR (page 4.4-24) found that the Project has the potential to conflict with local policies protecting biological resources because the Fresno County General Plan includes several policies intended to promote conservation of existing high-value biological resources in the county and assure no net loss of sensitive resources and special-status species, and the Project area has been subject to a long history of intensive agricultural land use and disturbance that has severely reduced the biological value of the site compared to undisturbed natural habitats. Implementation of Mitigation Measures BIO-1(a) through BIO-1(u), MM BIO-3(a), and MM BIO-3(b) (described above) would, collectively, ensure that impacts to biological resources are reduced to a less than significant level, and therefore would reduce impacts related to conflict with local policies and ordinances protecting biological resources to a less than significant level.

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measures (described above under Impact BIO-1 and BIO-3) are applicable to both the Solar Facility and the PG&E Improvements, and will be implemented to ensure that the Project would not conflict with local policies and ordinances protecting biological resources:

***MM BIO-1(a) Worker Environmental Awareness Program.***

***MM BIO-1(b) Pre-Construction Nesting Bird Surveys and Impact Avoidance.***

***MM BIO-1(c) Cap Hollow Tubes and Poles.***

***MM BIO-1(d) Avoid Construction and Decommissioning Activities During the Burrowing Owl Nesting Season.***

***MM BIO-1(e) Burrowing Owl Take Avoidance Survey.***

***MM BIO-1(f) Burrowing Owl Burrow Avoidance or Passive Relocation.***

***MM BIO-1(g) Management of Permanent Avoidance Buffers.***

***MM BIO-1(h) Swainson's Hawk Avoidance and Minimization.***

***MM BIO-1(i) Pre-Construction Survey for San Joaquin Kit Fox.***

***MM BIO-1(j) San Joaquin Kit Fox Den Avoidance.***

***MM BIO-1(k) Vehicle Speed Limits.***



*MM BIO-1(l) Hole and Trench Covering and Inspection for Kit Fox.*

*MM BIO-1(m) Construction Pipe and Culvert Inspections for Kit Fox.*

*MM BIO-1(n) Trash Disposal.*

*MM BIO-1(o) Firearm Restrictions.*

*MM BIO-1(p) Pet Restrictions.*

*MM BIO-1(q) Rodenticide and Herbicide Restrictions.*

*MM BIO-1(r) Notification of Kill or Injury of Kit Fox.*

*MM BIO-1(s) Reporting of Kit Fox Sighting.*

*MM BIO-3(a) Avian/Power Line Collision Avoidance and Minimization.*

*MM BIO-3(b) Avian Electrocution Avoidance and Minimization.*

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measures (described above under Impact BIO-1) are applicable to the Solar Facility, and will be implemented to ensure that the Project would not conflict with local policies and ordinances protecting biological resources:

*MM BIO-1(t) Site Restoration.*

*MM BIO-1(u) Wildlife Fencing.*

## Cultural Resources

<b>Threshold b:</b> Whether the Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5
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### **IMPACT CR-1. GROUND DISTURBING ACTIVITIES COULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF PREVIOUSLY UNKNOWN ARCHAEOLOGICAL RESOURCES, PURSUANT TO CEQA GUIDELINES SECTION 15064.5.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.5 of the Draft EIR (pages 4.5-6 through 4.5-10) found that earth moving activities during project construction could potentially result in a significant impact to previously unknown archaeological resources, pursuant to CEQA Guidelines Section 15064.5, due to the potential destruction or loss of integrity in these resources. Implementation of Mitigation Measures CR-1(a) through CR-1(c) are required, or are incorporated into the project, and would reduce the impact related to substantial adverse changes in the significance of a historic resource to a less than significant level.

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measures are applicable to both the Solar Facility and the PG&E Improvements, and will be implemented to ensure that Project-related impacts related to archeological resources are avoided or minimized to a less than significant level:

**CR-1(a) Retain a Qualified Archaeologist.** *Prior to the issuance of construction/grading permits, the Applicant shall retain a Registered Professional Archaeologist or a monitor under their direction (qualified archaeologist) to carry out all mitigation measures related to archaeological and historical resources.*

**CR-1(b) Cultural Resources Awareness Program.** *Prior to the commencement of construction/grading activities, the Applicant shall ensure that the qualified archaeologist has conducted a Cultural Resources Awareness Training for the general contractor, subcontractor(s), and all construction workers participating in earth disturbing activities. The training shall describe the potential of exposing archaeological resources, the types of cultural materials that may be encountered, and directions on the steps that shall be taken if such a find is encountered. This training may be presented alongside other environmental training programs required prior to construction. A training acknowledgment form must be signed by all workers who receive the training and retained. Additional trainings shall be conducted for all new construction personnel participating in earth disturbing activities throughout construction.*

**CR-1(c) Accidental Discovery Procedures.** *In the event unanticipated archaeological resources are encountered during earth disturbing activities, compliance with federal and state regulations and guidelines regarding the treatment of cultural resources and/or human remains shall be required.*

- 1. All construction activities within 50 feet shall halt and the County shall be notified.*
- 2. 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.*
- 3. 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 regarding significance and treatment of the resource as a tribal cultural resource. Any cultural resource of Native American origin discovered during Project work shall be treated in consultation with the tribe, with the goal of preserving in place with proper treatment.*
- 4. If the County determines that the resource qualifies as a significant 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 PRC 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.*

## Geology and Soils

<p><b>Threshold a.iii:</b> Whether the Project would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction</p>
<p><b>Threshold c:</b> Whether the Project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse</p>

**IMPACT GEO-2. THE PROJECT COULD CAUSE ADVERSE EFFECTS, INCLUDING RISK OF LOSS, INJURY, OR DEATH RELATED TO GROUND FAILURE, INCLUDING LIQUEFACTION. THE PROJECT WOULD NOT EXACERBATE THE RISK OF GROUND FAILURE AND WOULD BE CONSTRUCTED IN COMPLIANCE WITH APPLICABLE CODES.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.7 of the Draft EIR (pages 4.7-11 through 4.7-12) found that the Project would not exacerbate the risk of ground failure and would be constructed in compliance with applicable codes. However, the Project could cause adverse effects, including risk of loss, injury, or death related to ground failure, including liquefaction because soils found on site indicate moderate-to-high potential for liquefaction or settling caused by an earthquake. Impacts related to liquefaction would be less than significant with compliance of Building Code regulations, approval and inspection by the Fresno County Building and Safety Team, and incorporation of MM GEO-2, which ensures the Project incorporates engineering recommendations to minimize liquefaction potential on the site.

The County adopts the following mitigation measure that will reduce the effects to a less-than significant level. The following mitigation measure is applicable to both the Solar Facility and the PG&E Improvements, and will be implemented to ensure that Project-related impacts related to liquefaction are avoided or minimized to a less than significant level:

***GEO-2 Reduction of Liquefaction Potential.** Prior to issuance of a grading permit, the applicant shall submit to the County Department of Public Works and Planning for review and approval, a ground improvement program prescribed by a qualified engineer to minimize liquefaction potential on the site. Measures to reduce liquefaction impacts could include, but may not be limited to, site preparation measures, foundation design measures such as removal and replacement of liquefiable soils, or others recommended by a structural engineer.*

**Threshold f:** Whether the Project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature

**IMPACT GEO-6. GROUND DISTURBING ACTIVITIES ASSOCIATED WITH THE PROJECT HAVE THE POTENTIAL TO UNEARTH OR IMPACT PREVIOUSLY UNIDENTIFIED PALEONTOLOGICAL RESOURCES.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.7 of the Draft EIR (pages 4.7-15 through 4.7-17) found that ground disturbing activities associated with the Project have the potential to unearth or impact previously unidentified paleontological resources, and that the potential for paleontological resources to be present onsite is low to high depending on the location within the site. Because inadvertent discovery of paleontological resources onsite is possible, MM GEO-6(a) through GEO-6(d) are required to ensure that previously undiscovered paleontological resources that may be discovered onsite are treated appropriately, and that workers are trained on notification of such resources. Collectively these mitigation measures would ensure that potential damage to paleontological resources would be less than significant. With implementation of Mitigation Measures GEO-6(a) through GEO-6(d), impacts would be less than significant.

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measures are applicable to both the Solar Facility and the PG&E Improvements, and will be implemented to ensure that Project-related impacts related to paleontological resources are avoided or minimized to a less than significant level:

***GEO-6(a) Retention of Qualified Paleontologist.*** Prior to initial ground disturbance, the Applicant shall retain a Qualified Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology's (SVP) standards (SVP 2010), to direct the implementation of Mitigation Measures GEO-6(b) through 6(d). A Qualified Paleontologist (Principal Paleontologist) is defined by the SVP standards as an individual with an MS or PhD in paleontology or geology experienced with paleontological procedures and techniques, knowledgeable in the geology of California and the San Joaquin Valley, and who has worked as a paleontological mitigation project supervisor for a least one year.

***GEO-6(b) Paleontological Mitigation and Monitoring Program.*** Prior to construction activity the Qualified Paleontologist shall prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground-disturbance activity for the proposed Project. This program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.

***GEO-6(c) Paleontological Worker Environmental Program.*** Prior to the start of construction, the Qualified Paleontologist or his or her designee, shall conduct WEAP training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be conducted at a preconstruction meeting when

*the Qualified Paleontologist is present. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined the fossil(s) is(are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources.*

**GEO-6(d) Paleontological Monitoring and Reporting.** *Prior to the start of construction activity, the Qualified Paleontologist retained under Mitigation Measure GEO-6(a) shall implement the Paleontological Mitigation and Monitoring Program as follows:*

1. **Paleontological Monitoring.** *Ground disturbing construction activities (including grading, trenching, foundation work and other excavations) exceeding 5 feet in depth shall be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. Implementation of the Paleontological Mitigation and Monitoring Program shall be supervised by the Qualified Paleontologist. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources. The duration and timing of the monitoring will be determined by the Qualified Paleontologist. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, he or she may authorize, after approval of the County, that monitoring be reduced to periodic spot-checking or ceased entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required and reduction or suspension would need to be reconsidered by the Qualified Paleontologist. Ground disturbing activity that does not exceed 5 feet in depth shall not require paleontological monitoring.*
2. **Salvage of Fossils.** *If fossils are discovered, the Qualified Paleontologist or paleontological monitor shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.*
3. **Preparation and Curation of Recovered Fossils.** *Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.*
4. **Final Paleontological Mitigation Report.** *Upon completion of ground disturbing activity (and curation of fossils if necessary), the Qualified Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any*

*recovered fossils, and the scientific significance of those fossils, and where fossils were curated.*

## Hazards and Hazardous Materials

**Threshold b:** Whether the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment

### **IMPACT HAZ-3. EARTHMOVING ACTIVITIES ASSOCIATED WITH CONSTRUCTION OF THE PROJECT COULD RESULT IN THE RELEASE OF COCCIDIOIDES SPORES INTO THE AIR, WHICH CAN CAUSE VALLEY FEVER.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.9 of the Draft EIR (pages 4.9-16 through 4.9-19) found that earthmoving activities associated with construction of the Project could result in fugitive dust, which could result in the release of *Coccidioides* spores into the air, thereby causing Valley Fever. To minimize potential exposure to fugitive dust, as well as regulate workplace respiratory safety, compliance with Occupational Safety and Health Administration (OSHA) regulations would be required. Additionally, implementation of Mitigation Measures HAZ-3(a) through HAZ-3(d) are required to reduce potential exposure to Valley Fever. With implementation of MM HAZ-3(a) through HAZ-3(d), impacts related to the release of hazardous materials into the environment would be reduced to a less than significant level.

The County adopts the following mitigation measures that will reduce the effects to a less-than significant level. The following mitigation measures are applicable to both the Solar Facility and the PG&E Improvements, and will be implemented to ensure that Project-related impacts related to the release of hazardous materials into the environment are avoided or minimized to a less than significant level:

***HAZ-3(a) Valley Fever Management Plan.*** *The Project applicant shall consult with the County, San Joaquin Valley Air Pollution Control district, and Cal/OSHA to develop a Valley Fever Management Plan that includes specific measures to reduce the potential for exposure to Valley Fever. Before grading permits can be issued, the applicant shall submit the Valley Fever Management Plan to the County for review and approval. The Valley Fever Management Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever-containing dust. Measures in the Valley Fever Management Plan, which shall be implemented as applicable, may include the following:*

- *Provide High Efficiency Particulate Air (HEPA)-filtered air-conditioned enclosed cabs on heavy equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment.*
- *Provide communication methods, such as two-way radios, for use in enclosed cabs.*

- *Provide National Institute for Occupational Safety and Health-approved respirators for workers.*
- *Conduct a job hazard analysis in compliance with Cal/OSHA regulations for any worker that will be exposed to dust.*
- *Require half-face respirators equipped with N-100 or P-100 filters to be used during digging if determined to be warranted after conducting a job hazard analysis.*
- *Require employees to wear respirators when working near earthmoving machinery if determined to be warranted after conducting a job hazard analysis.*
- *Require employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).*
- *Provide separate, clean eating areas with handwashing facilities.*
- *Thoroughly clean construction tools, equipment, and vehicles with water before they are moved off-site to other work locations.*
- *Wheel-washing facilities with water-recycling systems shall be provided at all site egress points. Vehicles leaving the site on a daily basis shall utilize wheel-washing facilities in order to reduce dust migration off the Project site.*
- *On-site workers shall be required to change clothes after work every day before leaving the work site, to prevent distribution of Coccidioides to non-endemic areas. As an alternative, disposable Tyvek® or equivalent work suits and work boots for use on-site shall be provided for workers.*
- *Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever. Reporting of symptoms of Valley Fever and diagnosed cases of Valley Fever must occur consistent with Cal/OSHA requirements.*

**HAZ-3(b) Valley Fever Dust Suppression Measures.** *If wind speeds exceed 15 miles per hour or temperatures exceed 95 degrees Fahrenheit for three consecutive days, additional dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities. The additional dust suppression shall continue until winds are 10 miles per hour or lower and outdoor air temperatures are below 90 degrees Fahrenheit for at least two consecutive days. The additional dust suppression measures shall be incorporated into the Final Construction Management Plan. The Final Construction Management Plan shall be submitted to the County for review and approval prior to the issuance of any grading permit.*

**HAZ-3(c) Valley Fever Worker Training Program and Safety Measures.** *Prior to any Project grading activity, the primary construction contractor shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction. The objective of the training shall be to*

*ensure that workers are aware of the dangers associated with Valley Fever. The worker training program shall be included in the standard in-person training for construction workers and shall identify safety measures to be implemented by construction contractors during construction, including all safety measures included in the Valley Fever Management Plan prepared pursuant to Mitigation Measure HAZ-3(a). Prior to initiating any grading, the Project applicant shall provide the County with copies of all educational training material for review and approval. No later than 30 days after any new employee(s) begin work, the Project applicant shall submit evidence to the County that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).*

**HAZ-3(d) Valley Fever Information Handout.** *The Project applicant shall work with a medical professional, in consultation with the County, to develop an educational handout for on-site workers, and include the following information on Valley Fever: the potential sources/causes, the common symptoms, the options or remedies available should someone be experiencing these symptoms, and places where testing for exposure is available. Prior to construction permit issuance, this handout shall have been created by the applicant and reviewed by the County. A printed version of this handout shall be provided to all on-site workers on their first day at the Project site.*

**Threshold b:** Whether the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment

**IMPACT HAZ-4. CONSTRUCTION OF THE SOLAR FACILITY HAS THE POTENTIAL TO ENCOUNTER ASBESTOS-CONTAINING MATERIALS, WHICH COULD RESULT IN A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.9 of the Draft EIR (pages 4.9-19 through 4.9-20) found that construction of the Solar Facility has the potential to encounter asbestos-containing materials, which could result in a significant hazard to the public or environment, because the Project site may have used asbestos-containing Transite irrigation piping during its historic agricultural use. Mitigation Measure HAZ-4 requires specific, careful handling of all materials suspected of containing asbestos, and safety protocols to protect workers from exposure to asbestos, thus reducing the potential for asbestos to be released into the environment. Therefore, with implementation of MM HAZ-4, impacts from asbestos release would be reduced to a less than significant level.

The County adopts the following mitigation measure that will reduce the effects to a less-than significant level. The following mitigation measure is applicable to the Solar Facility, and will be implemented to ensure that Project-related impacts related to release of asbestos into the environment are avoided or minimized to a less than significant level:



**HAZ-4 Suspected Asbestos-Containing Materials.** *The Project proponent shall comply with the following mitigation in the event that materials suspected to contain asbestos are uncovered during construction activities:*

1. *If suspected asbestos-containing materials are discovered during Project construction 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 materials and asbestos-containing materials that would be disturbed by Project construction 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 construction activities shall be undertaken in accordance with Cal/OSHA standards, as contained in Title 8 of the Cal. Code Regs., Section 1529, to protect workers from exposure to asbestos. Construction shall be performed in conformance with federal, state, and local laws and regulations so construction workers and/or the public avoid significant exposure to asbestos-containing materials.*

<p><b>Threshold b:</b> Whether the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment</p>
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**IMPACT HAZ-5. CONSTRUCTION OF THE SOLAR FACILITY HAS THE POTENTIAL TO ENCOUNTER PETROLEUM PRODUCTS IN THE ON-SITE SOIL, WHICH COULD RESULT IN A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.9 of the Draft EIR (pages 4.9-20 through 4.9-21) included a Phase I Environmental Site Assessment (ESA) which observed the presence of petroleum products and soil staining near agricultural wells and pumps on the Solar Facility Project site. Given these initial findings, construction of the Solar Facility has the potential to encounter petroleum products in the on-site soil, which could result in a significant hazard to the public or environment, and Mitigation measure HAZ-5 would be required to reduce impacts from petroleum soil contamination to a less than significant level.

The County adopts the following mitigation measure that will reduce the effects to a less-than significant level. The following mitigation measure is applicable to the Solar Facility, and will be implemented to ensure that Project-related impacts related to release of petroleum products into the environment are avoided or minimized to a less than significant level:

**HAZ-5 Hazardous Materials Soil Sampling and Remediation.** *Prior to issuance of grading permits, for construction activities near the potential Recognized Environmental Concerns, additional soil samples testing for total petroleum hydrocarbons shall be performed near the on-site agricultural wells and pumps, fuel*

*ASTs, turbine oil ASTs, diesel powered agricultural engines, and engine oil ASTs under the supervision of a professional geologist or professional engineer. The County shall review the results of the soil sampling to determine if any additional investigation or remedial activities are deemed necessary. No work shall resume in that area until the County has provided written authorization that the area does not warrant any additional action.*

*If concentrations of contaminants are identified in areas of the Project site and are confirmed to pose a potential risk to human health and/or the environment by a qualified environmental specialist, contaminated materials shall be remediated either prior to or concurrent with construction. Remediation shall generally include a management plan which establishes design and implementation of remediation. Cleanup may include excavation, disposal, bioremediation, and/or any other treatment of conditions subject to regulatory action. All necessary reports, regulations and permits shall be followed to achieve cleanup of the site. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation and under the direction of the lead oversight agency. The remediation program shall also be approved by the County. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.*

## Hydrology and Water Quality

<b>Threshold c.iv:</b>	Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows
<b>Threshold d:</b>	Whether the Project would, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation

**IMPACT HWQ-4. PART OF THE SOLAR FACILITY SITE IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN; HOWEVER, FLOODWATER PATTERNS WOULD NOT BE ALTERED WHEN COMPARED TO EXISTING CONDITIONS, AND POTENTIAL IMPACTS ASSOCIATED WITH IMPEDANCE AND REDIRECTION OF FLOOD FLOWS WOULD BE LESS THAN SIGNIFICANT. IN THE 100-YEAR FLOOD EVENT, THE PORTIONS OF THE SOLAR FACILITY SITE LOCATED IN ZONE A WOULD POTENTIALLY BE INUNDATED. THEREFORE, IF POLLUTANTS ON THE SOLAR FACILITY SITE ARE NOT PROPERLY STORED AND MANAGED IN EMERGENCY FLOOD EVENTS, A SIGNIFICANT IMPACT RELATED TO RELEASE OF POLLUTANTS COULD OCCUR.**

**FINDING:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Pub. Res. Code §21081(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**FACTS IN SUPPORT OF FINDING:** Section 4.10 of the Draft EIR (pages 4.10-18 through 4.10-19) found that the Project site is not located in a designated dam inundation area, nor is it located in an area subject to inundation by seiche, tsunami or mudflow. However, part of the Solar Facility site is located within the 100-year floodplain, and in a 100-year flood

event, portions of the site would potentially be inundated. While the floodwater patterns and direction of flow would not be altered compared to existing conditions, inundated areas could potentially release pollutants if materials are not stored or managed properly. Therefore, compliance with OSHA, the Hazardous Materials Transportation Uniform Safety Act, other applicable regulations, and Mitigation Measure HWQ-4 would be required to reduce this impact to a less than significant level.

The County adopts the following mitigation measure that will reduce the effects to a less-than significant level. The following mitigation measure is applicable to the Solar Facility, and will be implemented to ensure that Project-related impacts related to release of pollutants due to flood inundation are avoided or minimized to a less than significant level:

***HWQ-4 Hazardous Materials Business Plan (HMBP) Inundation Measures.** In addition to the HMBP requirements established by California Health and Safety Code Section 25500 and the Fresno County Division of Environmental Health, the Project's HMBP shall include a flood inundation plan in the emergency response plan section.*

## 2.2 Legal Effect of Findings

These findings constitute the County's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner that is consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the County adopts a resolution approving the project.

## 2.3 Significant Effects and Mitigation Measures

The Draft EIR identified a number of potentially significant environmental effects (or impacts) that the Project would cause, or to which it would contribute. However, all of these potentially significant effects can be substantially avoided through the adoption of feasible mitigation measures. The County's recommendations with respect to the Project's mitigation measures are set forth in the Mitigation and Monitoring Report (MMRP) which is provided in Exhibit 1 of the Staff Report. These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, they provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR, and state the County's findings on the significance of each impact after imposition of the mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding the Project's impacts and mitigation measures designed to address those impacts.

## 2.4 Growth Inducement

CEQA Guidelines Section 15126.2(e) required 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**

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, construction phases of the Solar Facility (including energy storage system) and PG&E Improvements are expected to overlap, and the number of construction workers is expected to range between 132 and 701 workers per day, with a maximum of 974 workers per day during approximately one month when Phases 1 and 2 of the solar facility, Phase 1 of the energy storage system, and the PG&E Improvements may overlap. The existing construction labor pool in Fresno County is sufficient for meeting Project needs. Following construction, Solar Facility operation would require up to eight full-time personnel in permanent positions (or personnel hours totaling eight full-time positions) and maintenance activities would require up to 40 additional personnel at any given time. Operation and maintenance of the PG&E Improvements would not require additional staff. Therefore, the number of personnel on the Project site during Solar Facility operation may range from zero (it is not necessary for staff to be present during plant operations) to 48 during periodic, routine maintenance events. Decommissioning is expected to require a workforce similar to construction. Because construction and decommissioning would be temporary, the Project is unlikely to cause substantial numbers of people to relocate to Fresno County. Therefore, the Project would not result in a large increase in employment levels that would significantly induce growth. (Draft EIR page 5-1)

## **Employment and Population Growth**

Jobs that would be generated by the Project are not expected to induce substantial population growth because the existing available Fresno County construction labor pool is sufficient to meet anticipated needs. 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 relocate to Fresno County, 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. (Draft EIR page 5-1)

## **Increased Power Generation and Transmission Capacity**

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. Further, the proposed solar power is intended to offset the use of fossil fuels to generate electricity. 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.

The PG&E Improvements would expand the existing Tranquillity Switching Station and construct a new 230 kV transmission line to accommodate the Solar Facility and interconnect the Project's proposed 230 kV gen-tie line to the PG&E Switching Station. The proposed improvements would only serve the Solar Facility and the switching station's electrical busbar (a conducting bar that carries heavy currents to supply several electric circuits) would not increase in size. While the PG&E Improvements could reduce potential constraints for other solar facilities, those facilities would

require individual discretionary actions and CEQA review. PG&E is an investor-owned utility, regulated by the California Public Utilities Commission (CPUC). The utility's transmission system is operated by the California Independent System Operator (CAISO) under regulations established by the Federal Energy Regulatory Commission. When an electricity generator requests use of PG&E's transmission facilities, PG&E is required to provide access after completion of power flow and cost studies. The CPUC evaluates each PG&E project to ensure that its need and costs are justified and appropriate, and that financial effects on California electricity ratepayers are appropriate. Any transmission system upgrades that are required as a result of other solar projects would need to be evaluated by the CPUC in accordance with CEQA as a part of the CPUC permitting process. Because any potential transmission system upgrades would be speculative, the potential for population growth induced by the transmission system upgrades from other solar facilities would also be speculative. Therefore, the proposed project is not expected to be large enough to induce the development of other large solar projects and population growth in the region. (Draft EIR page 5-2)

### **Extension of Urban Infrastructure**

The Project includes the construction of a new on-site septic tank and leach field and stormwater drainage, electric power, and telecommunications facilities. These facilities would be adequate to serve the Project site, and no additional or expanded facilities would be required. No water, wastewater treatment, natural gas, or solid waste infrastructure would be constructed or significantly affected as part of the Project.

During construction and decommissioning (including site restoration), portable restroom facilities would be provided for on-site personnel by a licensed provider. During operation, a septic system and leach field may be installed adjacent to the O&M building to support the restroom facilities and sewage generated by the eight permanent staff members. Because an on-site septic system and leach field would be sufficient to serve operations, the Project would not require connection to or expansion of an existing wastewater treatment facility.

The Project proposes telecommunications facilities which would service only the Project. Additionally, electric facilities and connections are proposed as part of the Project given its nature as a solar infrastructure project. The Project would consume electricity from PG&E's service, as required, when the Project is not powered by on-site energy generation. (Draft EIR Section 4.14)

## **2.5 Significant and Irreversible Environmental Effects**

Section 15126.2(d) of the CEQA Guidelines defines an irreversible impact as an impact that uses nonrenewable resources during the initial and continuing phases of a 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 until decommissioning, would occur after 35 years (Draft EIR Section 2). 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. Therefore, the project would not commit resources irreversibly. (Draft EIR page 5-2)

## 2.6 Mitigation Monitoring and Reporting 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.

## 2.7 Project Alternatives

### 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 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*).

For the proposed Project, 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 implementation of feasible mitigation measures recommended in the EIR. The Project would not cause or contribute to any significant and unavoidable impacts, nor would it have a cumulatively considerable contribution to a significant cumulative impact. Thus, the County may approve the Project as mitigated.

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 the Draft EIR in Section 6.0.

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 feasibility of the alternatives, but also the ability of the alternatives to achieve the most basic objectives of the Project, which are listed in Section 1.1.3 of these Findings. The potential direct, indirect, and cumulative impacts of the Alternatives were analyzed on a resource-by-resource basis in Section 6.0 of the Draft EIR (pages 6-1 through 6-12). Based on the requirements of CEQA Guidelines Section 15126.6, the project objectives, and the rejection of the initially considered

alternatives listed below, the “No Project” and “Reduced Acreage” alternatives to the Project were set forth in the EIR.

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.

## **1. ALTERNATIVES CONSIDERED AND REJECTED FROM FURTHER CONSIDERATION**

CEQA Guidelines Section 15126.6(c) requires EIRs to identify any alternatives that were considered by the lead agency, but were rejected as infeasible during the scoping process, and briefly explain the reasons underlying the lead agency's determination. Section 15126.6(c) provides that among the factors that may be used to eliminate alternatives from detailed consideration in and EIR are (i) failure to meet most of the basic Project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts. The following potential alternatives initially were considered but eliminated from further consideration based on the screening criteria described in the Draft EIR:

- Other Potential Candidate Sites
- Other Degraded Agricultural Lands
- Impaired or Underutilized Lands
- Alternative Solar Technology: Concentrated Solar
- Alternative Approaches: Conservation and Demand Side Management

### ***Other Potential Project Sites Alternative***

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

- The Project site is degraded, poorly drained farmland, and is in-part subject to restrictive covenants prohibiting the use of irrigation water on the property. It is not subject to a Williamson Act contract.
- 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 PG&E's existing Tranquillity Switching Station, 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 Tranquillity Switching Station 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. An interconnection study and Interconnection Agreement for the Tranquillity Switching Station and the Project was already prepared. Changing the substation would require an additional 3 to 5 years of studies and agreements.

For these reasons, and as described below, no other sites were identified that would feasibly accommodate the Project or meet the Project objectives. Therefore, other potential candidate sites were considered but rejected as alternatives for the Project. (Draft EIR page 6-2)

### ***Other Degraded Agricultural Land Alternative***

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*.

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”. The report describes Westland Water District lands, which include the Project site, as an example of smart-from-the-start renewable energy project siting. 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. (Draft EIR pages 6-2 through 6-3)

#### ***Impaired or Underutilized Lands Alternative***

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”. 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 400 MWac of electricity. (Draft EIR page 6-3)

#### ***Alternative Solar Technology: Concentrated Solar Alternative***

A concentrated solar (parabolic trough) power system was considered as a potential alternative to the Project. However, for the reasons discussed below, this type of system was not carried forward for detailed consideration. 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, 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 6.3 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. (Draft EIR pages 6-3 through 6-4)

#### ***Alternative Approaches: 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 400 MWac of renewable electricity, assisting the State in achieving its RPS and SB 32 GHG reduction goals by providing a significant new source of solar energy, and assisting the California utilities in meeting their obligations under the CPUC's Energy Storage Framework and Design Program by providing up to 400 MW of storage capacity. These alternative approaches were not carried forward for more detailed review because they would not meet most of the basic Project objectives. (Draft EIR page 6-4)

## **2. NO PROJECT ALTERNATIVE**

Pursuant to CEQA Guidelines Section 15126.6(e)(1), the No Project Alternative is required as part of the "reasonable range of alternatives" to allow decision-makers to compare the impacts of approving the proposed project with the impacts of taking no action or not approving the proposed project. Under this alternative, the proposed project would not be constructed, and the project site would remain in its current condition.

### ***a. Description***

Under the No Project Alternative, construction, operation, and decommissioning of the Project would not occur. The baseline environmental conditions for the No Project Alternative would remain the same as for the proposed Project. The Project site would continue to be used for low-yield agriculture production and/or left fallow. The Project site is designated as Agriculture in the Fresno County General Plan (2000) 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. (Draft EIR pages 6-4 through 6-5)

***b. Analysis of the No Project Alternative's Ability to Reduce Project Impacts***

The No Project Alternative would involve no changes to the physical environment and thus would have no immediate adverse environmental effects. However, the proposed Project's beneficial impacts related to GHG emissions and energy would not occur under this alternative.

***c. Analysis of the No Project Alternative's Ability to Meet Project Objectives***

The No Project Alternative would not achieve any of the project objectives as shown below:

- The No Project Alternative would not establish a solar PV power generating facility of a sufficient size and configuration to produce up to 400 MW<sub>ac</sub> of electricity at the Point of Interconnection in a cost-competitive manner.
- The No Project Alternative would not develop sites in proximity to existing transmission infrastructure in order to minimize environmental impacts.
- The No Project Alternative would not assist California utilities in meeting their obligations under California's RPS Program to achieve 60 percent eligible renewable energy resources by the end of 2030 and zero-carbon sources by the end of 2045, in addition to meeting the 2030 greenhouse gas emissions reduction goals as required by the California Global Warming Solutions Act (SB 32).
- The No Project Alternative would not assist California utilities in meeting their obligations under the CPUC's Energy Storage Framework and Design Program by providing up to 400 MW of storage capacity.
- The No Project Alternative would not facilitate grid integration of intermittent and variable PV energy generation and minimize energy losses associated with transmission to off-site storage by collocating battery storage at the Project site.

***d. Findings of the No Project Alternative***

This alternative would avoid the effects of the Project on agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, and utilities and service systems. All of the potential impacts associated with these issues would be mitigated to a level of less than significant with the Project as proposed, but under the No Project alternative there would be no physical changes whatsoever at the Project site. However, the proposed Project's beneficial impacts related to GHG emissions and energy would not occur under this alternative. Because the No Project Alternative would not meet any Project objectives, and because The No Project Alternative would not provide the same benefits as the proposed Project, it is not a feasible alternative.

### 3. REDUCED ACREAGE ALTERNATIVE

#### *a. Description*

Under Alternative 2, approximately 320 acres in the southeastern portion of the Project site would not be developed (see Figure 6-1, Reduced Acreage Alternative). This represents an approximately 8 percent reduction in the size of the Solar Facility. No solar panels would be constructed in that area, and perimeter chain link fencing would not enclose that section. Land within this area would continue to be used for low-yield agriculture production and/or left fallow. The Project otherwise would be as described in Section 2, Project Description. Notably, this alternative would generate the same amount of renewable energy (400 MW<sub>ac</sub>) and energy storage capacity (400 MW) as the proposed Project, by reducing the area of open spaces and other areas on the site that would otherwise be used for storage, parking, or other purposes, and increasing the density/concentration of solar modules (also known as increasing the ground coverage ratio represented by the modules) across the site. Under this alternative, the total disturbed acreage associated with the Solar Facility would be approximately 3,760 acres. The 320 acres removed from this alternative are designated as Farmland of Statewide Importance. (Draft EIR page 6-5 through 6-10)

#### *b. Analysis of the Reduced Acreage Alternative's Ability to Reduce Project Impacts*

Similar to the proposed Project, no significant and unavoidable impacts would occur under the Reduced Acreage Alternative.

#### *c. Analysis of the Reduced Acreage Alternative's Ability to Meet Project Objectives*

The Reduced Acreage Alternative would achieve all of the project objectives as shown below:

- The No Project Alternative would not establish a solar PV power generating facility of a sufficient size and configuration to produce up to 400 MW<sub>ac</sub> of electricity at the Point of Interconnection in a cost-competitive manner.
- The No Project Alternative would not develop sites in proximity to existing transmission infrastructure in order to minimize environmental impacts.
- The No Project Alternative would not assist California utilities in meeting their obligations under California's RPS Program to achieve 60 percent eligible renewable energy resources by the end of 2030 and zero-carbon sources by the end of 2045, in addition to meeting the 2030 greenhouse gas emissions reduction goals as required by the California Global Warming Solutions Act (SB 32).
- The No Project Alternative would not assist California utilities in meeting their obligations under the CPUC's Energy Storage Framework and Design Program by providing up to 400 MW of storage capacity.
- The No Project Alternative would not facilitate grid integration of intermittent and variable PV energy generation and minimize energy losses associated with transmission to off-site storage by collocating battery storage at the Project site.

#### *d. Findings of the Reduced Acreage Alternative*

There are no significant and unavoidable impacts that cannot be reduced to a less-than-significant level under the Project or Reduced Acreage Alternative. The Reduced Acreage Alternative would incrementally reduce impacts in most issue areas from the 320 fewer acres of

disturbance, but the impact conclusions would be the same as the Project. Because the Reduced Acreage Alternative would incur similar environmental impacts, yet would not meet the Project objectives to the same extent as the Projector provide the same benefits as the proposed Project, it is not a feasible alternative.

#### 4. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As analyzed and documented above, neither the Project, nor the Reduced Acreage Alternative, nor the No Project Alternative would cause a significant and unavoidable impact to any environmental resource. All impacts of the Project and the Reduced Acreage Alternative would be less than significant or less than significant with mitigation incorporated.

The results of the comparative analysis of each of the resource areas analyzed above are set forth in Table 1, which compares the conclusions of the impact analyses for the No Project Alternative and Reduced Acreage Alternative against the conclusions for the Project. The comparative analysis summarized in Table 1 shows that the No Project Alternative would be environmentally superior to the Project in all impact areas except for GHG Emissions, Land Use and Planning, and Energy. Under the Reduced Acreage Alternative all impact resource areas would be similar but slightly reduced compared to the Project; this would not affect significance determinations, which would remain the same as for the Project. For GHG emissions and Energy, the Reduced Acreage Alternative would be comparable to the Project. (Draft EIR pages 6-10 through 6-12)

**Table 1 Comparison of Impacts of Alternatives to Proposed Project**

<b>Issue</b>	<b>Project Impact Classification</b>	<b>Alternative 1: No Project</b>	<b>Alternative 2: Reduced Acreage</b>
Aesthetics	Less than Significant	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Agricultural Resources	Less than Significant with Mitigation Incorporated	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Air Quality	Less than Significant with Mitigation Incorporated	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Biological Resources	Less than Significant with Mitigation Incorporated	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Cultural Resources	Less than Significant with Mitigation Incorporated	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Energy	Less than Significant	Inferior to the proposed Project (increased level of impact)	Similar level of impact to the proposed Project
Geology and Soils	Less than Significant with Mitigation Incorporated	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project

County of Fresno  
**Scarlet Solar Energy Project**

<b>Issue</b>	<b>Project Impact Classification</b>	<b>Alternative 1: No Project</b>	<b>Alternative 2: Reduced Acreage</b>
Greenhouse Gas Emissions	Less than Significant and Beneficial	Inferior to the proposed Project (increased level of impact)	Similar level of impact to the proposed Project
Hazards and Hazardous Materials	Less than Significant with Mitigation Incorporated	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Hydrology and Water Quality	Less than Significant with Mitigation Incorporated	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Land Use and Planning	No Impact	Similar level of impact to the proposed Project	Similar level of impact to the proposed Project
Noise	Less than Significant	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Transportation	Less than Significant	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project
Utilities and Service Systems	Less than Significant with Mitigation Incorporated	Superior to the proposed Project (reduced level of impact)	Similar level of impact to the proposed Project

CEQA Guidelines Section 15126.6(e)(2) requires an EIR to identify an environmentally superior alternative. If 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 Section 15126.6(a) places emphasis on alternatives that “avoid or substantially lessen the significant effects” of a project; distinctions between impacts that are less than significant or are mitigated to less than significant are typically not considered when selecting an environmentally superior alternative. However, no significant and unavoidable effects were identified for the Project.

The No Project Alternative is considered the environmentally superior alternative for CEQA purposes because it would avoid all impacts of the Project and would not create any new significant impacts of its own, even though it would have a less beneficial impact than the Project on GHG emissions and energy. 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 and construction of a project that would assist the State in achieving RPS and SB 32 GHG reduction goals.

Since the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives. There are no significant and unavoidable impacts that cannot be reduced to a less-than-significant level under the Project or Reduced Acreage Alternative. The Reduced Acreage Alternative would incrementally reduce impacts in most issue areas from the 320 fewer acres of disturbance, but the impact conclusions would be the same as the Project.

The County has identified the Project as the environmentally superior alternative because no alternative was identified that reduces any significant impacts and the Project, by definition, meets all Project objectives.

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EXHIBIT C

EXHIBIT C  
 Mitigation Monitoring and Reporting Program  
 Scarlet Solar Energy Project EIR No. 7230  
 Conditions of Approval CUP No. 3555

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Air Quality	<p><b>MM AQ-1: Air Quality Best Management Practices (BMPs).</b> During construction and decommissioning of the Project, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>a Ozone precursor emissions from mobile construction equipment shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction.</li> <li>b Electricity from power poles shall be used whenever practicable instead of temporary diesel- or gasoline-powered generators to reduce the associated emissions.</li> <li>c Construction equipment will use only California-certified diesel or gasoline fuels</li> <li>d The Applicant will use construction equipment that is at the Tier 4 interim emission level for equipment less than or equal to 81 horsepower and Tier 3 engines for all other equipment.</li> </ul>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	During construction and decommissioning
*2.	Air Quality	<p><b>MM AQ-2: Further Reduction of NOx, PM10, and PM2.5 Emissions During Construction and Decommissioning, and PM10 Emissions During Operation and Maintenance.</b> Prior to issuance of construction/grading permits for the Project, the Project Applicant shall enter into a Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to mitigate or reduce Project construction emissions of NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, and Project operation and maintenance emissions of PM<sub>10</sub> beyond the requirements of Rule 9510 through the payment of fees (on a per-ton basis) to the SJVAPCD. The payment of fees shall be made to the SJVAPCD based on the fee schedule in the development mitigation contract and the amount of reduction necessary to offset project emissions below the SJVAPCD's thresholds. Prior to the issuance of construction/grading permits for the Project, the Project Applicant shall provide evidence to the County of a fully-executed VERA.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to issuance of County permits for construction and decommissioning



			<p>Twelve months prior to initiation of decommissioning activities, the Project Applicant shall provide evidence, consisting of an air quality analysis based on final decommissioning plans and prepared by an air quality specialist, to the County demonstrating that Project decommissioning emissions would not exceed the SJVAPCD PM<sub>10</sub> significance thresholds of 15 tons per year. If the PM<sub>10</sub> emissions will exceed the SJVAPCD thresholds of significance of 15 tons per year, the Project Applicant shall enter into a new VERA with the SJVAPCD to offset the decommissioning emissions below the thresholds of significance. Prior to the issuance of permits for decommissioning activities, the Project Applicant shall provide evidence to the County of the new fully-executed VERA, should one be required.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to construction, operation and maintenance, and decommissioning
*3.	Biological Resources	<p><b>MM BIO-1(a) Worker Environmental Awareness Program.</b> Prior to initiation of construction activities (including staging and mobilization), operation and maintenance activities, and decommissioning, all personnel associated with Project construction shall attend Worker Environmental Awareness Program training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the Project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the Project. All employees shall sign a form provided by the trainer documenting they have attended the training and understand the information presented to them.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	14 days prior to ground disturbing activities associated with construction or decommissioning	
*4.	Biological Resources	<p><b>MM BIO-1(b) Pre-Construction Nesting Bird Surveys and Impact Avoidance.</b> If Project activities are scheduled to take place between September 16 through January 31, which is outside of the avian nesting season, no action would be required to protect nesting birds. If Project activities have been continuous since prior to February 1, no action would be required to protect nesting birds. If any Project activities that could harm birds or their nests (e.g., clearing temporary workspaces; staging or stockpiling machinery or supplies; parking vehicles, equipment, or trailers; grading or leveling; creating stockpiles of dirt or gravel; or any activity that could</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	14 days prior to ground disturbing activities associated with construction or decommissioning	

		<p>cover or remove existing habitat or disrupt surface soils) commence during the typical avian nesting season (February 1 through September 15), the following measures shall be implemented to avoid impacts on nesting raptors and other protected and common birds.</p> <p><i>a</i> No more than 14 days prior to initiation of such activities, a qualified biologist shall conduct a pre-construction survey to determine if birds or nests are present. The survey area shall include suitable nesting habitat within 300 feet of the Project boundary (inaccessible areas outside of the Project site can be surveyed from the site or from public roads using binoculars or spotting scopes). Surveys may be phased as construction is phased, so that each section is surveyed no more than 14 days prior to the start of construction in that area. If no active nests are identified, no further mitigation is required.</p> <p><i>b</i> If active nests are identified, a qualified biologist shall establish a no-disturbance buffer around the nests and no construction within the buffer shall be allowed until a qualified biologist determines that the nest is no longer active (<i>i.e.</i>, the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). The avoidance buffer size shall be determined based on species that is nesting, the status of the nest, site conditions, and level of anticipated Project activity in the vicinity of the nest. Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer shall be monitored by a qualified biologist to determine whether nesting birds exhibit any negative responses to the activity. The biologist shall have the authority to halt or redirect construction activities in order to protect nesting birds and to help ensure an impact to nesting birds is avoided.</p>			
*5.	Biological Resources	<p><b>MM BIO-1(c) Cap Hollow Tubes and Poles.</b> Any vertical tubes (e.g., solar mount poles, chain link fencing poles, or any other hollow tubes or poles) used on the Project site shall be capped immediately after installation to avoid entrapment of birds.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	During construction
*6.	Biological Resources	<p><b>MM BIO-1(d) Avoid Construction and Decommissioning Activities During the Burrowing Owl Nesting Season.</b></p>	Applicant and/or their designee to implement	Fresno County Department of Public Works and	Prior to and during

		Ground-disturbance activities associated with construction and decommissioning of the Project shall begin outside of the burrowing owl nesting season (February 1 through September 15), unless reasonably necessary to stay on schedule. The site shall be maintained in a manner inhospitable to burrowing owl, such as keeping the site free of vegetation and maintaining regular site disturbance by construction equipment and personnel.	measure as defined	Planning, Development Services and Capital Projects Division, and/or its designee	construction and decommissioning
*7.	Biological Resources	<p><b>MM BIO-1(e) Burrowing Owl Take Avoidance Survey.</b> No more than 14 days prior to initiation of ground-disturbing activities associated with construction and decommissioning, a qualified biologist shall conduct a take avoidance survey of the Project site and surrounding areas to a distance of 150 meters, in accordance with the methods outlined in the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 2012). The pre-construction survey will cover all areas within 150 meters of the portion of the site in which construction/decommissioning is scheduled to start. Surveys will be phased, based on the construction/ decommissioning schedule, such that they are conducted no more than 14 days before the start of ground disturbance in new areas. If construction/decommissioning activities in portions of the site cease for a period of 14 days, those portions of the site will be resurveyed for burrowing owls prior to the resumption of construction. If no occupied (breeding or wintering) burrowing owl burrows are identified, no further mitigation will be required.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	14 days prior to ground disturbing activities associated with construction or decommissioning Prior to resuming work if construction has ceased for more than 14 days
*8.	Biological Resources	<p><b>MM BIO-1(f) Burrowing Owl Burrow Avoidance or Passive Relocation.</b> If occupied burrows are identified on the site or within 150 meters of the Project disturbance area, one of the following actions shall be taken: 1) permanent avoidance of the burrow or 2) establishment of a temporary avoidance buffer followed by passive relocation and compensatory mitigation for loss of habitat in conjunction with the measures below: a Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFG 2012) or as otherwise</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or California Department of Fish and Wildlife	Prior to and during construction and decommissioning

			<p>determined appropriate by the qualified biologist in consultation with CDFW.</p>					
			<p>b. Avoidance of active burrows is preferable, however, if an occupied burrow cannot be avoided, and the burrow is not actively in use as a nest, the burrowing owls can be excluded from burrows in accordance with an approved Burrowing Owl Exclusion Plan, which shall be prepared and submitted for approval by CDFW prior to passive relocation of any burrowing owls. The Burrowing Owl Exclusion Plan shall be based on the recommendations made in the Staff Report on Burrowing Owl Mitigation and shall include the following information for each proposed passive relocation:</p>					
			<p>i. Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species;</p>					
			<p>ii. Identification of type of scope to be used and appropriate timing of scoping;</p>					
			<p>iii. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing;</p>					
			<p>iv. Methods for burrow excavation;</p>					
			<p>v. Removal of other potential owl burrow surrogates or refugia on site;</p>					
			<p>vi. Methods for photographic documentation of the excavation and closure of the burrow;</p>					
			<p>vii. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take; h. Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals;</p>					
			<p>and</p>					
			<p>viii. Method for compensatory mitigation for burrow loss.</p>					
			<p>If burrowing owls cannot be excluded from an off-site burrow and it is not feasible to maintain an avoidance buffer as stated above, coordination shall be conducted with CDFW to determine and implement appropriate measures to minimize impacts to off-site burrowing owls. Such measures could include, but are not limited to: 1) installation of barriers between the construction area and the occupied burrows to block noise and views of construction equipment and personnel, and 2) regular monitoring by a qualified biologist to determine if construction is resulting in disturbance of the owls that could</p>					

	<p>lead to nest abandonment or harm to adult owls or their young. If such disturbance was occurring, the biological monitor would have the authority to halt construction until further modifications could be made to avoid disturbance of the owls.</p>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee</p>	<p>During construction, operation and maintenance, and decommissioning</p>
<p>*9.</p>	<p><b>MM BIO-1(g) Management of Permanent Avoidance Buffers.</b> If permanent avoidance buffers are established on the project site to protect burrowing owls, such areas shall be managed for the duration of the Project through decommissioning to preserve current values as foraging habitat for burrowing owl. Management shall include: 1) exclusion of all Project activities throughout the construction, operation, and decommissioning phases, including staging, parking, driving, or dumping; 2) vegetation management by grazing or mowing to preserve open, low-growing vegetation; 3) fencing to discourage human incursion; and 4) signing identifying the area as a biologically sensitive area managed for burrowing owl.</p>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee; California Department of Fish and Wildlife</p>	<p>Prior to and during construction and decommissioning</p>
<p>*10.</p>	<p><b>MM BIO-1(h) Swainson's Hawk and General Raptor Avoidance and Minimization.</b> If Project construction or decommissioning is initiated during the Swainson's hawk nesting season (March 1 through September 15), a qualified biologist shall conduct a pre-construction Swainson's hawk and general raptor nest survey of all potential nesting habitat within 0.5-mile of the Project site. The survey shall be conducted according to current Swainson's hawk protocol (Swainson's Hawk Technical Advisory Committee 2000). If no active nests are identified, no further mitigation would be required. If active Swainson's hawk nests are identified an avoidance buffer of 0.25 mile shall be established around active nests consistent with the CDFW Staff Report (California Department of Fish and Game 1994). If active nests of non-listed raptors are identified an appropriate avoidance buffer, as determined by the qualified biologist, shall be established. No construction within avoidance buffers 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). If it is not feasible to maintain a 0.25-mile buffer for an active Swainson's hawk nest to reasonably accommodate construction, maintenance, or decommissioning activities, the established buffer distance may be reduced through coordination with CDFW. Project activities within the reduced buffer shall be monitored at the discretion of a qualified biologist and based on coordination with CDFW.</p>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee; California Department of Fish and Wildlife</p>	<p>Prior to and during construction and decommissioning</p>

*11.	Biological Resources	<p><b>MM BIO-1(i) Pre-Construction Survey for San Joaquin Kit Fox.</b> A qualified biologist shall conduct a preconstruction survey no more than 14 days prior to the beginning of ground disturbance and/or construction or decommissioning activities, or any other Project activity likely to impact San Joaquin kit fox. This is to determine if San Joaquin kit fox dens are present in or within 500 feet of the Project site (inaccessible areas outside of the Project site can be surveyed using binoculars or spotting scopes from public roads). The surveys shall be conducted in all areas of suitable habitat for San Joaquin kit fox. Surveys shall be phased so that surveys occur within 14 days prior to disturbance of any portion of the site.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	14 days prior to ground disturbing activities associated with construction or decommissioning Surveys shall be phased so that surveys occur within 14 days prior to disturbance of any portion of the site.
*12.	Biological Resources	<p><b>MM BIO-1(j) San Joaquin Kit Fox Den Avoidance.</b> If potential dens are observed and avoidance of the dens is determined to be feasible by a qualified biologist in consultation with the Project Applicant and CDFW, the following minimum buffer distances shall be established prior to construction activities (consistent with USFWS standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance [USFWS 2011]):</p> <ul style="list-style-type: none"> <li>c Potential den: 50 feet</li> <li>d Atypical den: 50 feet</li> <li>e Known den: 100 feet</li> <li>f Natal/pupping den: at least 500 feet -USFWS must be contacted</li> </ul> <p>If occupied San Joaquin kit fox dens are observed on the site, USFWS must be contacted. If avoidance of potential dens is not feasible, the following measures are required to avoid potential adverse effects to the San Joaquin kit fox:</p> <ul style="list-style-type: none"> <li>a If the qualified biologist determines that potential dens are inactive after monitoring the den per the USFWS Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011), the biologist shall excavate these dens by hand with a shovel to prevent foxes from re-using them during construction.</li> <li>b If the qualified biologist determines that a potential natal den may be active, an on-site passive relocation program may be implemented with prior concurrence from the USFWS. This program shall consist of excluding San Joaquin kit foxes from occupied burrows by installation of</li> </ul>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee; United States Fish and Wildlife Service	Prior to and during construction and decommissioning

			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 with a shovel to prevent re-use during construction with prior concurrence from USFWS.			
*13.	Biological Resources		<b>MM BIO-1(k) Vehicle Speed Limits.</b> On-site vehicles shall observe a daytime speed limit of 20 mph and a nighttime speed limit of 10 mph throughout the Project site, except on County roads and state and federal highways. Off-road traffic shall be prohibited outside of designated Project areas.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	During construction, operation and maintenance, and decommissioning
*14.	Biological Resources		<b>MM BIO-1(i) Hole and Trench Covering and Inspection for Kit Fox.</b> To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee; United States Fish and Wildlife Service; California Department of Fish and Wildlife	During construction
*15.	Biological Resources		<b>MM BIO-1(m) Construction Pipe and Culvert Inspections for Kit Fox.</b> All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee; United States	During construction

*16.	Biological Resources	<p><b>MM BIO-1(n) Trash Disposal.</b> During construction, operations, and decommissioning, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction site or Project site.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	During construction, operation, and decommissioning
*17.	Biological Resources	<p><b>MM BIO-1(o) Firearm Restrictions.</b> No firearms shall be allowed on the Project site during construction, operations, and decommissioning.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	During construction, operation, and decommissioning
*18.	Biological Resources	<p><b>MM BIO-1(q) Rodenticide and Herbicide Restrictions.</b> During construction, operations, and decommissioning, use of rodenticides and herbicides in Project areas shall be in compliance with the approved pest and weed management plan.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	During construction, operation, and decommissioning
*19.	Biological Resources	<p><b>MM BIO-1(r) Notification of Kill or Injury of Kit Fox.</b> During construction, operations, and decommissioning, a representative shall be appointed by the Project Applicant who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service. Any contractor, employee, or military or agency personnel responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured, or entrapped kit fox. The CDFW</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee; California Department of Fish and Wildlife	During construction, operation, and decommissioning



		<p>contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or the wildlife biologist at (530) 934-9309. The USFWS shall be contacted at Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825, (916) 414-6620 or (916) 414-6600.</p> <p>The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.</p>			
*20.	Biological Resources	<p><b>MM BIO-1(s) Reporting of Kit Fox Sighting.</b> During construction, operations, and decommissioning, new sightings of kit fox shall be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	During construction, operation, and decommissioning
*21.	Biological Resources	<p><b>MM BIO-1(t) Site Restoration.</b> Upon completion of the Project and decommissioning, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-Project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be in compliance with the approved Reclamation Plan.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Project completion, decommissioning
*22.	Biological Resources	<p><b>MM BIO-1(u) Wildlife Fencing.</b> Fencing of the Solar Facility Project site shall incorporate wildlife-friendly fencing design. Fencing plans may use one of several potential designs that would allow kit foxes to pass through the fence while still providing for Project security and exclusion of other unwanted species (e.g., domestic dogs and coyotes). Raised fences or fences with entry/exit points of at least 6 inches in diameter</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects	Prior to issuance of grading permit, construction, and operation

		spaced along the bottom of the fence to allow species such as San Joaquin kit fox access into and through the Project site would be appropriate designs.		Division, and/or its designee	Prior to issuance of grading permit, construction, and operation
*23.	Biological Resources	<p><b>MM BIO-3(a) Avian/Power Line Collision Avoidance and Minimization.</b> Construction of the gen-tie transmission line shall include installation of bird flight diverters, in accordance with the applicable measures of the most recent Avian Power Line Interaction Committee (APLIC) guidelines for minimizing avian collisions (Reducing Avian Collisions with Power Lines; APLIC 2012). Details of design components shall be indicated on all construction plans and be provided and approved by the County prior to construction. The applicant shall monitor for new versions of the APLIC collision guidelines and update designs or implement new measures as needed during Project construction, provided these actions do not require the purchase of previously ordered transmission line structures. Once constructed, all bird flight diverters shall be maintained for the duration of construction and operation.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to issuance of grading permit, construction, and operation
*24.	Biological Resources	<p><b>MM BIO-3(b) Avian Electrocutation Avoidance and Minimization.</b> The applicant shall design, construct, and maintain all transmission facilities, towers, poles, and lines in accordance with applicable policies set forth in the most recent APLIC Avian Protection Plan Guidelines for minimizing avian electrocutations (APLIC 2006). Details of design components shall be indicated on all construction plans and shall be provided and approved by County prior to construction. The Applicant shall monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during Project construction.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to issuance of grading permit, construction, and operation
*25.	Cultural Resources	<p><b>MM CR-1(a) Retain a Qualified Archaeologist.</b> Prior to the issuance of construction/grading permits, the Applicant shall retain a Registered Professional Archaeologist or a monitor under their direction (qualified archaeologist) to carry out all mitigation measures related to archaeological and historical resources.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to issuance of construction/grading permit

*26.	Cultural Resources	<p><b>MM CR-1(b) Cultural Resources Awareness Program.</b> Prior to the commencement of construction/grading activities, the Applicant shall ensure that the qualified archaeologist has conducted a Cultural Resources Awareness Training for the general contractor, subcontractor(s), and all construction workers participating in earth disturbing activities. The training shall describe the potential of exposing archaeological resources, the types of cultural materials that may be encountered, and directions on the steps that shall be taken if such a find is encountered. This training may be presented alongside other environmental training programs required prior to construction. A training acknowledgment form must be signed by all workers who receive the training and retained. Additional trainings shall be conducted for all new construction personnel participating in earth disturbing activities throughout construction.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to and during construction
*27.	Cultural Resources	<p><b>MM CR-1(c) Accidental Discovery Procedures.</b> In the event unanticipated archaeological resources are encountered during earth disturbing activities, compliance with federal and state regulations and guidelines regarding the treatment of cultural resources and/or human remains shall be required.</p> <ul style="list-style-type: none"> <li>a All construction activities within 50 feet shall halt and the County shall be notified.</li> <li>b 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.</li> <li>c 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 regarding significance and treatment of the resource as a tribal cultural resource. Any cultural resource of Native American origin discovered during Project work shall be treated in consultation with the tribe, with the goal of preserving in place with proper treatment.</li> </ul> <p>If the County determines that the resource qualifies as a significant 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 PRC Section 21083.2 and CEQA Guidelines Section 15126.4. Consistent with CEQA Guidelines Section 15126.4(b)(3), mitigation shall be accomplished through either</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	During construction

			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.			
*28.	Geology and Soils	<b>MM GEO-2 Reduction of Liquefaction Potential.</b> Prior to issuance of a grading permit, the applicant shall submit to the County Department of Public Works and Planning for review and approval, a ground improvement program prescribed by a qualified engineer to minimize liquefaction potential on the site. Measures to reduce liquefaction impacts could include, but may not be limited to, site preparation measures, foundation design measures such as removal and replacement of liquefiable soils, or others recommended by a structural engineer.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to issuance of grading permits	
*29.	Geology and Soils	<b>MM GEO-6(a) Retention of Qualified Paleontologist.</b> Prior to initial ground disturbance, the Applicant shall retain a Qualified Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology's (SVP) standards (SVP 2010), to direct the implementation of Mitigation Measures GEO-6(b) through 6(d). A Qualified Paleontologist (Principal Paleontologist) is defined by the SVP standards as an individual with an MS or PhD in paleontology or geology experienced with paleontological procedures and techniques, knowledgeable in the geology of California and the San Joaquin Valley, and who has worked as a paleontological mitigation project supervisor for a least one year.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to issuance of grading permits	
*30.	Geology and Soils	<b>MM GEO-6(b) Paleontological Mitigation and Monitoring Program.</b> Prior to construction activity the Qualified Paleontologist shall prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground-disturbance activity for the proposed Project. This program shall outline the procedures for construction staff WEAP training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to issuance of grading permits	
*31.	Geology and Soils	<b>MM GEO-6(c) Paleontological Worker Environmental Program.</b> Prior to the start of construction, the Qualified Paleontologist or his or her designee, shall conduct WEAP training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and	Prior to and during construction	

		<p>shall be conducted at a preconstruction meeting when the Qualified Paleontologist is present. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined the fossil(s) is(are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources.</p>	<p>Capital Projects Division, and/or its designee</p>	
<p>*32.</p>	<p>Geology and Soils</p>	<p><b>MM GEO-6(d) Paleontological Monitoring and Reporting.</b> Prior to the start of construction activity, the Qualified Paleontologist retained under Mitigation Measure GEO-6(a) shall implement the Paleontological Mitigation and Monitoring Program as follows:</p> <ol style="list-style-type: none"> <li><b>Paleontological Monitoring.</b> Ground disturbing construction activities (including grading, trenching, foundation work and other excavations) exceeding 5 feet in depth shall be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. Implementation of the Paleontological Mitigation and Monitoring Program shall be supervised by the Qualified Paleontologist. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources. The duration and timing of the monitoring will be determined by the Qualified Paleontologist. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, he or she may authorize, after approval of the County, that monitoring be reduced to periodic spot-checking or ceased entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required and reduction or suspension would need to be reconsidered by the Qualified Paleontologist. Ground disturbing activity that does not exceed 5 feet in depth shall not require paleontological monitoring.</li> <li><b>Salvage of Fossils.</b> If fossils are discovered, the Qualified Paleontologist or paleontological monitor shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct,</li> </ol>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Prior to and during construction</p>
			<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee</p>	

			<p>divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</p> <p><b>3. Preparation and Curation of Recovered Fossils.</b> Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.</p> <p><b>4. Final Paleontological Mitigation Report.</b> Upon completion of ground disturbing activity (and curation of fossils if necessary), the Qualified Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.</p>	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee; San Joaquin Valley Air Pollution Control District; Cal/OSHA	Prior to issuance of grading permits
*33.	Hazards and Hazardous Materials	<p><b>MM HAZ-3(a) Valley Fever Management Plan.</b> The Project applicant shall consult with the County, San Joaquin Valley Air Pollution Control District, and Cal/OSHA to develop a Valley Fever Management Plan that includes specific measures to reduce the potential for exposure to Valley Fever. Before grading permits can be issued, the applicant shall submit the Valley Fever Management Plan to the County for review and approval. The Valley Fever Management Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever-containing dust. Measures in the Valley Fever Management Plan, which shall be implemented as applicable, may include the following:</p> <ul style="list-style-type: none"> <li>d Provide High Efficiency Particulate Air (HEPA)-filtered air-conditioned enclosed cabs on heavy equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment.</li> <li>e Provide communication methods, such as two-way radios, for use in enclosed cabs.</li> <li>f Provide National Institute for Occupational Safety and Health-approved respirators for workers.</li> </ul>				

	<p>g Conduct a job hazard analysis in compliance with Cal/OSHA regulations for any worker that will be exposed to dust.</p> <p>h Require half-face respirators equipped with N-100 or P-100 filters to be used during digging if determined to be warranted after conducting a job hazard analysis.</p> <p>i Require employees to wear respirators when working near earthmoving machinery if determined to be warranted after conducting a job hazard analysis.</p> <p>j Require employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).</p> <p>k Provide separate, clean eating areas with handwashing facilities.</p> <p>l Thoroughly clean construction tools, equipment, and vehicles with water before they are moved off-site to other work locations.</p> <p>m Wheel-washing facilities with water-recycling systems shall be provided at all site egress points. Vehicles leaving the site on a daily basis shall utilize wheel-washing facilities in order to reduce dust migration off the Project site.</p> <p>n On-site workers shall be required to change clothes after work every day before leaving the work site, to prevent distribution of Coccidioides to non-endemic areas. As an alternative, disposable Tyvek® or equivalent work suits and work boots for use on-site shall be provided for workers.</p> <p>o Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever. Reporting of symptoms of Valley Fever and diagnosed cases of Valley Fever must occur consistent with Cal/OSHA requirements.</p>		
*34.	<p>Hazards and Hazardous Materials</p> <p><b>MM HAZ-3(b) Valley Fever Dust Suppression Measures.</b> If wind speeds exceed 15 miles per hour or temperatures exceed 95 degrees Fahrenheit for three consecutive days, additional dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities. The additional dust suppression shall continue until winds are 10 miles per hour or lower and outdoor air temperatures are below 90 degrees Fahrenheit for at least two consecutive days. The additional dust suppression measures shall be</p>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee</p> <p>Prior to issuance of grading permits, during construction</p>

	<p>incorporated into the Final Construction Management Plan. The Final Construction Management Plan shall be submitted to the County for review and approval prior to the issuance of any grading permit.</p>		<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee</p>	<p>Prior to grading activity, during construction</p>
<p>*35.</p>	<p>Hazards and Hazardous Materials</p>	<p><b>MM HAZ-3(c) Valley Fever Worker Training Program and Safety Measures.</b> Prior to any Project grading activity, the primary construction contractor shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction. The objective of the training shall be to ensure that workers are aware of the dangers associated with Valley Fever. The worker training program shall be included in the standard in-person training for construction workers and shall identify safety measures to be implemented by construction contractors during construction, including all safety measures included in the Valley Fever Management Plan prepared pursuant to Mitigation Measure HAZ-3(a). Prior to initiating any grading, the Project applicant shall provide the County with copies of all educational training material for review and approval. No later than 30 days after any new employee(s) begin work, the Project applicant shall submit evidence to the County that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).</p>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee</p>	<p>Prior to issuance of grading permits</p>
<p>*36.</p>	<p>Hazards and Hazardous Materials</p>	<p><b>MM HAZ-3(d) Valley Fever Information Handout.</b> The Project applicant shall work with a medical professional, in consultation with the County, to develop an educational handout for on-site workers, and include the following information on Valley Fever: the potential sources/causes, the common symptoms, the options or remedies available should someone be experiencing these symptoms, and places where testing for exposure is available. Prior to construction permit issuance, this handout shall have been created by the applicant and reviewed by the County. A printed version of this handout shall be provided to all on-site workers on their first day at the Project site.</p>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee</p>	<p>During construction</p>
<p>*37.</p>	<p>Hazards and Hazardous Materials</p>	<p><b>MM HAZ-4 Suspected Asbestos-Containing Materials.</b> The Project proponent shall comply with the following mitigation in the event that materials suspected to contain asbestos are uncovered during construction activities:</p>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development</p>	<p>During construction</p>



		<p>Services and Capital Projects Division, and/or its designee</p>	
<p>1. If suspected asbestos-containing materials are discovered during Project construction 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.</p> <p>2. All damaged asbestos-containing materials and asbestos-containing materials that would be disturbed by Project construction 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.</p> <p>All construction activities shall be undertaken in accordance with Cal/OSHA standards, as contained in Title 8 of the Cal. Code Regs., Section 1529, to protect workers from exposure to asbestos. Construction shall be performed in conformance with federal, state, and local laws and regulations so construction workers and/or the public avoid significant exposure to asbestos-containing materials.</p>	<p>Applicant and/or their designee to implement measure as defined</p>	<p>Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee</p>	<p>Prior to issuance of grading permits</p>
<p>*38.</p>	<p>Hazards and Hazardous Materials</p>	<p><b>MM HAZ-5 Hazardous Materials Soil Sampling and Remediation.</b> Prior to issuance of grading permits, for construction activities near the potential Recognized Environmental Concerns, additional soil samples testing for total petroleum hydrocarbons shall be performed near the on-site agricultural wells and pumps, fuel ASTs, turbine oil ASTs, diesel powered agricultural engines, and engine oil ASTs under the supervision of a professional geologist or professional engineer. The County shall review the results of the soil sampling to determine if any additional investigation or remedial activities are deemed necessary. No work shall resume in that area until the County has provided written authorization that the area does not warrant any additional action.</p> <p>If concentrations of contaminants are identified in areas of the Project site and are confirmed to pose a potential risk to human health and/or the environment by a qualified environmental specialist, contaminated materials shall be remediated either prior to or concurrent with construction. Remediation shall generally include a management plan which establishes design and implementation of remediation. Cleanup may include excavation, disposal, bio-remediation, and/or any other treatment of conditions subject to regulatory action. All necessary reports, regulations and permits shall be followed to</p>	

		achieve cleanup of the site. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation and under the direction of the lead oversight agency. The remediation program shall also be approved by the County. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.			
*39.	Hydrology and Water Quality	<b>MM HWQ-4 Hazardous Materials Business Plan Inundation Measures.</b> In addition to the HMBP requirements established by California Health and Safety Code Section 25500 and the Fresno County Division of Environmental Health, the Project's HMBP shall include a flood inundation plan in the emergency response plan section.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division, and/or its designee	Prior to and during operation
<b>Conditions of Approval</b>					
1.		Development and operation of the project shall be substantially in accordance with the Site Plan, Elevations, Operational Statement, Project Description, and Draft Reclamation Plan submitted to the Planning Commission.			
2.		The life of this Use Permit (CUP No. 3555) shall expire in 35-year after the issuance of any permits for development of the Project site.			
3.		Prior to issuance of building permit for the Use Permit (CUP 3555), a Site Plan Review (SPR) Application shall be submitted to and approved by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. 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.			
4.		Site Plan Review (SPR) approval shall be required to ensure compliance with setback requirements, including a minimum 50-foot buffer from the edges of the project's property boundaries to the closest structural improvements or equipment (excluding fencing). A merger procedure shall be required to combine all affected parcels into one if: 1) any PV system or related equipment or structures would cross over individual property boundary lines, or if 2) minimum setback requirements are not met, and a Variance request has not been approved.			
5.		Prior to the County of Fresno's issuance of the grading or any development permit, the project developer must enter into a reclamation agreement with the County of Fresno on terms and conditions acceptable to the County of Fresno, which reclamation agreement will require the project owner to (1) decommission, dismantle, and remove the project and reclaim the site to its pre-project condition in accordance with the approved Reclamation Plan, and (2) maintain a financial assurance to the County of Fresno, to secure the project owner's obligations under the reclamation agreement, in an amount sufficient to cover the costs of performing such obligations, as			

	<p>provided herein. Such financial assurance shall be in the form of cash and maintained through an escrow arrangement or other form of security acceptable at the discretion of the Board of Supervisors.</p> <p>The amount of the financial assurance under the reclamation agreement shall (1) initially cover the project owner's cost of performing its obligations under the reclamation agreement, as stated above, based on the final County of Fresno-approved design of the project, which cost estimate shall be provided by the project owner to the County of Fresno, and be subject to approval by the County of Fresno, and (2) be automatically increased annually, due to increases in costs, using the Engineering News-Record construction cost index. This initial cost estimate will consider any project components, other than Improvements, that are expected to be left in place at the request of and for the benefit of the subsequent landowner as long as the improvements are directly supportive restoring the site to a viable agricultural use. (e.g., access roads, electrical lines, O&amp;M building).</p>
6.	<p>The project shall substantially adhere to the provisions in the Draft Reclamation Plan as submitted to the Planning Commission and prepared for the decommissioning of the facility when operation ceases. Reasonable modifications may be made to the Plan to address changes of scope and configuration of the final Site Plan and improvements. The draft reclamation Plan shall be reviewed and approved as final by the County of Fresno, Department of Public Works and Planning prior to the issuance of any development permits.</p>
7.	<p>The Reclamation Plan shall be revised to provide for an annual increase in costs at 3%, or tied to the Engineering News-Record construction cost index, or other mechanism acceptable to the Fresno County Department of Public Works and Planning.</p>
8.	<p>Prior to issuance of building permit for the Use Permit (CUP 3555), the developer shall submit to the County of Fresno for review and approval of a Pest and Weed Management Plan prepared for the project to control weeds and rodents on the property that may impact adjacent properties.</p>
9.	<p>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 Approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions of Approval, and the developer shall enter into an agreement with the County to pay all costs associated with the Consultant costs, Mitigation Monitoring expenses, and cost of County staff time related to implementation of mitigation measures and Conditions of Approvals.</p>
10.	<p>The project developer shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction related items necessary for the project.</p>
11.	<p>The project developer shall make all reasonable efforts to conduct local recruitment efforts and/or coordinate with employment agencies in an attempt to hire from the local workforce</p>
12.	<p>The project developer shall make all reasonable efforts to purchase products and equipment from local (Fresno County) manufacturing facilities and/or vendors.</p>
13	<p>Per the California Department of Transportation (Caltrans') Transportation Concept Report for SR 33, the ultimate right-of-way (ROW) is 110 feet. There exists 100 feet of Right of Way (ROW). Prior to approval of any construction permit, an additional five feet of ROW is required for the project to provide 53 feet right of way east of section line. Any proposed structure (s) or development shall be placed outside of Caltrans ultimate ROW for SR 33 and no direct access to SR 33 is allowed.</p>

14	Prior to commencement of project construction, a Construction Traffic Management Plan shall be prepared for the project and submitted to the County and the California Department of Transportation for review and approval.
15.	A dust palliative shall be required on all unpaved parking and circulation areas during construction and decommissioning.
16.	Prior to granting occupancy to the use, the developer shall enter into a financially secured agreement to ensure that any County roads which are demonstrably damaged by project related traffic are repaired, paved, and/or slurry-sealed, as is determined by the Fresno County Public Works and Planning Department's Road Maintenance and Operations Division.
17.	During construction, operation, and decommissioning/reclamation, the site shall be operated and maintained in good working order, free of refuse, not unsightly, and in compliance with the approved pest and weed management plans approved for the project.
18.	Prior to granting any development permits, the developer shall record a document on the subject property incorporating the provisions of the County Right-To-Farm Notice (Fresno County Ordinance Code Section 17.04.100).

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project. The term Applicant is synonymous with the term developer.

**Notes**

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Developer.

1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period more than two years.
2.	Construction plans, building permits and inspections are required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
3.	Prior to initiating construction, the developer 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.
4.	To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following: <ul style="list-style-type: none"> <li>• According to FEMA FIRM Panels 2500H and 2525H, the easterly portion of the area of the subject property is within the Special Flood Hazard Area, subject to flooding from the 100- year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.</li> <li>• Any proposed structure in the Special Flood Hazard Area including any associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, transformers, etc.) must comply with the FEMA flood elevation requirements.</li> <li>• All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable.</li> <li>• Note that grading import is not allowed work within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding.</li> <li>• If the proposed work is near the flood zone, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor or FEMA Elevation Certificate may be required.</li> </ul>

**Notes**

<ul style="list-style-type: none"> <li>• If determination is made that the proposed structure is within the said flood zone, a completed FEMA Elevation Certificate shall be required. No permits will be issued until certified Map of Survey/Map of Flood Hazard Area and/or FEMA Elevation Certificate is reviewed and accepted by the Grading Engineer.</li> <li>• The proposed photovoltaic solar farm must comply with Cal Fire Prevention Standard and Guidelines for clearance between property line/fence, clearance around any structure, clearance between photovoltaic arrays (walkway width), dead-end fire apparatus access road turnaround, minimum clear width and maximum grade of fire department access road, minimum turning radius, unobstructed vertical clearance, and the like.</li> <li>• Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines, or into road right-of-way, and must be retained on-site, per County Standards.</li> <li>• An Engineered Grading and Drainage Plan may be required to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties.</li> <li>• A grading permit or voucher is required for any grading proposed with this application.</li> <li>• Any work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</li> </ul>	
<p>5. To address site development impacts resulting from the project, the California Department of Transportation (Caltrans). requires the following:</p> <ul style="list-style-type: none"> <li>• Oversized or heavy load vehicles used for the construction of this solar project may require a Transportation Permit Application from California Department of Transportation (Caltrans).</li> <li>• Any proposed structure (s) or development shall be placed outside of Caltrans ultimate ROW for SR 33 and no direct access to SR 33 is allowed.</li> <li>• An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way.</li> </ul>	
<p>6. The project shall comply with California Code of Regulations Title 24– Fire Code and “Prior to receiving FCFPD conditions of approval for the project, the developer shall submit construction plans to the County of Fresno Public Works and Planning for review. The project may also be annexation into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>	
<p>7. A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water Permit shall be secured for the Project. Construction activities disturbing one acre or more of land are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (Construction General Permit) and must apply for Construction General Permit coverage.</p>	