



## Inter Office Memo

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DATE: October 22, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12853 - UNCLASSIFIED CONDITIONAL USE PERMIT (CUP) APPLICATION NOS. 3562, 3563, AND 3564 AND ASSOCIATED ENVIRONMENTAL IMPACT REPORT NO. 7257 (STATE CLEARINGHOUSE NO. 2017091038)

APPLICANT: RWE Solar Development, LLC

OWNER: G3 Farming Trust, Woolf Family Trust No. 1 and Woolf Properties

REQUEST: Allow the construction, operation, maintenance, and ultimate decommissioning of a 150-megawatt (MW) solar photovoltaic (PV) generation facility, an up to 20-MW solar PV generation facility, and an up to 100-MW energy storage facility. The Fifth Standard Solar Facility Project Complex (proposed project) includes PV electricity generating facilities, a battery storage facility, and associated infrastructure. The proposed project is located on twelve contiguous parcels (project site), totaling approximately 1,600 acres in unincorporated Fresno County. A new generation-tie (gen-tie) line would be constructed to connect the solar and storage components of the proposed project to Pacific Gas and Electric's (PG&E's) adjacent Gates Substation (point of interconnect). The anticipated lifetime of the proposed project would be 35 years and would be decommissioned once operations of the facility cease.

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LOCATION: The approximately 1,600-acre project site is located in unincorporated Fresno County on the west side of State Route 269 (Lassen Avenue), between Gale Avenue and Jayne Avenue, approximately one and a half-miles south of the City of Huron and approximately two (2) miles east of Interstate 5 (I-5). (Sup. Dist. 4) (APNs: 075-060-15s, 075-060-52s, 075-070-01s, 075-070-32s, 075-070-33s, 075-070-34s, 075-070-35s, 075-130-12s, 075-130-54s, 075-130-59s, 075-130-60s).

PLANNING COMMISSION ACTION:

At its hearing of October 22, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Chatha to:

1. Approve the California Environmental Quality Act (CEQA) Findings of Fact and Statement of Overriding Considerations as attached to Exhibit B (certifying Environmental Impact Report 7257 for the Fifth Standard Solar Project), and approve the Mitigation Monitoring and Reporting Program and Conditions of Compliance Reporting Matrix attached as Exhibit C and as prepared for Unclassified Conditional Use Permit Application Nos. 3562, 3563, and 3564 based on the Findings above;
2. Determine that the required Findings discussed above can be made for the proposed Project and move to approve Unclassified Conditional Use Permit Application Nos. 3562, 3563, and 3564 with Conditions and Project Notes;
3. Approve the Reclamation Plan dated September 2016 attached for the proposed Project and as attached to the Planning Commission Staff Report as Exhibit 7; and
4. Determine Pursuant to Zoning Ordinance Section 873.F, the Conditions incorporated into this Project are necessary for public health, safety, and general welfare.

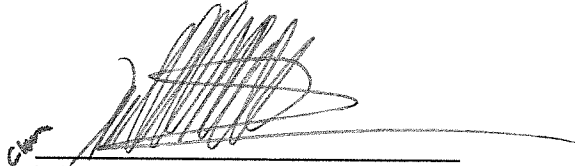
This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Chatha, Carver, Ede, and Hill  
No: Commissioners Burgess, Lawson  
Absent: Commissioner Eubanks  
Abstain: None  
Recused: Commissioner Woolf

RESOLUTION # 12853

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

CM:cwm  
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Attachments

EXHIBIT "A"

ENVIRONMENTAL IMPACT REPORT NO. 7257  
(STATE CLEARINGHOUSE# 2017091038)  
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION  
NOS. 3562, 3563, AND 3564

Staff: The Fresno County Planning Commission considered the Staff Report dated October 22, 2020 and heard a summary presentation by staff and staff's environmental consultant.

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:

- This has been a long time coming; we filed our application in 2016 and as it has been four years, so we are glad to be in the decision phase of this project.
- The application was filed under EON Renewables and although we are primarily the same company, we are now RWE Renewables.
- We have 3,000 employees globally and a renewable portfolio that includes 4,000 Megawatts in the United States.
- The Gates Substation is immediately adjacent to the site which limits the length of overhead power lines connecting the project to less than three-tenths of a mile.
- The longer the overhead interconnecting power line, the greater the project complexity, cost and additional impacts.
- Woolf Farming entities has a 20,000-acre agricultural operation that, due to irrigation water supply constraints, must fallow more acreage on an annual basis than the size of the proposed project site.
- We considered putting the project further to the west but encountered biological constraints when conducting preliminary surveys.
- The only significant impacts were determined to be to land use and agricultural resources.
- The ALCC recommended approval of the Williamson Act Contract cancellation to the Board of Supervisors, and determined that cancellation was in the public interest due to constraints to surface water access; the site is in Westlands Water District.
- The groundwater sustainability plan for this sub-basin will reduce groundwater use in this area to 30 percent by 2030 for farming; to say the site is water-constrained is not speculative.

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- Putting a solar project on this site will not result in fewer acres being farmed in Fresno County.
- We will prepare a weed and pest management plan, traffic control plan and a reclamation plan.
- At the end of the project life the facilities will be decommissioned, equipment removed, and the site will be returned to an agricultural use-ready condition.
- This is a large construction project that will employ people in Fresno County, will use union labor, local procurement of materials and will generate tax revenue.
- Partnering with Woolf Farming allows them to preserve their farming and food processing jobs.
- The project would provide low-cost, emission-free electricity meeting state mandates and incorporates energy storage; the project reduces climate change impacts and loss of Sierra snowpack.

### Others:

One other individual, a representative of the family farming operation, presented information in support of the project stating:

- In a perfect world we would be farming all the property.
- We are concerned about the 7,000 acres being fallowed.
- This is our family legacy and we do not wish to sell the land; we would love to farm it, but we don't have enough water.
- We are not getting out of the farming industry but trying to figure out how to survive it.
- This proposal allows us to keep our existing irrigated lands going and our processing plants; solar an opportunity and the leasing revenue will assist us in farming our other holdings.

No individuals presented information in opposition to the project.

### Correspondence:

No letters were presented to the Planning Commission in support of or in opposition to the application.

# EXHIBIT B



## Environmental Impact Report 7257 Fifth Standard Solar Project – Findings and Statement of Overriding Considerations

Findings and Statement of  
Overriding Consideration

Prepared for:

Fresno County Department of Public  
Works and Planning  
Development Services and Capital  
Projects Division  
2220 Tulare St. Suite A,  
Fresno, CA 93721

Prepared by:

Stantec Consulting Services Inc.  
7502 N. Colonial Avenue, Suite 101  
Fresno, CA 93711

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## Abbreviations

APLIC	Avian Power Line Interaction Committee
Applicant	RWE Solar Development, LLC (formerly known as EC&R Solar Development, LLC)
BMP	best management practice
Board	Fresno County Board of Supervisors
CAISO	California Independent System Operator
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
County	Fresno County
CPUC	California Public Utilities Commission
CUP	Conditional Use Permit
DPM	diesel particulate matter
EIR	Environmental Impact Report
Findings	Findings of Fact
gen-tie	generation-tie
GHG	greenhouse gas
HCP	Habitat Conservation Plan
I-5	Interstate 5
kV	kilovolt
MLD	Most Likely Descendant
MM	Mitigation Measure
MMBTU/year	million British Thermal Units per year
MW	megawatt
NAHC	Native American Heritage Commission
NCCP	Natural Communities Conservation Plan
NOA	Notice of Availability
NOP	Notice of Preparation

NO <sub>x</sub>	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
PG&E	Pacific Gas and Electric
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
PRC	Public Resources Code
project	Fifth Standard Solar Project Complex
PV	photovoltaic
RPS	Renewable Portfolio Standards
RWQCB	Regional Water Quality Control Board
SF <sub>6</sub>	sulfur hexafluoride
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
Statement	Statement of Overriding Considerations
SWPPP	Stormwater Pollution Prevention Plan
USFWS	U.S. Fish and Wildlife Service
UV	ultraviolet
VERA	Voluntary Emissions Reduction Agreement

## **1.0 INTRODUCTION**

This document provides a brief summary of the Fifth Standard Solar Project Complex (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). This document also provides a Statement of Overriding Considerations (Statement) as required by California Environmental Quality Act (CEQA) Guidelines 15093, providing rationale in support of the Commission's determination that the benefits of the project outweigh its unavoidable significant environmental effects.

### **1.1 PROJECT DESCRIPTION**

The term "project," as used in this document, means the project description as set forth in Section 2.0 of the Draft EIR.

#### **Project Location**

The project site is in unincorporated Fresno County (County), approximately 2 miles east of Interstate 5 (I-5) and approximately 13 miles east of Coalinga. Lassen Avenue (California State Route [SR] 269) borders the eastern side of the property and is the only paved road adjacent to the project site. Trinity Avenue, Tractor Avenue, and Phelps Avenue intersect the project site, but are not improved roads. Nearby communities include Huron (1.5 miles north), Avenal (9 miles south), Kettleman City (12 miles southeast), and Coalinga (13 miles west).

#### **Project Overview**

The RWE Solar Development, LLC (formerly known as EC&R Solar Development, LLC) (Applicant) has applied to the Fresno County Department of Public Works and Planning for three Unclassified Conditional Use Permits (CUPs) (CUP Application Nos. 3562, 3563, and 3564) to construct, operate, maintain, and decommission a 150-megawatt (MW) solar photovoltaic (PV) generation facility, an up to 20-MW solar PV generation facility, and an up to 100-MW energy storage facility. The project includes PV electricity-generating facilities, a battery storage facility, and associated infrastructure. The proposed project is located on several contiguous parcels (project site), totaling approximately 1,600 acres in unincorporated Fresno County. A new generation-tie (gen-tie) line would be constructed to connect the solar and storage components of the proposed project to Pacific Gas and Electric's (PG&E's) adjacent Gates Substation (point of interconnect). The anticipated lifetime of the proposed project would be 35 years, and the facility would be decommissioned once operations cease. The final lease agreement is anticipated to occur by 2022, with a lease term of 35 years. The CUP would tentatively have an end date of August 2057. The lease agreement would include an option for renewal, in which case a new land use permit, subject to the County's review and approval, would need to be obtained.

The proposed project includes three separate components, which are summarized below:

- Unclassified CUP Application No. 3562 Fifth Standard Solar Facility: a 150-MW PV solar energy generation facility that is anticipated to require up to 1,400 acres of the site. A 230-kilovolt (kV) project gen-tie line would be constructed from the southwest portion of this site to the point of interconnect. The gen-tie line would consist of a 0.3-mile aboveground power line.
- Unclassified CUP Application No. 3563 Stonecrop Solar Facility: a 20-MW PV solar energy generation facility that would be located adjacent to the Fifth Standard Solar Facility and would require less than 200 acres of the site.
- Unclassified CUP Application No. 3564 Blackbriar Battery Storage Facility: an up to 100-MW battery storage facility that would be located adjacent to the Fifth Standard Solar Facility and the Stonecrop Solar Facility and would require less than 5 acres of the site.

## **Project Objectives**

The proposed objectives for the project are as follows:

- Construct and operate a solar PV power-generating facility capable of producing up to 170 MW alternating current in a cost competitive manner.
- Interconnect directly to the California Independent System Operator (CAISO) high-voltage electrical transmission system (grid) to the Gates Substation.
- Assist California utilities in meeting their obligations under California's Renewable Portfolio Standard Program, including 60 percent of retail sales from renewable sources by the end of 2030.
- Assist California utilities in meeting their obligations under the California Public Utilities Commission's (CPUC's) Energy Storage Framework and Design Program, including procurement targets of 1,325 MW by 2020, by providing up to 100 MW of storage capacity.
- Provide renewable-energy-related and diversified job opportunities and training that will help reduce local unemployment and benefit the local economy.

Based on its own review of the EIR and other information and testimony received in connection with the project, the County finds these objectives to be acceptable and persuasive from a public policy standpoint and accords them weight in considering the feasibility of alternatives set forth in the EIR and in invoking overriding considerations in approving the project. (See *Sierra Club v. County of Napa*, 121 Cal.App.4th 1490, 1507-1508 [2004]; and *Sequoyah Hills Homeowners Association v. City of Oakland*, 23 Cal.App.4th 704, 715 [1993] ["Sequoyah Hills"]).

## **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 the associated Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (CEQA requirements), permits and approvals would be required including, but not limited to:

- Unclassified CUPs (CUPs Application Nos. 3562, 3563, and 3564) to construct, operate, maintain, and decommission the proposed project
- Fresno County Building Permits and Right-of-Way Encroachment Permit
- Model Water Efficiency Landscaping Ordinance
- Central Valley Regional Water Quality Control Board (RWQCB) National Pollutant Discharge Elimination System (NPDES) Permit and Report of Waste Discharge
- San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII, Dust Control Plan
- SJVAPCD Rule 9510, Indirect Source Review
- Fresno County Grading Permit
- California Department of Transportation (Caltrans) Encroachment Permit.

## **Responsible and Trustee Agencies**

Responsible and trustee agencies are state and local public agencies, other than the lead agency, that have some authority to carry out or approve a project or that are required to approve a portion of the project for which a lead agency is preparing or has prepared an EIR. A list of responsible and permitting agencies is included below. However, this list is not exhaustive and could include other agencies. The Draft EIR has been designed to provide information to these agencies to assist them in the permitting processes for the proposed project. While CEQA is not binding on federal agencies, and no federal agencies have been identified that would be required to take action on the project, and any such agency may use the analysis in this document to assist with the preparation of their own analyses required by federal law.

The following agencies may serve as responsible and trustee agencies:

- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board
- San Joaquin Valley Air Pollution Control District
- California Public Utilities Commission

- Pacific Gas and Electric (PG&E)

## **1.2 ENVIRONMENTAL REVIEW PROCESS**

To initiate preparation of the Draft EIR, the County of Fresno submitted a Notice of Preparation (NOP) to the County of Fresno Clerk and the State Clearinghouse on September 13, 2017 (State Clearinghouse Number 2017091038). The NOP was circulated by certified mail to responsible and trustee agencies, as well as those parties who previously requested notice of the proposed project. Additionally, the NOP was mailed to all residents and landowners located within one mile of the proposed project site. A 30-day scoping period ran from September 15, 2017, through October 16, 2017. A public scoping meeting was held at the Keenan Community Center in the City of Huron on September 27, 2017. In accordance with Section 15082 of the CEQA Guidelines, the County prepared a NOP, and all comments received on the NOP are presented in Appendix A of the Draft EIR.

As part of the NOP scoping process, it was determined that implementation of the proposed project would result in no impact to the following environmental topic areas:

- Population and Housing
- Recreation

With the exception of a cursory impact discussion in Section 6.0 of the Draft EIR, Effects Found Not To Be Significant, these environmental resources areas were not discussed further in the Draft EIR.

In addition, certain subjects within various topical areas were determined not to be significant. Other potentially significant issues are analyzed within these topical areas; however, the following issues were not analyzed (the sections provided in parentheses are sections of the Draft EIR):

- Forest land zoning and conversion (Section 4.2, Agriculture)
- Odors (Section 4.3, Air Quality)
- Rupture of a known earthquake fault (Section 4.6, Geology and Soils)
- Soils incapable of supporting alternative wastewater systems (Section 4.6, Geology and Soils)
- Emission of hazardous materials within 0.25 mile of an existing or proposed school (Section 4.8, Hazards and Hazardous Materials)
- Airports and private airstrips (Section 4.8, Hazards and Hazardous Materials)
- Inundation by seiche, tsunami, or mudflow (Section 4.9, Hydrology and Water Quality)
- Division of an established community (Section 4.10, Land Use and Planning)

- Aviation noise (Section 4.12, Noise)
- New or physically altered governmental facilities, including, schools, parks, and other public facilities (Section 4.13, Public Services)
- Wastewater treatment capacity (Section 4.16, Utilities and Service Systems)

An explanation of why each of the issues above was determined not to be significant was provided in Section 6.0 of the Draft EIR, Effects Found Not To Be Significant.

The Draft EIR includes an analysis of the following issue areas:

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| • Aesthetics                      | • Land use and planning         |
| • Agriculture                     | • Minerals                      |
| • Air quality                     | • Noise                         |
| • Biological resources            | • Public services               |
| • Cultural resources              | • Transportation                |
| • Geology and soils               | • Tribal cultural resources     |
| • Greenhouse gases                | • Utilities and service systems |
| • Hazards and hazardous materials | • Energy                        |
| • Hydrology and water quality     | • Wildfire                      |

The Draft EIR was circulated for public review on February 7, 2020 for a 45-day comment period from February 7, 2020 through March 23, 2020. To initiate this public comment period, the County of Fresno circulated a Notice of Availability (NOA) to responsible and trustee agencies as defined under CEQA and parties previously requesting information on the proposed project. The NOA was provided to the State Clearinghouse and the County of Fresno Clerk on February 7, 2020. The Notice was also published in The Business Journal on February 7, 2020.



## **2.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS**

CEQA, Public Resources Code (PRC) Section 21000 et seq., requires a lead agency to make written findings of project effects when a lead agency decides to approve a project for which an EIR has been certified (PRC Section 21081). Section 15091 of the CEQA Guidelines (California Code of Regulations [CCR] Title 14) states, in part:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effect of the project unless the public agency makes one or more written finding for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) 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.
  - (2) 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.
  - (3) 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 findings required by subsection (a) shall 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 Public Works and Planning Department  
Fresno, California  
2220 Tulare Street, Street level  
Fresno, California 93721

## 2.1 RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6, subdivision (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 NOP was published on September 13, 2017 and the comment period closed on October 16, 2017;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR for the project and all appendices; the Draft EIR was published on February 2, 2020 and circulated for the statutory 45-day review period; the comment period for the Draft EIR closed on March 23, 2020;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the project, including comments received on the Draft EIR, responses to those comments, and appendices;
- Documents cited or referenced in the Draft and Final EIRs;
- The Mitigation Monitoring and Reporting Program for the project;
- All findings and resolutions adopted by the Planning Commission in connection with the project and all documents cited or referred to therein;
- All findings and resolutions adopted by the Commission in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the County, consultants to the County, or responsible or trustee agencies 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 or members of the public in connection with the Project, up through the close of the Planning Commission public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;

- The County of Fresno General Plan and all environmental documents prepared in connection with the adoption of the General Plan;
- The County of Fresno Ordinance and all other County Code provisions cited in materials prepared by or submitted to the County;
- Any and all resolutions adopted by the County regarding the project and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by PRC Section 21167.6, subdivision (e).

The official custodian of the record is David Randall, Senior Planner, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Fresno, California 93721.

Without exception, any documents set forth above that are not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions known to the Commission in approving the project (see *City of Santa Cruz v. Local Agency Formation Commission* [1978] 76 Cal.App.3d 381, 391-391; *Dominey v. Department of Personnel Administration* [1988] 205 Cal.App.3d 729, 738, fn. 6.). Other documents influenced the expert advice provided to County staff or consultants, who then provided advice to the Commission as final decision-makers. For that reason, such documents form part of the underlying factual basis for the Commission's decisions relating to approval of the Project. (see PRC Section 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* [1986] 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* [1995] 33 Cal.App.4th 144, 153, 155.)

## **2.2 FINDINGS REQUIRED UNDER CEQA**

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[.]" The same statute provides that the procedures required by CEQA, "are intended to assist public agencies in systematically identifying both the significant effects of Projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide 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."

The mandate and principles announced in PRC section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are

required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions, as described in Section 2.0, above.

The term "feasible" means capable of being accomplished in a successful manner within a reasonable period, considering economic, environmental, social, legal, and technological factors. The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, feasibility under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); see also CNPS, *supra*, 177 Cal.App.4th at p. 1001. Additionally, an alternative that is impractical or undesirable from a policy standpoint may be rejected as infeasible ([Kostka, *supra*, § 17.29, p. 824]; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17.).

For purposes of these findings (including the Mitigation Monitoring and Reporting Program), the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

CEQA requires that the lead agency adopt feasible mitigation measures or, in some instances, feasible alternatives to substantially lessen or avoid significant environmental impacts that would otherwise occur. However, project modification or alternatives are not required where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines Section 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations that sets forth the specific reasons that the agency found that the project's benefits outweigh its unavoidable adverse environmental effects. (CEQA Guidelines, Section 15093, 15043, subd. (b); see also PRC Section 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, *supra*, 52 Cal.3d at p. 576).

CEQA does not require a lead agency to make individual findings for impacts that are determined to be less than significant without mitigation (CEQA Guidelines § 15091 (a)). Impacts associated with the project deemed to be less than significant prior to mitigation or no impact are discussed in detail in the EIR and summarized below:

- Aesthetics – Have a substantial adverse effect on a scenic vista. (Less Than Significant Impact)

- Aesthetics – Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (Less Than Significant Impact)
- Aesthetics – Substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Less Than Significant Impact)
- Biological Resources – Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (No Impact)
- Biological Resources – Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (No Impact)
- Biological Resources – Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (No Impact)
- 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 plans. (No Impact)
- Geology and Soils – Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury or death involving Strong seismic ground shaking, seismic-related ground failure including liquefaction, or landslides. (Less Than Significant Impact)
- Geology and Soils – 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. (Less Than Significant Impact)
- 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)
- 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)
- Hazards and Hazardous Materials – Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment. (Less Than Significant Impact)

- Hazards and Hazardous Materials – Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less Than Significant Impact)
- Hydrology and Water Quality – Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (Less Than Significant Impact)
- 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 Impact)
- 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 through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or offsite, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, 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 or impede or redirect flood flows. (Less Than Significant Impact)
- Hydrology and Water Quality – Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Less Than Significant Impact)
- Mineral Resources – Result in the loss of availability of a known mineral resource classified MRZ-2 by the State Geologist that would be of value to the region and the residents of the state. (No Impact)
- 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)
- Noise and Vibration – Result in the generation of excessive groundborne vibration or groundborne noise levels. (Less Than Significant Impact)
- Public Services – Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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. (Less Than Significant Impact)
- Transportation – Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). (Less Than Significant Impact)
- Utilities and Service Systems – Result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural

gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (Less Than Significant Impact)

- Utilities and Service Systems – Sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. (Less Than Significant Impact)
- 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)
- Utilities and Service Systems – Comply with federal, state, and local management and reduction statutes and regulations related to solid waste. (Less Than Significant Impact)
- Wildfire – Substantially impair an adopted emergency response plan or emergency evacuation plan. (Less Than Significant Impact)
- Wildfire – Exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. (No Impact)
- Wildfire – Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (No Impact)
- Energy – Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. (Less Than Significant Impact)
- Energy – Conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (No Impact)

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.

## **Aesthetics**

**Impact AES-4** The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**Facts in Support of Finding:** Nighttime construction work and additional glare from the solar panels during the daytime could result in significant lighting or glare impacts in the project area if lights or glare were to shine onto adjacent properties and/or a public right-of-way. These potential impacts could be mitigated to a less than significant level through MM AES-1 (Lighting), requiring that all outdoor lighting be hooded, directed downward, and permanently maintained. The proposed project would introduce a new potential source of glare from the reflective portions of the solar panel arrays. However, the PV panels would be covered with dark, high-light-absorbing, low-reflective glass, and mounted on a metal tracking system. Further, in accordance with County policy and the County's Solar Guidelines, the solar panels would be set back a minimum of 50 feet from the property line and neighboring agricultural operations. This would reduce potential lighting and glare from reaching nearby sensitive receptors including adjacent properties and viewers from the public right-of-way. Impacts related to lighting and glare would be less than significant with mitigation incorporated. (Draft EIR pages 4.1-20 and 4.1-21).

**MM AES-1: Lighting.** *All outdoor lighting shall be hooded, directed downward, and permanently maintained to not shine towards adjacent properties and roads.*

## **Agriculture**

**Impact AG-1** The proposed project would convert Prime, Unique, or Farmland of Statewide Importance to a non-agricultural use.

**Finding:** Changes or alterations have been required in, or incorporated into, the project, however, impacts would remain significant and unavoidable after implementation of all feasible mitigation (Pub. Res. Code §2 108J(a)(I); 14 Cal. Code Regs. § 15091(a)(I)).

**Facts in Support of Finding:** Implementation of MM AG-1, is required or is incorporated into the project and would reduce impacts related to conversion of farmland, but not to a less than significant level. The County finds that the environmental effect has been mitigated to the maximum extent feasible, and that no feasible mitigation or alternative exists that would avoid the significant effect and therefore, the impact is significant and unavoidable. In Section 4.2 of the Draft EIR, the California Land Evaluation and Site Assessment Model was run for the permanent conversion of farmland as a result of implementation of the project. The final score from this model was 87.72, which means that conversion of agricultural land is considered significant. A total of 1,600 acres of Prime Farmland would be converted to non-agricultural use for up to 35 years as a result of the project. MM AG-1 (Reclamation Plan) includes measures to return the land back to agricultural use after the 35 years of solar production; however, impacts related to conversion of farmland would remain significant and unavoidable.

**MM AG-1: Reclamation Plan.** *Prior to any ground-disturbing activity, the Applicant shall enter into a Reclamation Agreement to implement a Reclamation Plan for each Conditional Use Permit for restoration of agricultural land. The Plan shall include the following standards:*



- *Final reclamation actions shall require that agricultural land be returned to a fertility level equivalent to that level required to support crops recommended by an agricultural consultant through consultation with the County.*
- *Revegetation fertility level success shall be achieved when the productive capability of the revegetated area is equivalent to or exceeds, for two equivalent crop years, that of the pre-project condition or any similar crop production in the region, as determined by an agricultural consultant or as compared to the baseline onsite agricultural production, as determined by the County.*

**Impact AG-2** The proposed project would conflict with existing zoning for agricultural use or a Williamson Act contract.

**Finding:** No feasible changes or alterations have been identified for the project. Impacts would remain significant and unavoidable (Pub. Res. Code §2 108J(a)(l); 14 Cal. Code Regs. § 15091(a)(l)).

**Facts in Support of Finding:** The majority of the project site, with the exception of a 1.25-acre parcel located within the site, is currently under a Williamson Act contract. The project would result in a permanent conversion of all of the Williamson Act contracted lands of the project site and would require a Williamson Act Contract Cancellation Petition. (Draft EIR pages 4.2-12 and 4.2-13).

On July 8, 2020, the County of Fresno Agricultural Land Conservation Committee (ALCC) met to review the application for cancellation. At the hearing, Fresno County Staff provided a recommendation to deny the petition for cancellation of Agricultural Land Conservation Contract Nos. 1809, 2227, 2799, 5150, and partial cancellation of Agricultural Land Conservation Contract Nos. 365 and 367 because they determined the required findings under Government Code Section 51282(c) could not be made. Government Code Section 51282(c) provides that cancellation of Agricultural Land Conservation Contracts can be made if the local government makes one of the following findings: (1) cancellation is consistent with purposes of the Williamson Act or (2) cancellation is in the public interest. Based on the information presented at the hearing, the ALCC voted unanimously to recommend approval of the cancellation application to the Board of Supervisors.

The County finds that there are no feasible mitigation measures to reduce this impact to a less than significant level, and therefore, the impact related to a conflict with Williamson Act contracts remains a significant and unavoidable impact.

**Impact AG-3** The proposed project would involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

**Finding:** No feasible changes or alterations have been identified for the project. Impacts would remain significant and unavoidable (Pub. Res. Code §2 108J(a)(I); 14 Cal. Code Regs. § 15091(a)(I)).

**Facts in Support of Finding:** Given the increased importance of renewable energy in California, other landowners may determine that the conversion of some of their land holdings to non-agricultural use is economically feasible; thus, indirect conversion of offsite farmland could potentially occur. (Draft EIR pages 4.2-13 and 4.2-14). The County finds that there are no feasible mitigation measures to reduce this impact to a less than significant level, and therefore, the impact related to other changes in the environment that could result in conversion of agricultural land to non-agricultural use is significant and unavoidable.

## **Air Quality**

**Impact AQ-1** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(I); 14 Cal. Code Regs. § 15091(a)(I)).

**Facts in Support of Finding:** Section 4.3 of the Draft EIR found that construction and decommissioning of the project would result in exceedances of the SJVAPCD thresholds for NO<sub>x</sub> and PM<sub>10</sub>, and therefore mitigation is required. The project would comply with the SJVAPCD Rule 9510, Indirect Source Review, which requires large development projects to reduce exhaust emissions from construction equipment by 20 percent for NO<sub>x</sub>. However, construction activities associated with the project would still exceed SJVAPCD threshold of significance for NO<sub>x</sub> and PM<sub>10</sub>.

Implementation of MM AQ-1 (Air Quality Best Management Practices [BMPs]) and MM AQ-1 (Voluntary Emission Reduction Agreement [VERA]) would reduce emissions below the SJVAPCD's applicable thresholds of significance. MM AIR-2 would require that the Applicant participate in a VERA with the SJVAPCD or stagger the construction periods for the three facilities to avoid a significant impact. If construction periods are not staggered, the VERA would offset the NO<sub>x</sub> emissions from construction activities so that the project would not exceed SJVAPCD thresholds. Therefore, impacts related to obstruction of the applicable air quality plans would be less than significant with mitigation incorporated. (Draft EIR pages 4.3-18 through 4.3-20).

***MM AIR-1: Air Quality Best Management Practices (BMPs).*** During construction and decommissioning, 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.*
- *To reduce construction vehicle (truck) idling while waiting to enter or exit the site, the contractor shall submit a traffic control plan pursuant to Mitigation Measure TRA-1 that will describe in detail safe detours to prevent traffic congestion to the best of the project's ability, and provide temporary traffic control measures during construction activities that will allow both construction and on-street traffic to move with less than 5-minute idling times.*
- *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 AIR-2: Voluntary Emission Reduction Agreement (VERA).**

1. *The developer shall enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD prior to the issuance of ministerial construction/grading permits or stagger the construction periods for the three facilities to avoid a significant impact. Proof of payment to the SJVAPCD shall be provided prior to issuance of grading permits for construction. If "staggering" of the timing of the construction periods is used to avoid a significant impact, the developer shall provide documentation to the County prior to the commencement of construction activities to confirm that construction emissions would be reduced to below the applicable significance thresholds.*
2. *Twelve months prior to initiation of decommissioning activities, the Applicant shall prepare additional analysis to determine air quality impacts from the proposed decommissioning activities. If the emissions will exceed the SJVAPCD thresholds of significance, the Applicant shall enter into a new VERA with the SJVAPCD to offset the decommissioning emissions below the thresholds of significance.*

**Impact AQ-2** The proposed project would not 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.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**Facts in Support of Finding:** Implementation of MM AQ-1 and MM AQ-2 is required or is incorporated into the project and would reduce the impact related to cumulatively considerable net increases in criteria pollutants to a less than significant level.

Section 4.3 of the Draft EIR found that construction and decommissioning emissions would result in exceedances of SJVAPCD NO<sub>x</sub> and PM<sub>10</sub> emissions thresholds, and therefore, mitigation is required. MM AIR-1 would reduce impacts associated with construction of the proposed project (all three facilities) but would not prevent an exceedance of SJVAPCD thresholds for NO<sub>x</sub> and PM<sub>10</sub>. Furthermore, although Regulation VIII substantially reduces fugitive dust emissions, it is not sufficient to reduce PM<sub>10</sub> emissions to less than significant levels. If overlap between the construction of the facilities would occur, MM AIR-2 requires that a VERA be implemented which would reduce the impacts of overlapping construction emissions. The VERA would offset the NO<sub>x</sub> emissions from construction activities so that the project would not exceed SJAPCD thresholds. Therefore, MM AQ-1 and MM AQ-1 would reduce potential cumulative impacts to a less than significant level. (Draft EIR pages 4.3-20 through 4.3-25).

***MM AIR-1: Air Quality Best Management Practices (BMPs).*** See MM AIR-1

***MM AIR-2: Voluntary Emission Reduction Agreement (VERA).*** See MM AIR-2

**Impact AQ-3** The proposed project would not expose sensitive receptors to substantial pollutant concentrations.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(I); 14 Cal. Code Regs. § 1509I(a)(I)).

**Facts in Support of Finding:** Implementation of MM AQ-1 and MM AQ-2, is required or is incorporated into the project and would reduce the impact related to exposure of sensitive receptors to substantial pollutant concentrations to a less than significant level. Section 4.3 of the Draft EIR found that sensitive receptors within the project area could be exposed to fugitive dust and Diesel Particulate Matter (DPM) and therefore, MM AQ-1 and MM AQ-2 would be required to reduce fugitive dust and DPM emissions. MM AQ-1 requires that SJVAPCD Rule 9510 (Indirect Source Review) be implemented throughout construction activities, which would require construction equipment that is at the Tier 4 interim emission level or Tier 3 emission level. Use of such equipment would reduce the amount of DPM emissions and correspondingly reduce the above risk further below the threshold of significance. Additionally, MM AQ-2 requires that construction activities either be staggered, or requires the Developer to enter into a VERA which would offset the NO<sub>x</sub> emissions from construction activities so that the project would not exceed SJAPCD thresholds, thus resulting a in a less than significant impact related to exposure of sensitive receptors to substantial pollutant concentrations. Impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be less than significant with mitigation incorporated. (Draft EIR pages 4.3-25 and 4.3-26).

***MM AIR-1: Air Quality Best Management Practices (BMPs).*** See MM AIR-1

***MM AIR-2: Voluntary Emission Reduction Agreement (VERA).*** See MM AIR-2

## Biological Resources

**Impact BIO-1** The proposed project would not 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 Wildlife or U.S. Fish and Wildlife Service.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**Facts in Support of Finding:** Implementation of MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4 is required or is incorporated into the project and would reduce the impact related to adverse effects on special-status species to a less than significant level. Section 4.4 of the Draft EIR discusses impacts to special-status species including nesting and migratory birds, raptors, bats, and other non-bird or bat species. Impacts to special-status species would occur mostly during construction activities, and would be effectively reduced with implementation of MM BIO-1 (General Measures for the Avoidance and Protection of Biological Resources) and MM BIO-2 (Reduce Construction-related Impacts to Nesting Birds). MM BIO-1 would require limiting construction disturbance near potentially biologically sensitive areas through fencing and flagging while also implementing measures to reduce erosion, potential entrapment of wildlife, and limiting the orientation and speed of construction traffic through the construction site. MM BIO-2 would ensure that potential impacts related to nesting birds are reduced to a less than significant level by conducting pre-construction surveys to document nests and establishing construction buffer zones around any potentially active nests.

Additionally, long-term impacts related to avian collisions would be effectively reduced with implementation of MM BIO-3 (Reduce Potential for Avian Collisions with Power Lines) and MM BIO-4 (Reduce Avian Collisions with Photovoltaic Array). MM BIO-3 requires that all power lines be designed in accordance with the Avian Power Line Interaction Committee (APLIC) Guidelines for reducing avian collisions. The design of all transmission lines and electrical components would be developed in accordance with APLIC guidance which would reduce the likelihood of large bird electrocutions and collisions. Further, MM BIO-4 would require design measures to reduce potential impacts related to avian collisions with the photovoltaic array through visual deterrents and use of light-colored, ultraviolet-reflective materials which would reduce the potential for bird collisions. Collectively, implementation of these MMs would ensure that impacts related to special-status species including nesting and migratory birds, raptors, and other non-bird or bat species are avoided or minimized to a less than significant level. (Draft EIR pages 4.4-13 through 4.4-19).

**MM BIO-1: General Measures for the Avoidance and Protection of Biological Resources.** During construction, operation and maintenance, and decommissioning of the facility, the operator or contractor shall implement the following general avoidance and protective measures to protect San Joaquin kit fox and other special-status wildlife species:

- *The operator shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid special-status species where possible. Construction-related activities, vehicles, and equipment outside of the impact zone shall be avoided.*
- *These areas shall be flagged, and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.*
- *Spoils shall be stockpiled in disturbed areas that lack native vegetation. Best Management Practices (BMPs) shall be employed to prevent erosion in accordance with the project's approved Stormwater Pollution Prevention Plan (SWPPP). All detected erosion shall be remedied within two (2) days of discovery or as described in the SWPPP.*
- *To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by the approved biological monitor for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a listed species is trapped, the U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) shall be contacted immediately.*
- *All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until the Lead Biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the Lead Biologist.*
- *Vehicles and equipment parked on the sites shall have the ground beneath the vehicle or equipment inspected for the presence of wildlife prior to moving.*
- *Vehicular traffic shall use existing routes of travel. Cross-country vehicle and equipment use outside of the project properties shall be prohibited.*
- *A speed limit of 20 miles per hour shall be enforced within all construction areas.*

- *A long-term trash abatement program shall be established for construction, operations, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven (*Corvus corax*), coyote (*Canis latrans*), and feral dogs.*
- *Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife in the vicinity.*
- *Intentional killing or collection of any wildlife species shall be prohibited.*

***MM BIO-2: Reduce Construction-related Impacts to Nesting Birds.*** *Ensure that active nests of raptors and other special-status nesting birds are not affected as a result of the proposed project.*

*If construction work is scheduled to take place outside of the avian nesting season (September 16 through January 31), no action would be required to protect nesting birds. If any 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 existing habitat or disrupt surface soils) occur during the 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 construction, a qualified wildlife biologist shall conduct preconstruction surveys of all construction sites to determine if birds or nests are present. 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 active nests are found during preconstruction surveys, a no-disturbance buffer shall be created around nests until it is determined that all young have fledged or until the recognized nesting season has ended (i.e., September 15 annually). The size of any employed buffers will vary based on the species that is nesting, the status of the nest, site conditions, and work to be completed during the active period of the nest. All buffers will be appropriately sized, based on USFWS published recommendations to avoid take to the nest. The size of the buffer zones and types of construction activities restricted in these areas could be further modified during construction in coordination with CDFW and shall be based on the existing level of noise and human disturbance on the project site.*
- *If preconstruction surveys indicate that nests are inactive, or potential habitat is unoccupied during the construction period, no further action is required. Trees and shrubs within the construction footprint determined to be unoccupied by nesting birds or that are outside the no-disturbance buffer for active nests could be removed.*
- *To prevent impacts to SWHA, construction within one half-mile of the windbreak identified in photo point 4c of the Biological Survey (ESA 2016) shall occur after*

*the bird nesting season (September 15). If construction cannot be deferred until this date, a preconstruction survey shall be performed to determine if SWHA are present. If no SWHA are detected by the survey, then construction may proceed, otherwise it must be deferred until after the nesting season. If SWHA are detected, then activities shall not proceed until after September 15.*

**MM BIO-3: Reduce Potential for Avian Collisions with Power Lines.** *Avian Power Line Interaction Committee (APLIC) Guidelines in accordance with Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (APLIC 2012) will be incorporated into the power line design to minimize the likelihood of avian electrocutions. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with APLIC guidance to reduce the likelihood of large bird electrocutions and collisions (APLIC 2012).*

**MM BIO-4: Reduce Avian Collisions with Photovoltaic Array.**

- *Visual deterrents to encourage bird avoidance of the project site will be installed. These deterrents will be made of a material that is both reflective and highly visible, such that the material reflects ambient light and is stimulated by air movement. The effect of such installation will create the visual impression of continuous and varied movement, which has been shown as an avian deterrent in agricultural applications. An example of the types of material that could be used includes reflective tape. Within 30 days after project commissioning, materials will be installed in 50-acre blocks within the solar facility on a 3-month trial basis to examine panel performance issues. Following the initial 3-month period, visual deterrents will either be adjusted to reduce performance issues and reexamined on continuing 3-month basis, or if adjustments are not deemed necessary to improve panel performance, deployed on the remainder of the site and maintained for the life of the project or until determined infeasible (based on the definition of “feasible” in California Environmental Quality Act (CEQA) Guidelines Section 15364) or ineffective by the project owner in consultation with CDFW and the County.*
- *Panels shall include, if feasible, a light-colored, ultraviolet (UV)-reflective, or otherwise nonpolarizing outline, frame, grid, or border, which has been shown to substantially reduce panel attractiveness to aquatic insects, which in turn would reduce the attractiveness of the panels to birds that feed on the aquatic insects (Horvath et al. 2010) in order to reduce avian mortality by avoiding collisions with panel faces (NFWFL 2014).*

**Impact BIO-4** The proposed would not 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 wildlife nursery sites.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).



**Facts in Support of Finding:** Implementation of MM BIO-5 is required or is incorporated into the project and would reduce the impact related to the movement of migratory wildlife to a less than significant level. Potential impacts related to the navigational abilities of nocturnal wildlife species, such as bats and owls, or species that disperse at night could occur from nighttime lighting that would be introduced to the project site. Lighting will be manually controlled for operation and maintenance activities, with all project lighting to be used only as determined by the motion sensors, security requirements, prudent utility practices, and as necessary for operation and maintenance activities. However, additional measures would be required in order to ensure that nocturnal wildlife are not adversely impacted by nighttime lighting introduced to the area. MM BIO-5 would be required and would include requirements for the location of nighttime lighting (i.e. away from transmission lines) as well as use of narrow spectrum bulbs. This measure would reduce the effects of nighttime lighting on wildlife. Impacts would be less than significant with mitigation incorporated. (Draft EIR page 4.4-21).

***MM BIO-5 Reduce Impacts to Nocturnal Wildlife from Lighting.***

- *No lighting shall be placed near or oriented towards any transmission lines running through the project site to avoid affecting wildlife that may use this area for nighttime movement.*
- *Narrow spectrum bulbs shall be used to limit the range of species affected by project lighting.*

## **Cultural Resources**

**Impact CUL-1** The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(I); 14 Cal. Code Regs. § 1509I(a)(I)).

**Facts in Support of Finding:** Implementation of MM CUL-1 and MM CUL-2 is required or is 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. Section 4.5 of the Draft EIR found that there is one cultural resource located within the project site (Gates-Gregg 230 kV transmission line/P-10-006640); however, it is located outside of the construction area and would not be impacted by project activities. There is still the possibility that previously unknown historic resources could be discovered on the project site during construction, and therefore, MM CUL-1 (Retain a Qualified Archaeologist) and MM CUL-2 (Inadvertent Discovery of Archaeological Resources or Tribal Cultural Resources) would be required. Retention of a qualified archaeologist and establishing procedures in the event of inadvertent discovery of archaeological materials would be required through MM CUL-1 and MM CUL-2 and impacts to historical and unique archaeological resources from construction of the project would mitigate impacts

to a less than significant level. These mitigation measures give priority to first avoid any discovered resources, if possible, and if not possible, then the qualified archaeologist would develop additional treatment measures in consultation with Fresno County related to data recovery or other appropriate measures. Impacts related to undiscovered resources encountered during construction activities would therefore be less than significant with mitigation incorporated. (Draft EIR pages 4.5-9 and 4.5-10).

***MM CUL-1: Retain a Qualified Archaeologist:*** *The Applicant/contractor shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (USDOI 2017a), to carry out all Mitigation Measures related to archaeological and historical resources prior to the issuance of demolition or grading permits. The Applicant shall ensure that the qualified archaeologist has conducted a Cultural Resources Awareness Training for all construction personnel working on the proposed project. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The qualified archaeologist shall conduct construction worker archaeological resources sensitivity training prior to the start of ground-disturbing activities. In the event that construction is phased, additional trainings shall be conducted for all new construction personnel. The training sessions shall focus on the recognition of the types of archaeological resources that could be encountered at the project site and the procedures to be followed if they are found. Documentation shall be retained demonstrating that all construction personnel attended the training.*

***MM CUL-2: Inadvertent Discovery of Archaeological Resources or Tribal Cultural Resources:*** *If prehistoric or historic-era cultural resources are encountered during the course of grading or construction, all ground-disturbing activities within 50 feet of the find shall cease. The qualified archaeologist shall evaluate the significance of the resources and recommend appropriate treatment measures. Per California Environmental Quality Act (CEQA) Guidelines Section 15126.4(b)(3)(A), project redesign and preservation in place shall be the preferred means to avoid impacts to significant archaeological sites. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with Fresno County, which may include data recovery or other appropriate measures. Fresno County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curational facility. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to Fresno County and to the Southern San Joaquin Valley Information Center. Construction can recommence based on direction of the qualified archaeologist.*

**Impact CUL-2** The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(l); 14 Cal. Code Regs. § 15091(a)(l)).

**Facts in Support of Finding:** Implementation of MM CUL-1 and MM CUL-2 is required or is 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 Section 4.5 of the Draft EIR found that there is one cultural resource located within the project site (Gates-Gregg 230 kV transmission line/P-10-006640); however, it is located outside of the construction area and would not be impacted by project activities. There is still the possibility that previously unknown historic resources could be discovered on the project site during construction, and therefore, MM CUL-1 (Retain a Qualified Archaeologist) and MM CUL-2 (Inadvertent Discovery of Archaeological Resources or Tribal Cultural Resources) would be required. Retention of a qualified archaeologist and establishing procedures in the event of inadvertent discovery of archaeological materials would be required through MM CUL-1 and MM CUL-2 and impacts to historical and unique archaeological resources from construction of the project would mitigate impacts to a less than significant level. These MMs give priority to first avoid any discovered resources, if possible, and if not possible, then the qualified archaeologist would develop additional treatment measures in consultation with Fresno County related to data recovery or other appropriate measures. Impacts related to undiscovered resources encountered during construction activities would therefore be less than significant with mitigation incorporated. (Draft EIR page 4.5-10).

***MM CUL-1: Retain a Qualified Archaeologist. See MM CUL-1***

***MM CUL-2: Inadvertent Discovery of Archaeological Resources or Tribal Cultural Resources. See MM CUL-2***

**Impact CUL-3** The proposed project would not disturb any human remains, including those interred outside of formal cemeteries.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(l); 14 Cal. Code Regs. § 15091(a)(l)).

**Facts in Support of Finding:** Implementation of MM CUL-3 is required or is incorporated into the project and would reduce the impact related to substantial adverse changes in the significance of an archaeological resource to a less than significant level. Section 4.5 of the Draft EIR found that although there are no known human remains located within or near the project site, previously unrecorded burials could be discovered onsite during construction activities. Therefore, MM CUL-3 (Inadvertent Discovery of Unmarked Burials) would be required in order to ensure that any burials discovered

onsite would be appropriately treated and documented. MM CUL-3 would require contacting the Fresno County Coroner and notifying the Native American Heritage Commission (NAHC) if the remains are determined to be Native American in origin by the Coroner, thus ensuring that any remains potentially discovered on site are treated in accordance with state regulation. Therefore, impacts related to previously undiscovered burials would be less than significant with mitigation incorporated. (Draft EIR page 4.5-11).

***MM CUL-3: Inadvertent Discovery of Unmarked Burials.*** *If human remains are uncovered during project construction, the project operator shall immediately halt work within 50 feet of the find, contact the Fresno County Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.4 (e)(1). If the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code Section 7050.5(c), and Public Resources Code (PRC) 5097.98 (as amended by Assembly Bill 2641). The NAHC shall designate a Most Likely Descendent (MLD) for the remains per PRC Section 5097.98, and the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in PRC Section 5097.98 with the MLD regarding their recommendations for the disposition of the remains, taking into account the possibility of multiple human remains.*

## **Geology and Soils**

**Impact GEO-5** The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**Facts in Support of Finding:** Implementation of MM GEO-1, MM GEO-2, and MM GEO-3 is required or is incorporated into the project and would reduce the impact related to paleontological resources to a less than significant level. Section 4.6 of the Draft EIR found 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-1 (Retain a Qualified Paleontologist), MM GEO-2 (Pre-Construction Training), and MM GEO-3 (Inadvertent Discovery of Paleontological Resources) 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. MM GEO-1 specifically requires a qualified paleontologist monitor onsite to report and treat any potential paleontological resources that may be discovered during construction activities. MM GEO-2 would further require that all construction workers are trained on

identification and treatment procedures for potential paleontological resources that could be discovered during construction activities. If any paleontological resources are discovered during construction activities, then MM GEO-3 would be implemented which includes stopping all work within 50-feet of the discovery, evaluation of the potential resource, and recover and/or document the discovery. Collectively these MMs would ensure that potential damage to paleontological resources would be less than significant. (Draft EIR pages 4.6-17 and 4.6-18).

***MM GEO-1: Retain a Qualified Paleontologist.*** *A qualified paleontologist, defined as one meeting the Society of Vertebrate Paleontology Standards (the “Qualified Paleontologist”) shall be retained prior to the issuance of grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, attend the project kick-off meeting and project progress meetings on a regular basis, and report to the site in the event that potential paleontological resources are encountered.*

***MM GEO-2: Pre-construction Training.*** *The Qualified Paleontologist shall conduct Paleontological Resources Awareness Training for all construction personnel. This may be conducted in conjunction with the archaeological resources training. The training shall include an overview of potential paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Qualified Paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized collecting or intentional disturbance of paleontological resources. A sign-in sheet shall be completed and retained to demonstrate attendance at the awareness training. In the event that construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site and the procedures to be followed if they are found. Documentation shall be retained demonstrating that all construction personnel attended the training.*

***MM GEO-3: Inadvertent Discovery of Paleontological Resources.*** *If a paleontological resource is found, all ground-disturbing activities within 50 feet of the find shall immediately cease. The Qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. At each fossil locality, field data forms shall be used to record pertinent geological data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Any fossils encountered and recovered shall be catalogued and donated to a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository. The Qualified Paleontologist shall prepare a report documenting evaluation and/or additional treatment of the resource. The report shall be filed with the County and with the repository.*

*Full-time paleontological resources monitoring shall be conducted for all ground-disturbing activities occurring in older Quaternary alluvium or the Tulare Formation, which is estimated to occur at or below approximately 10 feet in depth. Paleontological resources monitoring shall be performed by a qualified paleontological monitor (or cross-trained archaeological/paleontological monitor) under the direction of the Qualified Paleontologist. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils to recover the fossil specimens. Any significant fossils collected during proposed project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. Monitors shall prepare daily logs detailing the types of activities and soils observed and any discoveries. The Qualified Paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.*

## **Greenhouse Gases**

**Impact GHG-1** The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(l); 14 Cal. Code Regs. § 15091(a)(l)).

**Facts in Support of Finding:** Implementation of MM GHG-1 and MM GHG-2 is required or is incorporated into the project and would reduce the impact related to generation of greenhouse gas (GHG) emissions to a less than significant level. Section 4.7 of the Draft EIR found that construction and decommissioning would result in a net reduction in GHG emissions related to the solar facility, however, MM GHG-1 (Greenhouse Gas Reduction Measures) would be implemented to further reduce any GHG emissions related to both construction and decommissioning activities. MM GHG-1 includes measures such as encouraging carpooling, implementing a waste recycling program, and minimizing welding during construction activities. These measures would reduce GHG emissions by reducing vehicle trips, minimizing waste which leads to more landfill impacts, and reducing emissions from welding activities, all which could contribute to GHG emissions from the project. Operational emissions would occur from motor vehicle traffic, water usage, and potential leaks in SF<sub>6</sub> gas from high-voltage switchgear. MM GHG-2 (Circuit Breakers) would be required in order to ensure that all breakers have a manufacturer's guaranteed SF<sub>6</sub> leakage rate of 0.5 percent per year or less, which limits operational GHG emissions from entering the environment. Therefore, impacts related to generation of GHG emissions would be less than significant with mitigation incorporated. (Draft EIR pages 4.7-11 through 4.7-13).

***MM GHG-1: Greenhouse Gas Reduction Measures.*** In order to further reduce greenhouse gas emissions, the Applicant shall:

- *Prior to the start of construction, develop and implement a program encouraging construction workers to carpool or use public transportation for travel to and from construction sites.*
- *Implement a construction waste recycling program with the objective of recycling at least 65% of the project waste (by weight), pursuant to the California Green Building Standards Code. This is discussed further in Section 4.16, Utilities.*
- *Minimize welding and cutting by requiring the use of compression of mechanical applications where practical and within standards.*

**MM GHG-2: Circuit Breakers.** *All breakers used for this project will have a manufacturer-guaranteed sulfur hexafluoride (SF<sub>6</sub>) leakage rate of 0.5% per year or less.*

**Impact GHG-2** The proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2108J(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**Facts in Support of Finding:** Implementation of MM GHG-1 and MM GHG-2 is required or is incorporated into the project and would reduce the impact related to conflict with an applicable plan, policy, or regulation related to GHG reduction to a less than significant level. The Scoping Plan Measure H-6 from the Renewable Portfolio Standard (RPS) requires reduction of SF<sub>6</sub> leaks, than therefore, in order to comply with this measure, MM GHG-2 would be required to ensure that breakers are manufacturer-guaranteed with a leak rate of 0.5% per year or less, thus ensuring consistency with this measure from the RPS. Further, the RPS generally requires reduction in GHG emissions and an increase in reliance on renewable energy sources. MM GHG-1, described further under Impact GHG-1, would ensure that construction activities reduce GHG emissions to the maximum extent possible, by decreasing vehicle trips, decreasing waste diverted to landfills, and reducing GHG emission-producing construction activities. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR pages 4.7-13 and 4.7-14).

**MM GHG-1: Greenhouse Gas Reduction Measures.** *See MM GHG -1.*

**MM GHG-2: Circuit Breakers.** *See MM GHG-2*

## Hazards and Hazardous Materials

Impact HAZ-2 The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the hazardous materials into the environment.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(I); 14 Cal. Code Regs. § 1509I(a)(I)).

**Facts in Support of Finding:** Implementation of MM HAZ-1 is required or would be incorporated into the project and would reduce the impact related to creating a significant hazard to the public or the environment to a less-than-significant level. Section 4.8 of the Draft EIR found that operation of the project could result in potential exposure to hazards through the solar panel materials, which are made from microcrystalline silicon. MM HAZ-1 (Broken Photovoltaic Module Detection and Handling Plan) requires the Developer to prepare and implement a broken PV module detection and handling plan, which would minimize the potential for microcrystalline silicon leaching from damaged panels, and would reduce the potential for the release of hazardous materials from damaged panels. MM HAZ-1 details the handling protocol, timing of removal, and recycling or disposal requirements that would be required as part of the plan, thus reducing the potential for hazardous materials to be released into the environment. Therefore, impacts from broken PV modules would be reduced to a less than significant level with mitigation incorporated. (Draft EIR pages 4.8-15 through 4.8-17).

***MM HAZ-1: Broken Photovoltaic Module Detection and Handling Plan.*** Prior to the issuance of construction permits, the Applicant shall prepare and implement a broken photovoltaic (PV) module detection and handling plan. The plan shall describe the Applicant's method for identifying, handling, and disposing of PV modules that may break, chip, or crack at some point during the project's life cycle. The proposed methods shall be compliant with applicable law and protective of human health and the environment. The plan shall have but not be limited to the following elements:

- ***Worker Health and Safety Provisions and Handling Protocol.*** This protocol shall address isolating workers from hazardous materials during the recovery of broken PV panels and shall include, but not be limited to the following requirements:
  - *Workers shall wear gloves during the handling of broken pieces of PV panels to prevent cuts.*
  - *If broken pieces are separated from the PV panel, the pieces shall be collected, and the areal extent of the collected pieces shall be compared to*



*the broken area on the PV panel to ensure that all the pieces have been accounted for.*

- *The broken pieces shall be placed in drums, sealed boxes, puncture-proof bags, or equivalent containers so as to prevent the broken pieces from tearing the containers and being rereleased into the environment.*
- **Timing of removal.** *The PV panels shall be inspected for breakage prior to each PV panel washing event. In the event that broken PV panels are discovered, the broken PV panels and any pieces shall be removed prior to washing any adjacent PV panels.*
- **Recycling or disposal requirements.** *If available, broken panels shall be sent to a PV panel manufacturing facility licensed for the recycling of PV panels; if recycling is unavailable, the broken panels shall be sent to a landfill licensed to receive broken PV panels. The plan shall identify the likely facility to receive broken panels.*

*The plan shall be submitted to the County for review and approval and shall be distributed to all construction crew members and temporary and permanent employees prior to construction and operation of the proposed project. All available data from the panel manufacturer(s) regarding materials used and safety procedures and concerns shall be appended to the plan to assist the County with identifying potential hazards and abatement measures.*

**Impact HAZ-5** The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**Facts in Support of Finding:** Implementation of MM HAZ-2 is required or is incorporated into the project and would reduce the impact related to exposure of people or structures to significant wildfire risk to a less than significant level. Section 4.8 of the Draft EIR found that because construction of the project would require heavy equipment, welding, and other activities, the potential exists for these pieces of equipment to spark, thus potentially causing a fire which could result in a significant impact. However, implementation of MM HAZ-2 (Fire Protection Plan) would be required which would train personnel with appropriate fire response actions, appropriately equip equipment with fire extinguishers, and prohibit smoking within the project site. These measures would reduce the potential for a fire to occur and spread out from the project site. Therefore, with implementation of mitigation, the impact would be less than significant. (Draft EIR pages 4.8-18 through 4.8-20).

**MM HAZ-2: Fire Protection Plan.** *The Applicant shall prepare a Fire Protection Plan prior to issuance of construction permits. The Fire Protection Plan shall include but not be limited to the following measures:*

- *Internal combustion engines, stationary and mobile, shall be equipped with spark arresters in good working order.*
- *All personnel shall be trained in fire safety practices relevant to their duties.*
- *All construction and maintenance personnel shall be trained and equipped to extinguish small fires.*
- *Work crews shall have fire-extinguishing equipment on hand, as well as emergency numbers and cell phones or other means of contacting the Fire Department.*
- *Security gates shall be approved by the Fire Department and shall include the installation of a key switch or padlock, whichever is most appropriate.*
- *Smoking shall be prohibited while operating equipment and shall be limited to paved or graveled areas or areas cleared of all vegetation. Smoking shall be prohibited within 30 feet of any combustible material storage area (including fuels, gases, and solvents). Smoking shall be prohibited in any location during a Red Flag Warning issued by the National Weather Service for the project area.*

## **Land Use and Planning**

**Impact LUP-1** The proposed project would 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.

**Finding:** Changes or alterations have been required in, or incorporated into, the project, however, impacts would remain significant and unavoidable after implementation of all feasible mitigation (Pub. Res. Code §2 108J(a)(I); 14 Cal. Code Regs. § 1509I(a)(I)).

**Facts in Support of Finding:** Implementation of MM AG-1 is required or is incorporated into the project, but will not reduce adverse impacts to a less than significant level. The project would convert 1,600 acres of agricultural land to a non-agricultural use. Impacts related to conversion of agriculture land is described further in Section 4.2 of the Draft EIR. Section 4.10 of the EIR also discusses conversion of agriculture land. MM AG-1 requires the preparation of a reclamation plan; however, given the extended life of the project and the loss of 1,600 acres of Prime Farmland, the impact to agricultural land was determined to remain significant and unavoidable.

With the exception of a 1.25-acre parcel located in the interior of the site, the entire project site is restricted by Williamson Act Contracts. The purpose of the Williamson Act is to offer landowners tax incentives to keep their land in agricultural use. The project is not a permitted or compatible use on land enrolled in the Williamson Act Program;

therefore, all the contracts are currently being petitioned for cancellation by the landowners. Government Code (GC) Sections 51280 through 51283 set forth procedures for cancelling a Williamson Act Contract. As discussed in Section 4.2, Agriculture, the proposed project would conflict with the existing Williamson Act Contracts; therefore, this is a significant impact.. Therefore, even with implementation of MM AG-1, the permanent conversion of Williamson Act contracted lands would be a significant and unavoidable impact. As discussed above, the project is not consistent with County's General Plan goals and policies for the protection of agricultural lands, specifically the following goals and policies (Draft EIR page 4.10-18).

- Goal LU-A: the project would convert a large acreage of Prime Farmland that has been actively farmed to a solar facility.
- Policy LU-A.2: The project is not an activity related to the production of food and fiber and is not a use that is incidental or secondary to the onsite agricultural production.
- Policy LU-A.3: the project is not a special agricultural use and is not agriculturally-related. Solar facilities are not included in the General Plan Table LU-3, which lists non-agricultural uses determined to be consistent with agricultural operations.
- Policy PF-C.3: The proposed project would rely on the existing onsite wells for water use during construction, operation, and decommissioning. Construction water demand would be 300 acre-feet total and operations would require 4 to 10 acre-feet per year. Decommissioning water demand would be comparable to construction demand at 300 acre-feet. However, depending on available quantities, the Applicant may also be able to obtain water from the WWD. Therefore, the proposed project would not be consistent with this policy, as it would potentially continue to use groundwater.

***MM AG-1: Reclamation Plan.*** See MM AG-1

## Noise

**Impact NOI-1** The proposed project would not result in the generation of a substantial temporary or permanent increase in noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(l); 14 Cal. Code Regs. § 15091(a)(l)).

**Facts in Support of Finding:** Implementation of MM NOI-1, MM NOI-2, MM NOI-3, and MM NOI-4 is required or is incorporated into the project and would reduce the impact related to generation of substantial temporary or permanent increases in noise levels to a less than significant level.

Section 4.12 of the Draft EIR found that construction of the project would result in a temporary elevation in noise levels that could adversely affect nearby sensitive receptors. Therefore MM NOI-1 (Stationary Construction Equipment), MM NOI-2 (Equipment Staging Areas), and MM NOI-3 (Construction and Decommissioning Equipment) would be required to ensure that the project considers the location of sensitive receptors when siting noise-generating equipment and by requiring mufflers on loud equipment. These measures would reduce the temporary increases in ambient noise levels (an estimated 10 dBA increase from construction activities to the nearest sensitive receptor) to a level that is barely perceptible from ambient conditions. Additionally, MM NOI-4 (Construction and Decommissioning Hours) would be required to ensure that construction activities are consistent with the County's noise ordinance standards. Specifically, construction activities would be restricted to the hours between 6:00 AM and 9:00 PM on weekdays and 7:00 AM and 5:00 PM on Saturdays and Sundays, thus would be consistent with applicable standards in the area relative to construction noise. Similarly, these same mitigation measures would be required during decommissioning activities in order to reduce potential noise impacts to a barely perceptible level. Therefore, with implementation of mitigation, impacts related to generation to noise in excess of standards would be less than significant. (Draft EIR page 4.12-14 and 4.12-17).

***MM NOI-1: Stationary Construction Equipment.*** All stationary equipment shall be placed so that emitted noise is directed away from sensitive receptors nearest to the project site during construction and decommissioning activities.

***MM NOI-2: Equipment Staging Areas.*** Equipment staging shall be located in areas as far as feasible from noise-sensitive receptors nearest to the project site during all project construction and decommissioning activities.

***MM NOI-3: Construction and Decommissioning Equipment.*** All construction and decommissioning equipment shall be equipped with manufacturer-approved mufflers and baffles.

***MM NOI-4: Construction and Decommissioning Hours.*** During all project construction and decommissioning, all noise-producing construction-related activities shall be limited to the hours of 6:00 AM to 9:00 PM, Monday through Friday, and to the hours of 7:00 AM to 5:00 PM on Saturdays and Sundays.

## **Transportation and Traffic**

**Impact TRA-1** The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(1); 14 Cal. Code Regs. § 15091(a)(1)).

**Facts in Support of Finding:** Implementation of MM TRA-1, MM TRA-2, and MM TRA-3 is required or is incorporated into the project and would reduce the impact related to confliction of a program, policy, or ordinance addressing the circulation system to a less than significant level. Section 4.14 of the Draft EIR found that although construction and decommissioning activities associated with the proposed project would be short-term, MM TRA-1, MM TRA-2, and MM TRA-3 would be required in order to be consistent with local regulations and policies and maintain reduce potentially significant impact to a less than significant level. MM TRA-1 (Construction and Decommissioning Traffic Control and Management Plan), MM TRA-2 (Preconstruction and Pre-Decommissioning Road Survey Report), and MM TRA-3 (Road Repair Agreement) would be required to ensure that circulation systems are maintained and the roadways used are adequately restored to pre-project conditions through fair share agreements. These measures would ensure that the delays on local roadways are minimized, level of service on the roadways is maintained, and safety measures are implemented. Therefore, the project would be consistent with local plans, policies, and programs relative to the County's circulation system. (Draft EIR pages 4.14-5 through 4.14-9).

***MM TRA-1: Construction and Decommissioning Traffic Control and Management Plan.*** *Prior to issuance of construction permits, building permits, or encroachment permits, the Applicant and/or its construction contractors shall prepare and submit a traffic control and management plan to Fresno County Department Public Works and Planning and the California Department of Transportation (Caltrans) District 6 office for approval. The traffic control and management plan shall be prepared in accordance with both the California's Manual on Uniform Traffic Control Divisions and Work Area Traffic Control Handbook and must include but not be limited to the following items:*

- *Specify timing of deliveries of heavy equipment and building materials.*
- *Direct construction traffic with a flagger.*
- *Place temporary signage, lighting, and traffic control devices, if required, including but not limited to appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic.*
- *Ensure access for emergency vehicles to the project site.*
- *Maintain access to adjacent property.*
- *Specify both construction-related vehicle travel and oversize-load haul routes, minimize construction traffic during the AM and PM peak hours, and avoid residential neighborhoods to the maximum extent feasible.*
- *Obtain all necessary permits from the appropriate agencies for work within the road right-of-way or use of oversized/overweight vehicles, which may require California Highway Patrol or a pilot car escort.*

- *Submit plans for any work on the proposed intersection improvements on Lassen Avenue at the site access driveways to the County and Caltrans District 6 for review and approval prior to the issuance of any encroachment or road improvement permit for the work.*
- *Clean or remove any material that is deposited onto the roadways as soon as possible and at least prior to the end of each working day.*
- *Obtain any access easements from private property owners necessary to perform required repair work.*

***MM-TRA-2: Preconstruction and Pre-Decommissioning Road Survey Report.*** *A preconstruction report and a pre-decommissioning report shall be prepared by a qualified registered engineer to include a detailed analysis of road suitability to accommodate haul trucks during project construction. The report shall be submitted to the Fresno County Department of Public Works and Planning. Prior to initiating the preconstruction or decommissioning report, the proposed methodology shall be presented to the Fresno County Department of Public Works and Planning for review and approval. Improvements to existing roads may be necessary based on the findings of the report.*

***MM TRA-3: Road Repair Agreement.*** *Prior to the start of construction, the Applicant shall enter into a secured agreement with the County to ensure that the proposed project contributes its fair-share portion towards repairs of any County roads that are impacted by this project. The scope of impacts shall be determined in consultation with the Fresno County and Caltrans District 6.*

**Impact TRA-3** The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(I); 14 Cal. Code Regs. § 1509I(a)(I)).

**Facts in Support of Finding:** Implementation of MM TRA-1, MM TRA-2, and MM TRA-3 is required or is incorporated into the project and would reduce the impact related to increases in hazards to a less than significant level. Section 4.14 of the Draft EIR found that a Traffic Control and Management Plan would be required (MM TRA-1) and a road survey report (MM TRA-2) would be prepared and submitted to the Fresno County Department of Public Works and Planning and the Caltrans District 6 office for approval. In addition, a road repair agreement (MM TRA-3) would be required as well. Furthermore, the project would not include a design feature or use vehicles with incompatible uses that would create a hazard on the roadways surrounding the project site. With implementation of mitigation, the impacts would be less than significant. (Draft EIR page 4.14-11).

**MM TRA-1: Construction and Decommissioning Traffic Control and Management Plan.** See MM TRA-1

**MM TRA-2: Preconstruction and Pre-Decommissioning Road Survey Report.** See MM TRA-2

**MM TRA-3: Road Repair Agreement.** See MM TRA-3

Impact TRA-4 The proposed project would not result in inadequate emergency access.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(l); 14 Cal. Code Regs. § 15091(a)(l)).

**Facts in Support of Finding:** Implementation of MM TRA-1 is required or is incorporated into the project and would reduce the impact related to emergency access to a less-than-significant level. As described above in impact TRA-2, increased project-related traffic would not cause a significant increase in congestion and would not significantly affect the existing LOS on area roads. Furthermore, the project would not require closures of public roads that could inhibit access by emergency vehicles. During construction of the project, heavy construction-related vehicles could interfere with emergency response to the site or evacuation procedures in the event of an emergency (e.g., slowing vehicles traveling behind the truck). However, a Traffic Control and Management Plan would be required (Mitigation Measure TRA-1). With implementation of mitigation, the impacts would be less than significant. (Draft EIR page 4.14-12).

**MM TRA-1: Construction and Decommissioning Traffic Control and Management Plan.** See MM TRA-1

## Tribal Cultural Resources

Impact TRI-1 **The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource 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), or by the lead agency pursuant to criteria set forth in Public Resources Code Section 5024.1(c).**

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(l); 14 Cal. Code Regs. § 15091(a)(l)).

**Facts in Support of Finding:** Implementation of MM CUL-1 and MM CUL-2 is required or is incorporated into the project and would reduce the impact related to adverse changes to tribal cultural resources to a less than significant level. Section 4.15 of the Draft EIR found that construction activities such as trenching and grading could potentially damage or destroy previously undiscovered tribal cultural resources. Therefore, MM CUL-1 and MM CUL-2 would be required to ensure that any previously

undiscovered tribal cultural resources encountered during construction activities are treated appropriately in accordance with all applicable federal, state, and local requirements. MM CUL-1 and MM CUL-2 would require retention of a qualified archaeologist and establishing procedures in the event of inadvertent discovery of tribal cultural resources and thus would reduce the potential impact to a less than significant level. These measures would give priority to first avoid any discovered resources, if possible, and if not possible, then the qualified archaeologist would develop additional treatment measures in consultation with Fresno County related to data recovery or other appropriate measures. Impacts related to undiscovered resources encountered during construction activities would therefore be less than significant with mitigation incorporated. (Draft EIR pages 4.15-3 and 4.15-4).

***MM CUL-1: Retain a Qualified Archaeologist. See MM CUL-1***

***MM CUL-2: Inadvertent Discovery of Archaeological Resources or Tribal Cultural Resources. See MM CUL-2***

## **Wildfire**

**Impact WF-3** The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects of the project on the environment. (Pub. Res. Code §2 108J(a)(l); 14 Cal. Code Regs. § 15091(a)(l)).

**Facts in Support of Finding:** Implementation of MM HAZ-2 is required or is incorporated into the project and would reduce the impact related to adverse changes to installation of maintenance infrastructure to a less than significant level. Section 4.17 of the Draft EIR found that because there would be onsite mechanical equipment which could produce sparks and thus a potential wildfire, MM HAZ-2 would be required and would ensure that a fire management plan is prepared and implemented for the project site. MM HAZ-2 would include measures such as having internal combustion engines, stationary, and mobile equipped with spark arresters; training personnel in fire safety practices; and including fire-extinguishing equipment on-site. The Applicant would coordinate with CALFIRE and the Fresno County Fire Protection District to provide fire responders and project staff with appropriate fire response training. The intent of this training would be to familiarize both responders and project staff with potential fire hazards and reduction processes associated with solar power and energy storage facilities. The fire protection plan would be submitted to the Fresno County Fire Protection District for approval prior to the start of construction. Therefore, installation of the proposed project would not exacerbate fire risk, and impacts would be less than significant with implementation of MM HAZ-2. (Draft EIR page 4.17-5).

***MM HAZ-2: Fire Protection Plan. See MM HAZ-2***



## **2.3 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.

## **2.4 MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project. The County will use the Mitigation Monitoring and Reporting Program to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period. The final MMRP is provided as a separate exhibit to the Final EIR, is incorporated into the environmental document approval resolution, and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

As a condition of approval, the applicant will be required to enter into an Agreement with the County to fund a Third Party Mitigation Monitor to ensure compliance with the Mitigation Measures included in the MMRP.

## **2.5 SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The Draft EIR identified a number of significant and potentially significant environmental effects (or impacts) that the project would cause or to which it would contribute. Most of these significant effects can be substantially avoided through the adoption of feasible mitigation measures. However, other effects cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. The County's recommendations with respect to the project's significant effects and mitigation measures are set forth in Section 2.2, Findings Required Under CEQA and in the MMRP, which is provided as a separate exhibit to the Final EIR. Section 2.2 does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, it provides a summary description of each impact, describes the applicable mitigation measures identified in the EIR, and states 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 Draft 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.

## **2.6 GROWTH INDUCEMENT**

As required by Section 15126.2(d) of the CEQA Guidelines, an EIR must discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Also, the EIR must discuss the characteristics of the project that could encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, the stimulation of economic activity within the region, or the establishment of policies or other precedents that directly or indirectly encourage additional growth. Under CEQA, this growth is not to be considered necessarily detrimental, beneficial, or of significant consequence. Induced growth would be considered a significant impact if it can be demonstrated that the potential growth significantly affects the environment either directly or indirectly.

In general, a project could foster spatial, economic, or population growth in a geographic area if the project removes an impediment to growth (e.g., the establishment of an essential public service, the provision of new access to an area, or a change in zoning or General Plan amendment approval), or economic expansion or growth occurs in an area in response to the project (e.g., changes in revenue base, employment expansion).

Potential growth-inducing components of the project include employment and population growth, increased power generation and regional population growth, and increased transmission capacity that serves renewable power development.

### **Employment and Population Growth**

The project would not cause direct population growth through the provision of residential housing. Construction phases of the project are expected to overlap, and the number of construction workers onsite is expected to range between 20 and 300 workers per day, with the peak number of workers onsite during the eighth- and ninth-months overlap. Workers are expected to be hired from within the County to the extent practicable. Some of the workers originating outside of the County would temporarily relocate to accommodations within the County for the duration of construction activities. The demand for temporary accommodations during construction would be accommodated by existing housing in the region, and no new housing would be needed.

No more than 11 full-time staff would be employed during operation of the proposed project. Considering the high vacancy rates in the County, it is anticipated that adequate housing would be available without necessitating the need for new housing. Therefore, project operation would not result in new growth in the area relating to the potential population increase.

There would be no new growth in employment and housing in the area from new restaurants, mobile home parks, convenience stores, or other services that would serve the workers during project construction, because existing facilities in the region would be adequate to accommodate both the construction and operations workforces.

## **Increased Power Generation**

While the proposed project would contribute to energy supply, which would indirectly support population growth, the development of the proposed project is responding to the state's need for renewable energy to meet its Renewable Portfolio Standards (RPS) while at the same time increasing sources of renewable energy being produced in the County. Unlike a gas-fired power plant, the proposed project is not being developed as a source of base load power in response to growth in demand for electricity. The power generated would be added to the state's electricity grid, with the intent that it would allow for an overall reduction in power use by PG&E, as well as reduce the use of fossil-fueled power plants and their GHG emissions.

County planning documents permit and anticipate a certain level of population growth and energy use growth. The purpose of the Fresno County General Plan and Zoning Ordinance is to address this anticipated growth. The anticipated growth drives energy production projects, not vice versa. The proposed project would supply energy to accommodate and support existing County and PG&E customers' energy demands, but it would not foster any new growth for the following reasons: (1) the additional energy would be used to ease the burdens of meeting existing statewide energy demands within and beyond the project area; ((2) the energy would be used to support already-projected growth; and (3) the factors affecting growth are so diverse that any potential connection between additional energy production and growth would necessarily be too speculative and tenuous to merit extensive analysis.

## **Increased Transmission Capacity**

The development of the proposed project would include a single onsite substation that would collect the medium voltage circuits that carry power from the solar facilities and prepare that power for transmission to the point of interconnect. The power from the onsite substation would then be transferred to the Gates Substation via new 230-kV overhead gen-tie line. No upgrades are proposed to the Gates Substation that would increase transmission capacity. PG&E is an investor-owned utility, regulated by CPUC. The utility's transmission system is operated by 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. 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 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; however, given the increased importance of renewable energy in California, other landowners may determine that the conversion of some of their land holdings to non-agricultural use is economically feasible.

## **Extension of Urban Infrastructure**

As discussed in the Draft EIR Section 4.16, Utilities, the project would not require any permanent wastewater connections due to its general lack of population onsite during operation. Temporary portable facilities used during construction would not affect the operation or function of wastewater treatment facilities located on or adjacent to the project site.

The project would not require or result in the construction of new water treatment facilities. Construction and operational demand for water would be well within or below the volume of groundwater extracted and applied to the project site over the past decade.

The project site does not contain any stormwater drainage facilities, and no stormwater drainage facilities would be constructed. The project would be constructed to follow the existing topography of the project site to limit erosion potential and maintain existing drainage patterns.

Due to the general lack of population onsite during operation, the proposed project would not need any permanent electric power and natural gas facilities. Similarly, due to the general lack of population onsite during operation, the proposed project would not need any additional telecommunication facilities.

## **2.7 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS**

Section 15126.2(c) of the CEQA Guidelines defines an irreversible impact as an impact that uses nonrenewable resources during the initial and continued phases of the project. Irretrievable commitments of resources should be evaluated to ensure that such consumption is justified. Irreversible impacts can result from loss of habitat of sensitive biological resources, change in land use, damage caused by environmental accidents associated with project construction or operation, or damage to cultural or paleontological resources.

Construction of the proposed project would result in the long-term conversion of 1,600 acres of Prime Farmland. The Applicant has committed to restoring land back to agricultural use after project decommissioning and would submit a reclamation plan to the County pursuant to Mitigation Measure AG-1. However, even with a reclamation plan, the proposed project would result in a conversion of Prime Farmland to non-agricultural use and would require the cancellation of Williamson Act contracts. Conversion of the site from an agricultural use to a non-agricultural use and cancellation of Williamson Act contracts would, therefore, be considered a significant irreversible commitment and loss of agricultural resources.

Construction of the proposed project would require a permanent commitment of natural resources from the direct consumption of fossil fuels, construction materials, and energy required for the production of materials, as well as the manufacture of new components; most project components would be recycled at the end of the project's useful life. The proposed project would also result in significant impacts on air quality due to emissions of nitrogen oxides (NO<sub>x</sub>), and particulate matter less than ten microns in diameter (PM<sub>10</sub>) and GHGs during construction. However, mitigation measures would be implemented that would reduce the impacts on air quality to a less than significant level. In addition, the project would offset its

construction, operational lifetime, and decommissioning fuel and emissions use in 7 months of operation. After all of the proposed project's lifetime emissions have been offset, the proposed project would generate a natural gas equivalent of 1,541,143 million British Thermal Units per year (MMBTU/year) or a coal equivalent of 210,155 MMBTU/year.

Construction and operation of the proposed project would require the use of a limited amount of hazardous materials such as fuel, lubricants, and cleaning solvents. During project construction and operation, preexisting soil staining identified in Phase I would be avoided. All hazardous materials would be stored, handled, and used in accordance with applicable federal, state, and local regulations. The Applicant would be required to develop and comply with a Stormwater Pollution Prevention Plan (SWPPP) as well as best management practices. Appropriate implementation of these plans and practices, as well as Mitigation Measure HAZ-1, which addresses broken PV module detection and handling would reduce the potential for environmental accidents associated with the proposed project to less than significant levels. The proposed project is not expected to result in environmental accidents that would cause irreversible damage.

The primary objective of the proposed project is to construct and operate a solar PV power-generating facility capable of producing 170 MW in a cost-competitive manner. Other objectives include interconnecting at the Gates Substation because that would directly help lower the project costs, facilitating the primary objective and assisting California with meeting its obligations under the RPS. Assisting with the RPS would help California meet its renewable energy goals, which have been developed to reduce the effects of global climate change and GHG emissions. The proposed project would develop a renewable source of power, helping to offset the use of nonrenewable resources and contribute to an overall reduction of nonrenewable resources currently used to generate electricity. Resources that would be consumed as a result of project implementation include water, electricity, and fossil fuels during construction and operations; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources over the long-term. Compliance with all applicable building codes as well as County policies and the mitigation measures identified in this EIR would ensure that natural resources are conserved to the extent feasible.

## **2.8 PROJECT ALTERNATIVES**

### **Basis for Alternatives-Feasibility Analysis**

#### **Significant and Unavoidable Impacts of the Project**

Under CEQA, where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if an alternative would mitigate the impact to a greater degree than the proposed project. (PRC Section 21002; *Laurel Hills Homeowners Association v. City Council*, 83 Cal.App.3d 515, 521 [1978] ["Laurel Hills"]; see also *Kings County Farm Bureau v. City of Hanford*, 221.

Cal.App.3d 692, 730-731 [1990]; *Laurel Heights Improvement Association v. Regents of the University of California*, 47 Cal.3d 376, 400-403 [1988]).

All of the potential environmental impacts associated with adoption and implementation of the proposed project were found to be either less than significant without mitigation or less than significant with mitigation, with the exception of four impacts associated with agriculture resources and land use, which were found to be significant and unavoidable with mitigation measures.

### Scope of Necessary Findings and Considerations for Project Alternatives

These findings address whether the various alternatives substantially lessen or avoid any of the significant unavoidable impacts associated with the project and also consider the feasibility of each alternative.

In identifying potentially feasible alternatives to the project, the following project objectives were considered:

- Construct and operate a solar PV power-generating facility capable of producing up to 170 MW alternating current in a cost competitive manner.
- Interconnect directly to the CAISO high-voltage electrical transmission system (grid) to the Gates Substation.
- Assist California utilities in meeting their obligations under California's RPS Program, including 60 percent of retail sales from renewable sources by the end of 2030.
- Assist California utilities in meeting their obligations under CPUC's Energy Storage Framework and Design Program, including procurement targets of 1,325 MW by 2020, by providing up to 100 MW of storage capacity.
- Provide renewable-energy-related and diversified job opportunities and training that will help reduce local unemployment and benefit the local economy.

Under CEQA Guidelines Section 15126.6, the alternatives to be discussed in detail in an EIR should be able to "feasibly attain most of the basic objectives of the project[.]" For this reason, the objectives described above provided the framework for evaluating possible alternatives.

The Draft EIR Section 5.0, Comparison of Alternatives, evaluated three Project alternatives in accordance with the parameters set forth by CEQA Guidelines 15126.6: "No Project," "Reduced Acreage," and "Site-West." In addition, other alternatives were initially considered but ultimately rejected from further consideration: "Phelp's Site," "Non-Contracted Lands," "Impaired or Underutilized Lands," "Phased Development," and "Distributed Power." All alternatives were initially evaluated on their ability to meet project objectives, feasibility, and whether they would avoid or substantially reduce the proposed project's significant environmental impacts. Based on this initial evaluation, the "No Project," "Reduced Acreage," and "Site-West" alternatives were identified as warranting further analysis, while the "Phelp's Site," "Non-Contracted Lands,"

“Impaired or Underutilized Lands,” “Phased Development,” and “Distributed Power” alternatives were rejected because they either did not meet the project objectives, did not reduce environmental impacts, or were infeasible.

Based on the requirements of CEQA Guidelines Section 15126.6, the project objectives, and the rejection of the initially considered alternatives listed above, the following alternatives to the Project were set forth in the EIR and are summarized in Table 1:

1. No Project Alternative
2. Reduced Acreage Alternative
3. Site-West Alternative

### **Analysis of Project Alternatives**

The purpose of a discussion of alternatives to a project in an EIR is to provide a reasonable range of potentially feasible alternatives that are capable of avoiding or substantially lessening any significant environmental effect of a project, even if the alternatives would impede to some degree the attainment of the project objectives or would be costlier. The range of alternatives describes those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

CEQA Guidelines Section 15126.6 provides that an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. “The discussion of alternatives is subject to a construction of reasonableness.” (*Residents Ad Hoc Stadium Committee v. Board of Trustees* [1979] 89 Cal.App.3d 274.) A feasible alternative is an alternative capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. A feasible alternative is also one that accomplishes the project’s “underlying fundamental purpose.”

The EIR satisfies the requirements of CEQA by providing a reasonable range of alternatives, each of which is intended to address the means by which the unavoidable adverse impacts of the project can be lessened.

Determining the feasibility of project alternatives involves a reasonable balancing of various economic, environmental, social, and technological factors. (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 1001; *City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417.)

#### **1. 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**

The No Project Alternative assumes that no development would occur on the project site. The project site would remain in agricultural production with a crop of tomatoes planted with wheat or would remain partially fallow. In addition, cancellation of Williamson Act contracts and conversion of Prime Farmlands would not be required. The Williamson Act Contracts would still expire in 2025.

**b. Analysis of the No Project Alternative’s Ability to Reduce Significant and Unavoidable Project Impacts**

The No Project Alternative would have fewer impacts on resources than the proposed project. However, the No Project Alternative would not realize the air quality and GHG benefits of the proposed project.

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

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

- The No Project Alternative would not construct and operate a solar PV power-generating facility capable of delivering 170 MW alternating current to the Gates Substation in a cost-competitive manner.
- The No Project Alternative would not directly interconnect the CAISO high-voltage electrical transmission system (grid) to the Gates Substation.
- The No Project Alternative would not assist California utilities in meeting their obligations under California’s RPS Program, including 60 percent of retail sales from renewable sources by the end of 2030.
- The No Project Alternative would not assist California utilities in meeting their obligations under CPUC’s Energy Storage Framework and Design Program, including procurement targets of 1,325 MW by 2020, by providing up to 100 MW of storage capacity.
- The No Project Alternative would not provide renewable-energy-related and diversified job opportunities that would help reduce local unemployment and benefit the local economy.

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

Because the No Project alternative would not meet the Project objectives, and because the No Project alternative would not provide the same benefits as the proposed Project, it is not a feasible alternative.



## **2. Reduced Acreage Alternative**

### **a. Description**

Under the Reduced Acreage Alternative, the Stonecrop facility (CUP 3563) would not be constructed, and the footprint of the Fifth Standard facility would be reduced. The total MW capacity at the project site would be reduced by 20 MW, and the project footprint would be reduced by approximately 317 acres.

In addition, the 150-MW Fifth Standard facility would be redesigned to do the following: a) use PV modules rated at a higher watt class, and b) reduce the spacing between tracker rows. The Reduced Acreage Alternative boundary would include Assessor's Parcel Numbers 075-060-52S, 075-070-35S, 075-060-15S, 075-070-01S, 075-070-33S, 075-070-32S, 075-070-34S.

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

This alternative would reduce but not eliminate significant and unavoidable impacts on agricultural resources.

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

The Reduced Acreage Alternative would not achieve the project objective shown below.

- The Reduced Acreage Alternative would not construct and operate a solar photovoltaic power-generating facility capable of delivering 170 MW alternating current to the Gates Substation in a cost competitive manner.

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

As is stated earlier, CEQA defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (14 CCR Section 15364.)

While the Reduced Acreage Alternative would reduce the impact to agricultural resources and land use, it would not reduce those impacts to a less than significant level. The Reduced Acreage Alternative would not meet the important project objective of generating 170 MW alternating current to the Gates Substation in a cost-competitive manner.

## **3. Site-West Alternative**

### **a. Description**

Under the Site-West Alternative, the PV electricity-generating facilities, a battery storage facility, and associated infrastructure would be constructed on three noncontiguous parcels totaling 1,109.69 acres approximately 4 miles west of the project site.

**b. Analysis of the Site-West Alternative's Ability to Reduce Significant and Unavoidable Project Impacts**

The Site-West Alternative would have similar impacts to resources compared to the proposed project, with the exception of agriculture and land use, where it would avoid impacts to Williamson Act contracted lands. However, the Site-West Alternative would still require conversion of Prime Farmland, which would conflict with County policies to preserve agricultural lands; therefore, the impact would continue to remain significant and unavoidable. The Site-West Alternative would result in greater impacts to aesthetics, biological resources, and hydrology and water quality in comparison to the proposed project. The Site-West Alternative would result in a reduced amount of renewable energy resources to help the state meet its renewable energy and GHG reduction targets.

**c. Analysis of the Site-West Alternative's Ability to Meet the Project Objectives**

The Site-West Alternative would not achieve the project objective shown below.

- The Site-West Alternative would not construct and operate a solar photovoltaic power-generating facility capable of delivering 170 MW alternating current to the Gates Substation in a cost-competitive manner given the distance to the Gates Substation, the higher cost of land acquisition, and the need to address site constraints through enhanced engineering and design efforts.

**d. Feasibility of the Site-West Alternative**

The Site-West Alternative would not reduce the significant and unavoidable impacts to agricultural resources and land use to a less than significant level and would result in greater impacts to aesthetics, biological resources, and hydrology and water quality in comparison to the proposed project. The Site-West Alternative would not meet the objectives of constructing and operating a solar PV power generating facility of 170 MW alternating current in a cost-competitive manner given the additional gen-tie line length and the increased cost of land acquisition due to the permanent crops currently planted on two of the parcels and a third parcel planted in organic crops. Additionally, the Site-West Alternative would require additional design costs due to the non-contiguous nature of the site.

**4. The Environmentally Superior Alternative**

The qualitative environmental effects of each alternative relative to the proposed project are summarized in Table 1.

In addition to the discussion and comparison of impacts of the proposed project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection be disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least environmental impact. Identification of the environmentally superior alternative is an

informational procedure, and the alternative selected may not be the alternative that best meets project objectives.

The EIR designated the Reduced Acreage Alternative as the environmentally superior alternative in compliance with CEQA Guidelines 15126.6(e).

## 5. Alternatives 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 then eliminated from further consideration based on the screening criteria described in the Draft EIR:

- Alternative Locations
  - Phelps Site Alternative
  - Non-Contracted Lands Alternative
  - Impaired or Underutilized Lands
- Phased Development Alternative
- Distributed Power Alternative

The **Phelp's Site Alternative** proposed to construct the project at an alternate site approximately 5 miles southwest in the community of Coalinga. While the Phelp's Site would have met all of the proposed project objectives and is feasible, it would not have reduced or avoided a significant environmental effect of the proposed project. With the exception of agricultural impacts, which would have been slightly reduced with the Phelp's Site, this alternative would have had potentially greater impacts associated with additional ground disturbance. Therefore, this alternative was eliminated from further consideration.

The **Non-Contracted Lands Alternative** proposed to construct the project at non-contracted lands that were both available and suitable for the proposed use but not under an active Williamson Act contract (non-contracted lands). For operational efficiency and economic feasibility, a site of approximately 1,500 contiguous acres was considered to be optimal for the proposed project. However, to ensure that a comprehensive search was undertaken for suitable land, all sites of 1,000 acres or larger were considered. A search radius of up to 10 miles was set around the Gates Substation. Beyond this distance, the high cost of construction of the gen-tie line between the solar facility and the substation would make the project economically infeasible, as even construction of a gen-tie of 5 miles or more in length presents challenges for the proposed project. Of the 29 sites initially screened, only three were within 5 miles of the Gates Substation and only one site (Alternative Site-West) had enough acreage for the

proposed project. Alternative Site-West was carried forward as a potential alternative. All other sites considered by this review were rejected as infeasible.

The **Impaired or Underutilized Lands Alternative** would have located the project onto contaminated or underutilized sites appropriate for solar-PV projects. The two potential sites identified as Mount Owen Rifle Range and the Fresno Air Terminal/Old Hammer Field were determined to have adequate acreage to support the Project, however there was the potential to have greater hydraulic impacts, and the feasibility of implementing the project at either location was uncertain due to system capacity. Additionally, this alternative would not have met the objective of delivering a minimum of 170 MW to the Gates substation, which was selected as a potentially suitable substation for interconnection in the Central Valley and was confirmed by CAISO and PG&E to have interconnection capacity and favorable interconnection costs. Therefore, this alternative was eliminated from further consideration.

The **Phased Development Alternative** would have been constructed over 3 years instead of the current proposed 1-year construction schedule. The Phased Development Alternative was considered because it would have avoided the potentially significant impact to air quality before the application of mitigation. The construction activities for the Phased Development Alternative would have been spread out for a longer time-frame and would have resulted in comparatively longer-term aesthetics and noise impacts resulting from construction activities. Significant impacts on agricultural resources that would have occurred under the proposed project would have been the same once all phases of the project are constructed. While the Phased Development Alternative would have addressed potentially significant air quality impacts, it may have exacerbated impacts to noise and aesthetics during construction. The remaining construction impacts of this alternative would have been similar to the proposed project. Therefore, this alternative was eliminated from further consideration.

The **Distributed Power Alternative** would have located solar panels onto the roofs of residential, commercial, industrial, and institutional buildings throughout the County to achieve the 170-MW production capacity. This alternative would not have been technically feasible. The distributed power alternative would have been outside of the control of the Applicant, as the Applicant neither owns nor has site control over rooftops; therefore, there was no guarantee about the quantity of power potentially generated, nor could the alternative have been implemented within a reasonable period of time.

Accordingly, the Distributed Power Alternative was speculative, not feasible, and would have failed to meet proposed project objectives of providing battery storage and developing a utility-scale renewable energy development. As a result, the Distributed Power Alternative was eliminated from detailed analysis as an alternative to the proposed project.

**Table 1: Comparison of Environmental Effects**

<b>Environmental Resource Area</b>	<b>Proposed Project</b>	<b>No Project (Alternative 1)</b>	<b>Reduced Acreage (Alternative 2)</b>	<b>Alternative Site-West (Alternative 3)</b>
Aesthetics	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the project would not be constructed, operated, or decommissioned.	Similar impact to the proposed project but reduced impact to visual character and quality due to the reduced footprint.	Similar impact to the proposed project but potentially greater impacts due to proximity to I-5 and sensitive receptors on South El Dorado Avenue.
Agricultural Resources	Impacts determined to be significant and unavoidable	Lesser impact than the proposed project because no conversion of farmland or conflicts with Williamson Act would occur.	Similar impact to the proposed project, but the reduced footprint would result in less conversion of farmland.	Similar impact to the proposed project, but the reduced footprint would result in less conversion of farmland. Williamson Act contract lands would not be converted, but the site continues to include conversion of Prime Farmland.
Air Quality	Impacts determined to be less than significant with mitigation incorporated	Greater impact than the proposed project because the No Project Alternative would continue to generate emissions from farm equipment.	Similar impact to the proposed project, but the reduced project footprint would result in fewer air quality emissions generated during construction, operation, and decommissioning and lower emission offsets during operation.	Similar or greater impact than the proposed project. Although there would be a reduced project footprint, increased distance of gen-tie line would lead to increased construction emissions.

<b>Environmental Resource Area</b>	<b>Proposed Project</b>	<b>No Project (Alternative 1)</b>	<b>Reduced Acreage (Alternative 2)</b>	<b>Alternative Site-West (Alternative 3)</b>
Biological Resources	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the site would continue to be used for agriculture, and the proposed project would not be constructed, operated, or decommissioned.	Similar impact to the proposed project, but the reduced footprint would result in fewer impacts to biological resources.	Similar or greater impact to the proposed project. Although there would be a reduced project footprint, increased distance of gen-tie line could lead to increased avian collision. Also, a water feature passes through the site, resulting in potential adverse impacts to more special-status species.
Cultural Resources	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the site would continue to be used for agriculture, and the proposed project would not be constructed, operated, or decommissioned.	Similar impact to the proposed project, but the reduced footprint would result in less potential to encounter undiscovered cultural resources. However, there is still the possibility to encounter such resources.	Similar impact to the proposed project, but the reduced footprint would result in less potential to encounter undiscovered cultural resources. However, there is still the possibility to encounter such resources.
Geology and Soils	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the site would continue to be used for agriculture, and the proposed project would not be constructed, operated, or decommissioned.	Similar impact to the proposed project because the geological and paleontological setting would be the same. There is the same potential that the site would be subject to ground shaking, landslides, erosion, and unstable/ expansive soils or that inadvertent discovery of paleontological resources would occur.	Similar impact to the proposed project because the geological and paleontological setting would be the same. There is the same potential at this location as the proposed project that the site would be subject to ground shaking, landslides, erosion, and unstable/ expansive soils or that inadvertent discovery of paleontological resources would occur.

<b>Environmental Resource Area</b>	<b>Proposed Project</b>	<b>No Project (Alternative 1)</b>	<b>Reduced Acreage (Alternative 2)</b>	<b>Alternative Site-West (Alternative 3)</b>
Greenhouse Gas Emissions	Impacts determined to be less than significant with mitigation incorporated	Greater impact than the proposed project because the No Project Alternative would continue to generate emissions from farm equipment.	Similar impact to the proposed project, but the reduced project footprint would result in fewer GHG emissions generated during construction, operation, and decommissioning.	Similar or greater impact than the proposed project. Although there would be a reduced project footprint, the increased distance of the gen-tie line would lead to increased construction emissions.
Hazards and Hazardous Materials	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the site would continue to be used for agriculture, and the project would not be constructed, operated, or decommissioned.	Similar impact to the proposed project, but the reduced project footprint would require fewer hazardous materials to be used during construction, operation, and decommissioning.	Similar impact to the proposed project, but the reduced project footprint would require fewer hazardous materials to be used during construction, operation, and decommissioning.
Hydrology and Water Quality	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because land would continue to be used for agriculture and would not require new impervious surfaces.	Similar impact to the proposed project because impacts related to water quality standards, groundwater supplies, drainage, runoff, and flooding would continue to occur.	Similar or greater impact to the proposed project because impacts related to water quality standards, groundwater supplies, drainage, runoff, and flooding would continue to occur. However, the site includes a water feature and is within a 100-year floodplain.

<b>Environmental Resource Area</b>	<b>Proposed Project</b>	<b>No Project (Alternative 1)</b>	<b>Reduced Acreage (Alternative 2)</b>	<b>Alternative Site-West (Alternative 3)</b>
Land Use	Impacts determined to be significant and unavoidable	Lesser impact than the proposed project because no conversion of farmland or conflicts with Williamson Act would occur.	Similar impact to the proposed project, but the reduced footprint would result in less conflict with General Plan Policies due to the reduction in conversion of farmland.	Similar impact to the proposed project, but Alternative Site-West would result in less conversion of farmland. Williamson Act contract lands would not be converted, but the site continues to include conversion of Prime Farmland and would conflict with preservation policies.
Minerals	No Impact	Similar impact to the proposed project because the project site does not contain important mineral resources.	Similar impact to the proposed project because the project site does not contain important mineral resources.	Similar impact to the proposed project because the project site does not contain important mineral resources.
Noise	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the site would continue to be used for agriculture, and the proposed project would not be constructed, operated, or decommissioned.	Similar impact to the proposed project, but the reduced project footprint would result in less overall noise and vibration during construction, operation, and decommissioning.	Similar impact to the proposed project, but Alternative Site-West would result in less overall noise and vibration during construction, operation, and decommissioning.
Public Services	Impacts determined to be less than significant	Lesser impact than the proposed project because the site would continue to be used for agriculture, and the proposed project would not be constructed, operated, or decommissioned. No new public services would be required.	Similar impact to the proposed project; the reduced project footprint would result in lesser need for fire and police protections services.	Similar impact to the proposed project; Alternative Site-West - would result in lesser need for fire and police protections services.



<b>Environmental Resource Area</b>	<b>Proposed Project</b>	<b>No Project (Alternative 1)</b>	<b>Reduced Acreage (Alternative 2)</b>	<b>Alternative Site-West (Alternative 3)</b>
Transportation	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the site would continue to be used for agriculture, and the proposed project would not be constructed, operated, or decommissioned and would not result in new transportation impacts.	Similar impact to the proposed project, but the reduced project footprint would result in less overall vehicle trips during construction, operation, or decommissioning. Thus, would not result in new transportation impacts.	Similar impact to the proposed project, but Alternative Site-West would result in less overall truck trips during construction, operation, or decommissioning. Thus, would not result in new transportation impacts.
Tribal Cultural Resources	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the site would continue to be used for agriculture, and the proposed project would not be constructed, operated, or decommissioned.	Similar impact to the proposed project, but the reduced footprint would result in less potential to encounter undiscovered tribal cultural resources. However, there is still the possibility to encounter such resources.	Similar impact to the proposed project, but Alternative Site-West would result in less potential to encounter undiscovered tribal cultural resources. However, there is still the possibility to encounter such resources.
Utilities	Impacts determined to be less than significant	Lesser impact than the proposed project because the site would continue to be used for agriculture; the proposed project would not be constructed, operated, or decommissioned; and no new utility infrastructure would be required. However, water usage required to sustain farming operation would continue, which would be greater than the project.	Similar impact to the proposed project, but the reduced footprint would result in less water use, wastewater generation, and solid waste generation. No new expanded wastewater treatment or stormwater facilities would be required.	Similar impact to the proposed project, but Alternative Site-West would result in less water use, wastewater generation, and solid waste generation. No new expanded wastewater treatment or stormwater facilities would be required.

<b>Environmental Resource Area</b>	<b>Proposed Project</b>	<b>No Project (Alternative 1)</b>	<b>Reduced Acreage (Alternative 2)</b>	<b>Alternative Site-West (Alternative 3)</b>
Wildfire	Impacts determined to be less than significant with mitigation incorporated	Lesser impact than the proposed project because the proposed project would not be constructed, operated, or decommissioned and thus would not result in potential fire hazards due to the malfunctioning of equipment or faulty electrical equipment that is capable of spontaneous ignition due to overheating.	Similar impact to the proposed project because of the potential to result in fire hazards due to the malfunctioning of equipment or faulty electrical equipment that is capable of spontaneous ignition due to overheating.	Similar impact to the proposed project because of the potential to result in fire hazards due to the malfunctioning of equipment or faulty electrical equipment that is capable of spontaneous ignition due to overheating.
Energy	Impacts determined to be less than significant	Similar impact to the proposed project because the No Project Alternative would continue to use energy for farming operations.	Similar impact to the proposed project, but the reduced project footprint would result in fewer energy demands during construction, operation, and decommissioning. Additionally, energy generation capacity would be less than the proposed project under this alternative.	Similar impact to the proposed project, but Alternative Site-West would result in fewer energy demands during construction, operation, and decommissioning. Additionally, energy generation capacity would be less than the proposed project under this alternative.

# EXHIBIT C



## **Fresno County**

### **Fifth Standard Solar Project**

Unclassified Conditional Use Permits No. 3562,3563, and 3564

- Environmental Impact Report No. 7257 Mitigation Monitoring and Reporting Program
- Conditions of Approval (Compliance Matrix)
- Project Notes (Mandatory Requirements)

## Mitigation, Monitoring and Reporting Program <sup>1</sup>

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<b>Section 4.1 Aesthetics</b>			
<b>MM AES-1: Lighting.</b> All outdoor lighting shall be hooded, directed downward, and permanently maintained to not shine towards adjacent properties and roads.	The Developer	Prior to construction	The final design plans shall be approved by the County prior to the issuance of any building or grading permits. Maintenance of the lighting shall be ensured by the applicant throughout the life of the proposed project, through regular inspections.
<b>Section 4.2 Agriculture</b>			
<b>MM AG-1: Reclamation Plan.</b> Prior to any ground-disturbing activity, the Applicant shall enter into a Reclamation Agreement to implement a Reclamation Plan for each Conditional Use Permit for restoration of agricultural land. The Plan shall include the following standards: <ul style="list-style-type: none"> <li>Final reclamation actions shall require that agricultural land be returned to a fertility level equivalent to that level required to support crops recommended by an</li> </ul>	The Developer, Property Owner, and the County	Prior to construction or issuance of any grading or other development permits	The Reclamation plan shall be approved by the County prior to ground-disturbing activities. Success of the reclamation actions shall be determined by the County through inspections or reports given by the Developer. Agreements to implement the Reclamation Plan shall be recorded as a covenant with the property.

<sup>1</sup> Abbreviations are listed at the end of the table. For the purposes of this document the terms “Applicant”, “Property Owner”, “Developer”, “Contractor” or “Operator” shall be interchangeable in that the parties affecting or allowing the uses and improvements which are a part of the project shall be mutually and individually responsible for implementing the mitigation measures.

<b>Mitigation Measure</b>	<b>Responsible Party</b>	<b>Monitoring Timing</b>	<b>Monitoring and Reporting Program</b>
<p>agricultural consultant through consultation with the County.</p> <ul style="list-style-type: none"> <li>Revegetation fertility level success shall be achieved when the productive capability of the revegetated area is equivalent to or exceeds, for two equivalent crop years, that of the pre-project condition or any similar crop production in the region, as determined by an agricultural consultant or as compared to the baseline onsite agricultural production, as determined by the County.</li> </ul>			
<b>Section 4.3 Air Quality</b>			
<p><b>MM AIR-1: Air Quality Best Management Practices (BMPs).</b> During construction and decommissioning, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>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>Electricity from power poles shall be used whenever practicable instead of temporary diesel- or gasoline-powered generators to reduce the associated emissions.</li> <li>To reduce construction vehicle (truck) idling while waiting to enter or exit the site, the contractor shall submit a traffic control plan pursuant to Mitigation Measure TRA-1 that will describe in detail safe detours to prevent traffic congestion to the best of the project's ability, and provide temporary traffic control measures during construction activities that will allow both</li> </ul>	<p>The Developer and Contractor</p>	<p>During construction and decommissioning</p>	<p>During construction and decommissioning activities documentation and compliance with the mitigation measure and air quality best management practices shall be recorded and kept on file.</p>

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<p>construction and on-street traffic to move with less than 5-minute idling times.</p> <ul style="list-style-type: none"> <li>• Construction equipment will use only California-certified diesel or gasoline fuels.</li> <li>• The Applicant will use construction equipment that is at the Tier 4 interim emission level for equipment less than or equal to 81 horsepower (hp) and Tier 3 engines for all other equipment.</li> </ul>			
<p><b>MM AIR-2: Voluntary Emission Reduction Agreement (VERA).</b></p> <p>a. The Developer shall enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD prior to the issuance of ministerial construction/grading permits or stagger the construction periods for the three facilities to avoid a significant impact. Proof of payment to the SJVAPCD shall be provided prior to issuance of grading permits for construction. If “staggering” of the timing of the construction periods is used to avoid a significant impact, the Developer shall provide documentation to the County prior to the commencement of construction activities to confirm that construction emissions would be reduced to below the applicable significance thresholds.</p> <p>b. Twelve months prior to initiation of decommissioning activities, the Applicant shall prepare additional analysis to determine air quality impacts from the proposed decommissioning activities. If the emissions will exceed the SJVAPCD thresholds of significance, the Applicant shall enter into a new VERA with the SJVAPCD to offset the decommissioning emissions below the thresholds of significance.</p>	<p>The Developer and SJVAPCD</p>	<p>Prior to construction and decommissioning</p>	<p>Proof of payment to the SJVAPCD shall be completed prior to issuance of building and grading permits. The Developer shall enter into a VERA or stagger the construction periods. The Developer will conduct the additional analysis for the decommissioning activities and submit it to the SJVAPCD for review. If it is determined a VERA is needed for decommissioning activities to reduce potentially significant construction-related air quality impacts, the Developer shall receive proof of payment from the SJVAPCD prior to issuance of a grading permit.</p>

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<b>Section 4.4 Biological Resources</b>			
<p><b>MM BIO-1: General Measures for the Avoidance and Protection of Biological Resources.</b> During construction, operation and maintenance, and decommissioning of the facility, the operator or contractor shall implement the following general avoidance and protective measures to protect San Joaquin kit fox and other special-status wildlife species:</p> <ul style="list-style-type: none"> <li>• The operator shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid special-status species where possible. Construction-related activities, vehicles, and equipment outside of the impact zone shall be avoided.</li> <li>• These areas shall be flagged, and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.</li> <li>• Spoils shall be stockpiled in disturbed areas that lack native vegetation. BMPs shall be employed to prevent erosion in accordance with the project’s approved Stormwater Pollution Prevention Plan (SWPPP). All detected erosion shall be remedied within two (2) days of discovery or as described in the SWPPP.</li> <li>• To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape</li> </ul>	The Developer and Contractor	Prior to and during construction and decommissioning activities	Protected areas shall be staked and flagged for avoidance, as determined by a qualified biologist, prior to any earth moving activities onsite. The biological monitor shall regularly inspect the project area for special-status species and, as applicable, handle any special status species found on site, in accordance with this mitigation measure and all applicable state and federal laws.

<b>Mitigation Measure</b>	<b>Responsible Party</b>	<b>Monitoring Timing</b>	<b>Monitoring and Reporting Program</b>
<p>ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by the approved biological monitor for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a listed species is trapped, the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) shall be contacted immediately.</p> <ul style="list-style-type: none"> <li>• All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until the Lead Biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the Lead Biologist.</li> <li>• Vehicles and equipment parked on the sites shall have the ground beneath the vehicle or equipment inspected for the presence of wildlife prior to moving.</li> <li>• Vehicular traffic shall use existing routes of travel. Cross-country vehicle and equipment use outside of the project properties shall be prohibited.</li> <li>• A speed limit of 20 miles per hour shall be enforced within all construction areas.</li> <li>• A long-term trash abatement program shall be established for construction, operations, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to</li> </ul>			



Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<p>wildlife such as common raven (<i>Corvus corax</i>), coyote (<i>Canis latrans</i>), and feral dogs.</p> <ul style="list-style-type: none"> <li>Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife in the vicinity.</li> <li>Intentional killing or collection of any wildlife species shall be prohibited.</li> </ul>			
<p><b>MM BIO-2: Reduce Construction-related Impacts to Nesting Birds.</b> Ensure that active nests of raptors and other special-status nesting birds are not affected as a result of the proposed project.</p> <p>If construction work is scheduled to take place outside of the avian nesting season (September 16 through January 31), no action would be required to protect nesting birds. If any 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 existing habitat or disrupt surface soils) occur during the 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> <ul style="list-style-type: none"> <li>No more than 14 days prior to construction, a qualified wildlife biologist shall conduct preconstruction surveys of all construction sites to determine if birds or nests are present. 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.</li> </ul>	<p>The Developer and Qualified Wildlife Biologist</p>	<p>Prior to and during construction</p>	<p>If construction work occurs during the avian nesting season, the preconstruction surveys shall be conducted by a qualified biologist and if any active nests are found, the no-disturbance buffer shall be marked prior to any ground-disturbing activities.</p>

<b>Mitigation Measure</b>	<b>Responsible Party</b>	<b>Monitoring Timing</b>	<b>Monitoring and Reporting Program</b>
<ul style="list-style-type: none"> <li>• If active nests are found during preconstruction surveys, a no-disturbance buffer shall be created around nests until it is determined that all young have fledged or until the recognized nesting season has ended (i.e., September 15 annually). The size of any employed buffers will vary based on the species that is nesting, the status of the nest, site conditions, and work to be completed during the active period of the nest. All buffers will be appropriately sized, based on USFWS published recommendations to avoid take to the nest. The size of the buffer zones and types of construction activities restricted in these areas could be further modified during construction in coordination with CDFW and shall be based on the existing level of noise and human disturbance on the project site.</li> <li>• If preconstruction surveys indicate that nests are inactive, or potential habitat is unoccupied during the construction period, no further action is required. Trees and shrubs within the construction footprint determined to be unoccupied by nesting birds or that are outside the no-disturbance buffer for active nests could be removed.</li> <li>• To prevent impacts to SWHA, construction within one half-mile of the windbreak identified in photo point 4c of the Biological Survey (ESA 2016) shall occur after the bird nesting season (September 15). If construction cannot be deferred until this date, a preconstruction survey shall be performed to determine if SWHA are present. If no SWHA are detected by the survey, then construction may proceed, otherwise it must be deferred until after the nesting season. If SWHA are detected, then activities shall not proceed until after September 15.</li> </ul>			

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<p><b>MM BIO-3: Reduce Potential for Avian Collisions with Power Lines.</b> Avian Power Line Interaction Committee (APLIC) Guidelines in accordance with Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (APLIC 2012) will be incorporated into the power line design to minimize the likelihood of avian electrocutions. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with APLIC guidance to reduce the likelihood of large bird electrocutions and collisions (APLIC 2012).</p>	<p>The Developer</p>	<p>Pre-construction, during final design</p>	<p>The Developer shall confirm that design implements current methodologies for the reduction of avian collisions and electrocution.</p>
<p><b>MM BIO-4: Reduce Avian Collisions with Photovoltaic Array.</b></p> <ul style="list-style-type: none"> <li>Visual deterrents to encourage bird avoidance of the project site will be installed. These deterrents will be made of a material that is both reflective and highly visible, such that the material reflects ambient light and is stimulated by air movement. The effect of such installation will create the visual impression of continuous and varied movement, which has been shown as an avian deterrent in agricultural applications. An example of the types of material that could be used includes reflective tape. Within 30 days after project commissioning, materials will be installed in 50-acre blocks within the solar facility on a 3-month trial basis to examine panel performance issues. Following the initial 3-month period, visual deterrents will either be adjusted to reduce performance issues and reexamined on continuing 3-month basis, or if adjustments are not deemed necessary to improve panel performance, deployed on the remainder of the site and maintained for the life of the project or until determined infeasible (based on the definition of</li> </ul>	<p>The Developer</p>	<p>During construction</p>	<p>The Developer shall ensure that the visual deterrents are installed at the project site within 30 days after project commissioning.</p>

<b>Mitigation Measure</b>	<b>Responsible Party</b>	<b>Monitoring Timing</b>	<b>Monitoring and Reporting Program</b>
<p>“feasible” in CEQA Guidelines Section 15364) or ineffective by the project owner in consultation with CDFW and the County.</p> <ul style="list-style-type: none"> <li>• Panels shall include, if feasible, a light-colored, ultraviolet (UV)-reflective, or otherwise nonpolarizing outline, frame, grid, or border, which has been shown to substantially reduce panel attractiveness to aquatic insects, which in turn would reduce the attractiveness of the panels to birds that feed on the aquatic insects (Horvath et al. 2010) in order to reduce avian mortality by avoiding collisions with panel faces (NFWFL 2014).</li> </ul>			
<p><b>MM BIO-5 Reduce Impacts to Nocturnal Wildlife from Lighting.</b></p> <ul style="list-style-type: none"> <li>• No lighting shall be placed near or oriented towards any transmission lines running through the project site to avoid affecting wildlife that may use this area for nighttime movement.</li> <li>• Narrow spectrum bulbs shall be used to limit the range of species affected by project lighting.</li> </ul>	The Developer	Prior to construction, during final design	The Developer shall ensure during the final design that no lighting will be placed near or oriented towards any transmission lines.
<b>Section 4.5 Cultural Resources</b>			
<p><b>MM CUL-1: Retain a Qualified Archaeologist:</b> The Applicant/contractor shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior’s Standards for professional archaeology, to carry out all Mitigation Measures related to archaeological and historical resources prior to the issuance of demolition or grading permits. The Applicant shall ensure that the qualified archaeologist has conducted a Cultural Resources Awareness Training for all construction personnel working on the proposed project. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing</p>	The Developer, Contractor, and Qualified Archaeologist	The qualified archaeologist shall be retained prior to issuance of building permit and shall be retained throughout construction activities.	The Developer shall ensure that a qualified archaeologist is retained throughout construction and implements the Cultural Resources Awareness Training to all construction workers prior to any earth moving activities. The training shall be implemented for any new construction worker on their first day on the construction site throughout all construction activities.

<b>Mitigation Measure</b>	<b>Responsible Party</b>	<b>Monitoring Timing</b>	<b>Monitoring and Reporting Program</b>
<p>activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate, and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. The qualified archaeologist shall conduct construction worker archaeological resources sensitivity training prior to the start of ground-disturbing activities. In the event that construction is phased, additional trainings shall be conducted for all new construction personnel. The training sessions shall focus on the recognition of the types of archaeological resources that could be encountered at the project site and the procedures to be followed if they are found. Documentation shall be retained demonstrating that all construction personnel attended the training.</p>			
<p><b>MM CUL-2: Inadvertent Discovery of Archaeological Resources or Tribal Cultural Resources:</b> If prehistoric or historic-era cultural resources are encountered during the course of grading or construction, all ground-disturbing activities within 50 feet of the find shall cease. The qualified archaeologist shall evaluate the significance of the resources and recommend appropriate treatment measures. Per CEQA Guidelines Section 15126.4(b)(3)(A), project redesign and preservation in place shall be the preferred means to avoid impacts to significant archaeological sites. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with Fresno County, which may include data recovery or other appropriate measures. Fresno County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native</p>	<p>The Developer Qualified Archaeologist, Native American representative, and County</p>	<p>During construction</p>	<p>The qualified archaeologist shall evaluate the significance of the resources and recommend appropriate treatment measures should any discovered archaeological or tribal resources be discovered. If it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with Fresno County, which may include data recovery or other appropriate measures. Fresno County shall consult with appropriate Native American representatives in determining appropriate treatment.</p>

<b>Mitigation Measure</b>	<b>Responsible Party</b>	<b>Monitoring Timing</b>	<b>Monitoring and Reporting Program</b>
<p>American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curational facility. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to Fresno County and to the Southern San Joaquin Valley Information Center. Construction can recommence based on direction of the qualified archaeologist.</p>			
<p><b>MM CUL-3: Inadvertent Discovery of Unmarked Burials.</b> If human remains are uncovered during project construction, the project operator shall immediately halt work within 50 feet of the find, contact the Fresno County Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.4 (e)(1). If the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code Section 7050.5(c), and Public Resources Code (PRC) 5097.98 (as amended by Assembly Bill 2641). The NAHC shall designate a Most Likely Descendent (MLD) for the remains per PRC Section 5097.98, and the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in PRC Section 5097.98 with the MLD regarding their recommendations for the disposition of the remains, taking into account the possibility of multiple human remains.</p>	<p>The Developer and County</p>	<p>During construction</p>	<p>If any discovered human remains onsite, construction work shall be halted within 50 feet of the find. The Fresno County Coroner will be contacted to evaluate the remains. the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified.</p>

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<b>Section 4.6 Geology and Soils</b>			
<b>MM AG-1: Reclamation Plan.</b> See Section 4.2, Agriculture	See Section 4.2, Agriculture	See Section 4.2, Agriculture	See Section 4.2, Agriculture
<b>MM GEO-1: Retain a Qualified Paleontologist.</b> A qualified paleontologist, defined as one meeting the Society of Vertebrate Paleontology Standards (the “Qualified Paleontologist”) shall be retained prior to the issuance of grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, attend the project kick-off meeting and project progress meetings on a regular basis, and report to the site in the event that potential paleontological resources are encountered.	The Developer	The qualified paleontologist shall be retained prior to issuance of building permit and shall be retained throughout construction activities.	The Developer shall ensure that a qualified paleontologist is retained throughout construction and implements oversight of paleontological resources potentially discovered onsite.
<b>MM GEO-2: Pre-construction Training.</b> The Qualified Paleontologist shall conduct Paleontological Resources Awareness Training for all construction personnel. This may be conducted in conjunction with the archaeological resources training. The training shall include an overview of potential paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Qualified Paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized collecting or intentional disturbance of paleontological resources. A sign-in sheet shall be completed and retained to demonstrate attendance at the awareness training. In the event that construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site and the procedures to be followed if they are found. Documentation	The Developer and Contractor	The paleontological Resources Awareness Training shall be conducted prior to the start of construction activities, in conjunction with the Cultural Resources Awareness training.	The Developer and Contractor shall ensure that the Paleontological Resources Awareness Training is given to all construction workers prior to any earth moving activities. The training shall be implemented for any new construction worker on site on their first day on the construction site throughout all construction activities.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<p>shall be retained demonstrating that all construction personnel attended the training.</p>			
<p><b>MM GEO-3: Inadvertent Discovery of Paleontological Resources.</b> If a paleontological resource is found, all ground-disturbing activities within 50 feet of the find shall immediately cease. The Qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. At each fossil locality, field data forms shall be used to record pertinent geological data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Any fossils encountered and recovered shall be catalogued and donated to a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository. The Qualified Paleontologist shall prepare a report documenting evaluation and/or additional treatment of the resource. The report shall be filed with the County and with the repository.</p> <p>Full-time paleontological resources monitoring shall be conducted for all ground-disturbing activities occurring in older Quaternary alluvium or the Tulare Formation, which is estimated to occur at or below approximately 10 feet in depth. Paleontological resources monitoring shall be performed by a qualified paleontological monitor (or cross-trained archaeological/paleontological monitor) under the direction of the Qualified Paleontologist. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils to recover the fossil specimens. Any significant fossils collected during proposed project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. Monitors shall prepare daily logs detailing the</p>	<p>The Developer and Qualified Paleontologist</p>	<p>During construction</p>	<p>The Developer shall ensure that a qualified paleontologist is retained throughout construction and implements oversight of paleontological resources potentially discovered onsite. If a paleontological resource is found, all ground-disturbing activities within 50 feet of the find shall immediately cease. The Qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures.</p>



Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
types of activities and soils observed and any discoveries. The Qualified Paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.			
<b>Section 4.7 Greenhouse Gas Emissions</b>			
<p><b>Mitigation Measure GHG-1: Greenhouse Gas Reduction Measures.</b> In order to further reduce greenhouse gas emissions, the Applicant shall:</p> <ul style="list-style-type: none"> <li>• Prior to the start of construction, develop and implement a program encouraging construction workers to carpool or use public transportation for travel to and from construction sites.</li> <li>• Implement a construction waste recycling program with the objective of recycling at least 65% of the project waste (by weight), pursuant to the California Green Building Standards Code. This is discussed further in Section 4.16, Utilities.</li> <li>• Minimize welding and cutting by requiring the use of compression of mechanical applications where practical and within standards.</li> </ul>	The Developer	Prior to and during construction	The Developer shall ensure that a program is implemented for carpooling or use of public transport to travel to and from the construction site. The Developer shall perform regular inspections of the project site during construction to ensure that a waste recycling program is implemented and that welding activities are minimized.
<p><b>Mitigation Measure GHG-2: Circuit Breakers.</b> All breakers used for this project will have a manufacturer-guaranteed sulfur hexafluoride (SF<sub>6</sub>) leakage rate of 0.5% per year or less.</p>	The Developer	Prior to construction	The Developer shall ensure that all breakers used for this project meet the requirements of this mitigation measure.
<b>Section 4.8 Hazards and Hazardous Materials</b>			
<p><b>MM HAZ-1: Broken Photovoltaic Module Detection and Handling Plan.</b> Prior to the issuance of construction permits, the Applicant shall prepare and implement a broken photovoltaic (PV) module detection and handling plan. The plan shall describe the Applicant’s method for</p>	The Developer, Contractor, and County	Prior to, during, and post construction	The Developer, or chosen consultant, shall develop the broken PV module detection and handling plan prior to issuance of a building permit for the project. Through regular inspections

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<p>identifying, handling, and disposing of PV modules that may break, chip, or crack at some point during the proposed project's life cycle. The proposed methods shall be compliant with applicable law and protective of human health and the environment. The plan shall have but not be limited to the following elements:</p> <ul style="list-style-type: none"> <li>• <b>Worker Health and Safety Provisions and Handling Protocol.</b> This protocol shall address isolating workers from hazardous materials during the recovery of broken PV panels and shall include, but not be limited to the following requirements:                             <ul style="list-style-type: none"> <li>– Workers shall wear gloves during the handling of broken pieces of PV panels to prevent cuts.</li> <li>– If broken pieces are separated from the PV panel, the pieces shall be collected, and the areal extent of the collected pieces shall be compared to the broken area on the PV panel to ensure that all the pieces have been accounted for.</li> <li>– The broken pieces shall be placed in drums, sealed boxes, puncture-proof bags, or equivalent containers so as to prevent the broken pieces from tearing the containers and being rereleased into the environment.</li> </ul> </li> <li>• <b>Timing of removal.</b> The PV panels shall be inspected for breakage prior to each PV panel washing event. In the event that broken PV panels are discovered, the broken PV panels and any pieces shall be removed prior to washing any adjacent PV panels.</li> <li>• <b>Recycling or disposal requirements.</b> If available, broken panels shall be sent to a PV panel manufacturing facility licensed for the recycling of PV panels; if recycling is unavailable, the broken panels shall be sent to a landfill licensed to receive broken PV</li> </ul>			<p>the Developer and Operator shall ensure that the plan is being implemented on the project site</p>

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<p>panels. The plan shall identify the likely facility to receive broken panels.</p> <p>The plan shall be submitted to the County for review and approval and shall be distributed to all construction crew members and temporary and permanent employees prior to construction and operation of the proposed project. All available data from the panel manufacturer(s) regarding materials used and safety procedures and concerns shall be appended to the plan to assist the County with identifying potential hazards and abatement measures.</p>			
<p><b>MM HAZ-2: Fire Protection Plan.</b> The Applicant shall prepare a Fire Protection Plan prior to issuance of construction permits. The Fire Protection Plan shall include but not be limited to the following measures:</p> <ul style="list-style-type: none"> <li>• Internal combustion engines, stationary and mobile, shall be equipped with spark arresters in good working order.</li> <li>• All personnel shall be trained in fire safety practices relevant to their duties.</li> <li>• All construction and maintenance personnel shall be trained and equipped to extinguish small fires.</li> <li>• Work crews shall have fire-extinguishing equipment on hand, as well as emergency numbers and cell phones or other means of contacting the Fire Department.</li> <li>• Security gates shall be approved by the Fire Department and shall include the installation of a key switch or padlock, whichever is most appropriate.</li> <li>• Smoking shall be prohibited while operating equipment and shall be limited to paved or graveled areas or areas cleared of all vegetation. Smoking shall be prohibited within 30 feet of any combustible material storage area (including fuels, gases, and solvents).</li> </ul>	<p>The Developer and Contractor</p>	<p>Prior to and during construction</p>	<p>The Developer shall develop the Fire Protection Plan prior to issuance of any building or grading permits. Regular inspections by the Developer shall ensure compliance with the Fire Protection Plan.</p>

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
Smoking shall be prohibited in any location during a Red Flag Warning issued by the National Weather Service for the project area.			
<b>Section 4.10 Land Use and Planning</b>			
<b>MM AG-1: Reclamation Plan.</b> See Section 4.2, Agriculture.	See Section 4.2, Agriculture.	See Section 4.2, Agriculture.	See Section 4.2, Agriculture.
<b>Section 4.12 Noise</b>			
<b>MM NOI-1: Stationary Construction Equipment.</b> All stationary equipment shall be placed so that emitted noise is directed away from sensitive receptors nearest to the project site during construction and decommissioning activities.	The Developer and Contractor	During construction	The Developer shall document noise levels from stationary equipment and ensure that stationary equipment is located away from sensitive receptors.
<b>MM NOI-2: Equipment Staging Areas.</b> Equipment staging shall be located in areas as far as feasible from noise-sensitive receptors nearest to the project site during all project construction and decommissioning activities.	The Developer and Contractor	During construction	During construction, regular inspections shall be performed for construction noise prevention measures by a Developer representative and reports shall be kept on file by the Developer for inspection interested parties.
<b>MM NOI-3: Construction and Decommissioning Equipment.</b> All construction and decommissioning equipment shall be equipped with manufacturer-approved mufflers and baffles.	The Developer and Contractor	During construction	The Developer shall document the equipment used on site and ensure that all equipment is equipped with manufacturer-approved mufflers and baffles.
<b>MM NOI-4: Construction and Decommissioning Hours.</b> During all project construction and decommissioning, all noise-producing construction-related activities shall be limited to the hours of 6:00 AM to 9:00 PM, Monday through Friday, and to the hours of 7:00 AM to 5:00 PM on Saturdays and Sundays.	The Developer and Contractor	During construction	The Developer shall document timing of construction activities and verify that construction timing restrictions are being met throughout construction activities.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<b>Section 4.14 Transportation and Traffic</b>			
<p><b>MM TRA-1: Construction and Decommissioning Traffic Control and Management Plan.</b> Prior to issuance of construction permits, building permits, or encroachment permits, the Applicant Developer and/or its construction contractors shall prepare and submit a traffic control and management plan to Fresno County Department Public Works and Planning and the California Department of Transportation (Caltrans) District 6 office for approval. The traffic control and management plan shall be prepared in accordance with both the California’s Manual on Uniform Traffic Control Divisions and Work Area Traffic Control Handbook and must include but not be limited to the following items:</p> <ul style="list-style-type: none"> <li>• Specify timing of deliveries of heavy equipment and building materials.</li> <li>• Direct construction traffic with a flagger.</li> <li>• Place temporary signage, lighting, and traffic control devices, if required, including but not limited to appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic.</li> <li>• Ensure access for emergency vehicles to the project site.</li> <li>• Maintain access to adjacent property.</li> <li>• Specify both construction-related vehicle travel and oversize-load haul routes, minimize construction traffic during the AM and PM peak hours, and avoid residential neighborhoods to the maximum extent feasible.</li> <li>• Obtain all necessary permits from the appropriate agencies for work within the road right-of-way or use of</li> </ul>	<p>The Developer and Contractor</p>	<p>Prior to and during construction</p>	<p>The Developer shall prepare the Traffic Control and Management Plan prior to issuance of any building or grading permits.</p> <p>The Developer shall monitor and coordinate with the contractor during construction meetings to ensure that the Traffic Control and Management Plan is implemented successfully as documented in inspection logs, and the construction traffic management plan shall remain on file at the Developer’s offices and provided to the County for their files.</p>

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<p>oversized/overweight vehicles, which may require California Highway Patrol or a pilot car escort.</p> <ul style="list-style-type: none"> <li>• Submit plans for any work on the proposed intersection improvements on Lassen Avenue at the site access driveways to the County and Caltrans District 6 for review and approval prior to the issuance of any encroachment or road improvement permit for the work.</li> <li>• Clean or remove any material that is deposited onto the roadways as soon as possible and at least prior to the end of each working day.</li> <li>• Obtain any access easements from private property owners necessary to perform required repair work.</li> </ul>			
<p><b>MM-TRA-2: Preconstruction and Pre-Decommissioning Road Survey Report.</b> A preconstruction report and a pre-decommissioning report shall be prepared by a qualified registered engineer to include a detailed analysis of road suitability to accommodate haul trucks during project construction. The report shall be submitted to the Fresno County Department of Public Works and Planning. Prior to initiating the preconstruction or decommissioning report, the proposed methodology shall be presented to the Fresno County Department of Public Works and Planning for review and approval. Improvements to existing roads may be necessary based on the findings of the report.</p>	The Developer and County	Prior to construction and decommissioning	The Developer shall retain a qualified engineer to conduct the Road Survey reports. Documentation of the reports shall be provided to the County and made available to any other interested parties, upon request. If County review of these reports indicates that improvements are required for the roads, these improvements shall be implemented by the Developer.
<p><b>MM TRA-3: Road Repair Agreement.</b> Prior to the start of construction, the Applicant shall enter into a secured agreement with the County to ensure that the proposed project contributes its fair-share portion towards repairs of any County roads that are impacted by this project. The scope of impacts shall be determined in consultation with the County of Fresno and Caltrans District 6.</p>	The Developer and County	Prior to construction	Payment of fees shall occur prior to the start of construction activities. The Developer shall obtain written documentation from the County on all fees payed.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program
<b>Section 4.15 Tribal Cultural Resources</b>			
<b>MM CUL-1: Retain a Qualified Archaeologist.</b> See Section 4.5, Cultural Resources.	See Section 4.5, Cultural Resources.	See Section 4.5, Cultural Resources.	See Section 4.5, Cultural Resources.
<b>MM CUL-2: Inadvertent Discovery of Archaeological Resources or Tribal Cultural Resources.</b> See Section 4.5, Cultural Resources.	See Section 4.5, Cultural Resources.	See Section 4.5, Cultural Resources.	See Section 4.5, Cultural Resources.
<b>Section 4.17 Wildfire</b>			
<b>MM HAZ-2: Fire Protection Plan.</b> See Section 4.8, Hazards and Hazardous Materials.	See Section 4.8, Hazards and Hazardous Materials.	See Section 4.8, Hazards and Hazardous Materials.	See Section 4.8, Hazards and Hazardous Materials.

## Abbreviations

APLIC	Avian Power Line Interaction Committee
Applicant	RWE Solar Development, LLC (formerly known as EC&R Solar Development, LLC)
BMPs	Best Management Practices
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
County	Fresno County

EIR	Environmental Impact Report
hp	horsepower
MLD	Most Likely Descendant
MMRP	Mitigation, Monitoring, and Reporting Program
NAHC	Native American Heritage Commission
NFWFL	National Fish and Wildlife Forensics Laboratory
PRC	Public Resources Code
proposed project	Fifth Standard Solar Complex Project
PV	photovoltaic
SF <sub>6</sub>	sulfur hexafluoride
SJVAPCD	San Joaquin Valley Air Pollution Control District
SWHA	Swainson's Hawk
SWPPP	Stormwater Pollution Prevention Plan
USDOI	United States Department of the Interior
USFWS	United States Fish and Wildlife Service
UV	ultraviolet
VERA	Voluntary Emission Reduction Agreement



## **Conditions of Approval - CUP No. 3562, 3563, and 3564 - Compliance Matrix**

1.	The life of this each land use permit (CUP Nos. 3562,3563, and 3564) shall expire upon expiration of the initial life of the solar lease or the 35-year initial life of each of the projects. If the solar leases are to be extended or the initial life of each project extends beyond this approval, approval of new land use permits shall be obtained.
2.	The CUP approval shall be conditioned upon acceptance of Financial Assurances by the Director of the Department of Public Works and Planning and/or the Director's designee.
3.	A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to the issuance of Building Permits for each approved land use permit (CUP Nos. 3562, 3563, and 3564. 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.	The project shall adhere to the procedures listed in the Reclamation Plans prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided).
5.	The Reclamation Plans shall be revised to provide for an annual increase in costs at 3%, or tied to the Consumer Price Index (CPI), or other mechanism acceptable to the Fresno County Department of Public Works and Planning.
6.	The project shall comply with the Pest and Weed Management Plan, April 2018, in order to control weeds and rodents on the property that may impact adjacent properties.
7.	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 Compliance Matrix, and the Applicant shall pay all costs associated with the Consultant costs and Mitigation Monitoring.
8.	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.
9.	These Conditional Use Permits will become void, unless there has been substantial development within two years of the effective date of this approval.

10.	Prior to approval of any construction permits, the applicant shall offer of dedication for any additional right-of-away along the project's Lassen frontage needed to net 55 feet to the center line.
11.	The Applicant/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 and to hire employees from the local workforce; and commit to purchasing products and equipment from local (Fresno County) manufacturing facilities and venders

**Project Notes (Mandatory Requirements)**

1.	Prior to initiating construction, the Applicant shall be required to contact Underground Service Alert (811) to allow Westlands Water District staff to locate and mark its facilities prior to commencement of grading or construction activities.
2.	. Off-street parking requirements shall be one parking space for every two (2) employee's onsite. One of which, shall be an ADA van accessible parking stall located as close as possible to the main entrance of main building. All parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked.
3.	The driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right-of-way shall be concrete or asphalt. An encroachment permit shall be required from Road Maintenance, and Operations for any work on the County right-of-way prior to commencement of construction. Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. A dust palliative should be required on all parking and circulation areas.
4.	Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and

	irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of Building Permits.
5.	No building height or structure erected in this Zone District shall exceed thirty-five (35) feet in height, per Section 816.5.D of the Zoning Ordinance. An Encroachment Permit will be required for any improvements within the County right-of-way prior to commencement of construction. Outdoor lighting should be hooded and directed away from adjoining streets and properties. All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site advertising for commercial uses are prohibited in the AE (Exclusive Agriculture) Zone District.
6.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of, per County Standards. An Engineered Grading and Drainage Plan and a grading permit are required. Contact Development Engineering at (559) 600-4022 to talk to a grading engineer.
7.	Each access point shall comply with the provision of NPDES.
8.	Access from Lassen Ave should be confirmed with Caltrans and not assumed as allowed. A Caltrans encroachment permit will be required for each access point along a state highway.
9.	Typically, any existing or proposed entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
10.	For any unpaved or gravel surface access roads, the first 100' off the edge of the road right-of-way must be graded and asphalt concrete paved.





# County of Fresno

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

November 9, 2020

RWE Renewables Americas, LLC  
c/o Camila Goetze  
20 California Street, Suite 500  
San Francisco, CA 94111

Dear Applicant:

Subject: Resolution No. 12853 - Unclassified Conditional Use Permit (CUP) Application Nos. 3562, 3563, and 3564 and associated Environmental Impact Report No. 7257 (State Clearinghouse No. 2017091038)

On October 22, 2020, the Fresno County Planning Commission certified the Environmental Impact Report and 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.

Staff has tentatively scheduled the Cancellation of Agricultural Land Conservation Contract Nos. 1809, 2227, 2799, 5150 and Partial Cancellation of Agricultural Land Conservation Contract Nos. 365 And 367 (RLCC Nos. 982 through 987) to remove approximately 1,600 acres of land from the Williamson Act program before the Board of Supervisors for December 15, 2020. Staff of our Policy Planning Unit will provide additional information regarding the Board Hearing.

The approval of this project, pending final approval of the cancellation request, 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 [drandall@fresnocountyca.gov](mailto:drandall@fresnocountyca.gov) or 559-600-4052.

Sincerely,

David Randall, Senior Planner  
Development Services and Capital Projects Division

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Enclosures