



# Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISOR'S ACTION SUMMARY MINUTES.**

DATE: November 10, 2016  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12607 - INITIAL STUDY APPLICATION NO. 7146 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3531

APPLICANT: GASNA 6P LLC

OWNER: David Britz

REQUEST: The project consists of two components: 1) a 70 kV Generation Tie Line that is the subject of Unclassified Conditional Use Permit (CUP) Application No. 3531; and 2) a 70 kV Switching Station which will be a Pacific Gas and Electric (PG&E) project not within County land use jurisdiction. Both components are being evaluated under the same California Environmental Quality Act (CEQA) document. The 70 kV Generation Tie Line will connect a photovoltaic solar power generation facility that was authorized by CUP No. 3291 in accordance with a Mitigated Negative Declaration that was adopted by the Fresno County Planning Commission on November 3, 2011 to the new 70 kV Switching Station, which will be the relocation of the existing PG&E Stroud Switching Station located approximately 800 feet northwest of the new Switching Station. The 70 kV Generation Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the 70 kV Switching Station will be constructed by Pacific Gas and Electric (PG&E) under California Public Utilities Commission (CPUC) jurisdiction and will also be owned and operated by PG&E. The Generation Tie Line will occupy approximately 15.5 acres and the Switching Station will occupy a 13-acre portion of a 182.7-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the south side of W. Kamm Avenue approximately 3.3 miles west of the intersection of W. Kamm Avenue and S. Lassen Avenue (State Route 145) and 4.8 miles south of the nearest city limits of the City of San Joaquin (SUP. DIST. 1) (APN 040-080-41S).

PLANNING COMMISSION ACTION:

At its hearing of October 20, 2016, the Commission considered a request from the Applicant's representative to continue the item to address comments received from legal counsel representing a neighboring property owner.

A motion was made by Commissioner Egan and seconded by Commissioner Eubanks to continue the item to the November 10, 2016 hearing.

The motion passed on the following vote:

VOTING:	Yes:	Commissioners Egan, Eubanks, Abrahamian, Borba, Chatha, Mendes, Pagel, Woolf
	No:	None
	Absent:	Commissioner Lawson
	Abstain:	None

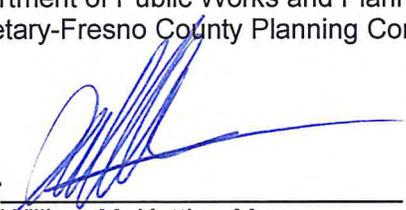
At its hearing of November 10, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Egan to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3531, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Egan, Borba, Chatha, Eubanks, Lawson, Mendes, Pagel, Woolf
	No:	None
	Absent:	None
	Abstain:	None

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

By: 

\_\_\_\_\_  
William M. Kettler, Manager  
Development Services Division

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

Attachments

EA:cwm:jem  
G:\4360Devs&Plan\ADMIN\BOARD\Board Items\2017\1-10-17\Appeal of UCUP 3531\UCUP 3531 PC Resolution Reso (Exhibit A).docx

## EXHIBIT "A"

Initial Study Application No. 7146  
Unclassified Conditional Use Permit Application No. 3531

Staff: The Fresno County Planning Commission considered the Staff Report dated November 10, 2016, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The proposed 1.3 mile long 70kV Generation Tie Line power will connect an approved solar facility to a new 70 kV Switching Station on the property which is to be owned and operated by Pacific Gas & Electric (PG&E).
- The new Switching Station will be the relocation of the existing PG&E Stroud Switching Station.
- PG&E will replace 13 existing power poles with 13 new poles ranging in height from 80 to 110 feet.
- The tallest poles will be located near the new switching station; the existing poles along Kamm Avenue will remain intact.
- The proposed Gen-Tie Line route is the shortest route and also the most economical; the Butte Avenue route was not practical or cost effective.
- Placing an underground Gen-Tie Line would be more expensive than an overhead Gen-Tie Line; underground construction requires special conduits and construction procedures.
- An overhead Gen-tie Line will cost approximately \$100,000 per tenth of a mile totaling \$1.3 million for a 1.3 mile line; an underground line will cost approximately \$4 million dollars.
- An underground Gen-Tie Line may compromise future agricultural viability of the land and could result in severe environmental impacts.
- The project was adequately analyzed in accordance with the California Environmental Quality Act (CEQA); no impacts to the adjoining business/properties will occur.

Others: The property owner of the project site presented information in support of the application indicating that the site is suitable for the proposed use as it lacks good access to water and hasn't been farmed in 10 years. Further, it would be unwise to install a deeper well to irrigate land with poor soil.

One individual representing an adjoining business presented information in opposition to the application stating that the proposed utility poles for the overhead power lines could hinder flight paths of aircraft utilizing a proposed airstrip that could be requested to be built on adjacent property.

Correspondence: Two letters from the Applicant's legal counsel were submitted to the Planning Commission supporting the application and its associated CEQA work citing no evidence of: 1) aesthetic, agricultural resource, traffic, health or safety, biological, or water supply impacts resulting from the project; and 2) there is no evidence that the utility poles would hinder crop dusting operations or adversely affect the adjacent business.

One letter from an attorney representing an adjoining property owner was submitted to the Planning Commission requesting to supplement and amend a prior October 19, 2016 letter by stating that the neighboring property owner has no objection to the installation of the solar facility and withdraws objections to that extent, but the owner does still retain concerns regarding Finding No. 3 relating to adverse impacts to surrounding properties and believes this finding cannot be made due to the location and height of the proposed utility lines and microwave relay poles.

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7146/Unclassified Conditional Use Permit Application No. 3531**  
**(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Biological Resources	The Swainson's hawk (SWHA) nest surveys shall be conducted according to the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" (SWHA TAC 2000) found at <a href="http://www.dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf">http://www.dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf</a> in the breeding season prior to starting project-related activities.	Applicant	Applicant/California Department of Fish and Wildlife (CDFW)	As noted
*2.	Biological Resources	Project-related activities shall be avoided within 0.5 mile of active SWHA nests during the breeding season, defined as February 1 through September 15, by clearly delineating no-disturbance buffer zones on the ground with fencing, stakes, or flagging, and maintaining these until September 15 or until the young have fledged and are no longer dependent on the nest or parents for survival as determined by a qualified biologist and approved in writing by the California Department of Fish and Wildlife (CDFW).	Applicant	Applicant/CDFW	As noted
*3.	Biological Resources	If full avoidance of active SWHA nests during the breeding season is infeasible, CDFW shall be consulted to obtain an Incidental Take Permit (ITP) prior to starting project-related activities within 0.5 mile of any active SWHA nest.	Applicant	Applicant/CDFW	As noted
*4.	Biological Resources	Three SWHA nest locations are known within 8.5 miles of the project site which contains suitable foraging habitat for SWHA. Foraging habitat compensation and funding for its management shall be required in perpetuity for the benefit of SWHA prior to starting project-related activities.	Applicant	Applicant/CDFW	As noted
*5.	Biological Resources	Burrowing owl (BUOW) surveys shall be conducted according to the "Staff Report on Burrowing Owl Mitigation" dated March 7, 2012 (CDFG 2012) found at <a href="http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf">www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf</a> .	Applicant	Applicant/CDFW	As noted
*6.	Biological Resources	All known or additionally found BUOW burrows during the breeding and non-breeding seasons shall be avoided by following the "Staff Report on Burrowing Owl Mitigation" with regard to buffer distance,	Applicant	Applicant/CDFW	As noted

EXHIBIT B

		found at <a href="http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf">www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf</a> .			
*7.	Biological Resources	Passive relocation of BUOW shall be allowed only during the non-breeding season and only after a Burrowing Owl Exclusion Plan, which shall also include the impacts of evicting owls, has been submitted and reviewed by CDFW.	Applicant	Applicant/CDFW	As noted
*8.	Biological Resources	Habitat compensation and funding for management activities shall be required in perpetuity for BUOW before starting project-related activities.	Applicant	Applicant/CDFW	As noted
*9.	Biological Resources	January 2011 "U.S. Fish and Wildlife Service Standardized Recommendation for Protection of Endangered San Joaquin Kit Fox found at <a href="http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/kitfox_standard_res_2011.pdf">http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/kitfox_standard_res_2011.pdf</a> for pre-construction survey protocol and avoidance measures shall be implemented.	Applicant	Applicant/CDFW/ US Fish and Wildlife Service	As noted
*10.	Biological Resources	Habitat permeability for San Joaquin kit fox (SJFK) shall be maintained by installing only permeable perimeter fencing as approved by CDFW.	Applicant	Applicant/CDFW	As noted
*11.	Biological Resources	Conduct pre-project surveys/assessment for giant garter snakes (GGS) breeding habitat by a qualified wildlife biologist. If suitable GGS breeding habitat (irrigation ditches) is identified, avoid by 250 feet. Any variance from these buffers shall be supported by a qualified wildlife biologist, and the California Department of Fish and Wildlife and the US Fish and Wildlife Service shall be notified in advance of implementation of a no-disturbance buffer variance.	Applicant	Applicant/CDFW/ US Fish and Wildlife Service	As noted
*12.	Biological Resources	Surveys for active bird nests shall be conducted no more than 10 days before starting project-related activities if they are to occur between January 1 and September 15. Surveys shall be conducted on the project site and in a sufficient area around the project site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the project. In addition to direct impacts such as nest destruction, nests might be affected by noise, vibration, odors, or movement of workers or equipment. Continuously survey identified nests for the first 24 hours to establish a behavioral baseline prior to starting any construction-related activities. Once work commences, continuously monitor all nests to detect any behavioral changes as a result of the project. If behavioral changes are observed, cease all work causing the change and consult with CDFW for additional avoidance and minimization measures.	Applicant	Applicant/CDFW	As noted

*13.	Biological Resources	If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet shall be implemented around active nests of non-listed, non-raptor bird species; 500 feet around active nests of non-listed, raptor bird species; and 0.5 mile around listed bird species until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer dependent upon the nest or parental care for survival. Variance from these no-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so. Any variance from these buffers is advised to be supported by a qualified biologist, and it is recommended that CDFW be notified in advance of implementation of a no-disturbance variance.	Applicant	Applicant/CDFW	As noted
*14.	Biological Resources	Additional nesting bird surveys shall be conducted before restarting project-related activities after a lapse of 10 days or more during the general breeding season.	Applicant	Applicant/CDFW	As noted
*15.	Biological Resources	To prevent entrapment and death of birds, all vertical pipes associated with the solar mounts and fencing shall be capped as they are installed.	Applicant	Applicant/CDFW	As noted
*16.	Biological Resources	The use of rodenticides shall be prohibited. If rodenticide use is allowed, an Incidental Take Permit (ITP) shall be obtained from CDFW for listed species such as SJKF, SWHA, and any other State-listed species known to occur in the project site's vicinity that could directly or indirectly ingest rodenticides before starting rodenticide use.	Applicant	Applicant/CDFW	As noted
*17.	Cultural Resources	In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Coroner	As noted
<b>Conditions of Approval</b>					
1.	Development and operation shall be in substantial conformance with the approved Site Plans and Operational Statement, except as modified by the Conditions of Approval.				
2.	Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomfort associated with				

	normal farm activities in the surrounding of the proposed development.
3.	A dust palliative shall be required on all parking and circulation areas.
4.	The Applicant shall revise the Reclamation Plan approved for CUP No. 3291 to include new improvements (Gen Tie Line) proposed by CUP No. 3531. Cost estimates and reclamation procedures shall be amended to address those improvements.

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.  
Conditions of Approval reference recommended Conditions for the project.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections shall be required per public utility requirements. Contact the Building and Safety Section of the Department of Public Works and Planning at (559) 600-4540.
3.	Per the Fresno County Department of Public Health, Environmental Health Division: <ul style="list-style-type: none"> <li>• Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.</li> <li>• Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to HSC, Division 20, Chapter 6.95.</li> <li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</li> </ul>
4.	Per the Development Engineering Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• A grading permit may be required for the project.</li> <li>• Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County standards.</li> <li>• The southwesterly portion of the property under Flood Zone A is subject to a 100-year storm. Any development within the area identified as Zone A shall comply with the Fresno County Flood Ordinance (Title 15.48).</li> </ul>
5.	If construction activity for the project will disturb one or more acres and storm water would reach a water of the United States, the project proponent shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity by contacting the Regional Water Quality Control Board. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling or excavation.
6.	Per the San Joaquin Valley Air Pollution Control District (Air District), the project is subject to: <ul style="list-style-type: none"> <li>• Air District Rule 9510, and shall pay off-site mitigation fees prior to issuance of the first Grading/Building Permit</li> <li>• Rule 4102 (Nuisance)</li> <li>• Rule 4601 (Architectural Coatings)</li> </ul>

<b>Notes</b>	
	<ul style="list-style-type: none"> <li>• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)</li> <li>• Rule 4002 (National Emission Standards for Hazardous Air Pollutants)</li> </ul>
7.	<p>Per the Road Maintenance &amp; Operations (RMO) Division of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• Crossing of a road right-of-way or access drive improvements constructed within the County road right-of-way shall require an encroachment permit from the County.</li> <li>• Parallel construction in the County road right-of-way shall require a franchise agreement between the County and the Applicant.</li> </ul>
8.	<p>The proposed Generation Tie Line shall comply with the California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use. The project may also be subject to joining the Community Facilities District (CFD).</p>

EA:ksn

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EXHIBIT "C"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7146  
Unclassified Conditional Use Permit Application No. 3531

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Initial Study Application	\$ 5,151.00 <sup>1</sup>
Unclassified Conditional Use Permit Application	\$ 9,123.00 <sup>2</sup>
Public Health Department Review	\$ 992.00 <sup>3</sup>
Agriculture (Ag) Department Review	<u>\$ 93.00<sup>3</sup></u>
<b>Total Fees Collected</b>	<b><u>\$ 15,359.00</u></b>

<sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporate analysis into Staff Report.
<sup>2</sup> Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors..
<sup>3</sup> Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division and Ag Department and provide comments.



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 November 10, 2016

**SUBJECT:** Initial Study Application No. 7146 and Unclassified Conditional Use Permit (CUP) Application No. 3531 (amending approved CUP No. 3291)

The project for purposes of review under the California Environmental Quality Act (CEQA) consists of two components: a 70 kV Generation Tie Line that is the subject of Unclassified Conditional Use Permit (CUP) Application No. 3531, and a 70 kV Switching Station. The 70 kV Generation Tie Line will connect a photovoltaic solar power generation facility that was authorized by CUP No. 3291 in accordance with a Mitigated Negative Declaration that was adopted by the Fresno County Planning Commission on November 3, 2011 to the new 70 kV Switching Station, which will be the relocation of the existing PG&E Stroud Switching Station located approximately 800 feet northwest of the new Switching Station. The 70 kV Generation Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the 70 kV Switching Station will be constructed by Pacific Gas and Electric (PG&E) under California Public Utilities Commission (CPUC) jurisdiction and will also be owned and operated by PG&E. The Generation Tie Line will occupy approximately 15.5 acres and the Switching Station will occupy a 13-acre portion of a 182.7-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**Note:** This item was continued from the October 20, 2016 Planning Commission hearing at the request of the Applicant.

**LOCATION:** The subject property is located on the south side of W. Kamm Avenue approximately 3.3 miles west of the intersection of W. Kamm Avenue and S. Lassen Avenue (State Route 145) and 4.8 miles south of the nearest city limits of the City of San Joaquin (SUP. DIST. 1) (APN 040-080-41S).

**OWNER:** David Britz  
**APPLICANT:** GASNA 6P LLC

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204  
  
Chris Motta, Principal Planner  
(559) 600-4227

**RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7146; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3531 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Applicant's Operational Statement, Response to 10-point Solar Facility Guidelines; and PG&E's Switching Station Information
7. Summary of Initial Study (IS) Application No. 7146 and Appendix to IS
8. Planning Commission Resolution dated November 3, 2011
9. Applicant's Letter Requesting Continuance of the Item.
10. Public Correspondence

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	182.7 acres	No change
Project Site	Farmland	A 70 kV Generation Tie Line to connect a photovoltaic solar power generation facility authorized by CUP No. 3291 to a 70 kV Switching Station to be constructed by PG&E under California Public Utilities Commission (CPUC) jurisdiction

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
		and also owned and operated by PG&E.
Structural Improvements	Farmland	The 70 kV Generation Tie Line will have utility poles up to 110 feet tall
Nearest Residence	2,640 feet to the east	No change
Surrounding Development	Farmland	No change
Operational Features	N/A	<ul style="list-style-type: none"> <li>• Gen Tie Line will occupy a 15.5-acre portion of the subject 182.7-acre property.</li> <li>• The overhead Gen Tie Line will require installation of 110-foot-tall utility poles within a 100-foot-wide Gen Tie Line easement.</li> <li>• The proposed 70 kV PG&amp;E Switching Station will occupy a 13-acre portion of the subject property and will replace the nearby existing 70 kV Stroud Switching station.</li> <li>• The Switching Station (to be constructed by PG&amp;E) will include a control building, capacitor banks, voltage transformers, 70 kV steel dead-end structures, busbar, protection facilities, circuit breakers and switches, and a 150-foot-tall microwave tower.</li> <li>• The proposed unmanned facility will operate year-round.</li> </ul>
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	N/A	Up to 120 one-way trips per day (60 round trips per day) during the 12 months of construction. Once operational, the proposed improvements will be unmanned.
Lighting	Farmland	The 70 kV Generation Tie Line will not have lighting fixtures.

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Hours of Operation	N/A	24 hours per day, 365 days per year

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

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA) for the 70 kV Generation Tie Line that is the subject of Unclassified Conditional Use Permit (CUP) Application No. 3531 and which will be constructed, owned and operated by GASNA 6P LLC. This IS was also prepared for a 70 kV Switching Station that will be constructed by Pacific Gas and Electric (PG&E) under California Public Utilities Commission (CPUC) jurisdiction and will also be owned and operated by PG&E. Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. Although the County of Fresno does not have authority to require PG&E to implement Mitigation Measures, PG&E has incorporated Avoidance and Protection Measures (APMs) into its Switching Station proposal in order to ensure that any environmental effects associated with the Switching Station proposal remain less than significant. A summary of the IS is included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: September 19, 2016.

**PUBLIC NOTICE:**

Notices were sent to eight (8) property owners within one quarter-mile (1,320 feet) of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

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

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

**BACKGROUND INFORMATION:**

At the Planning Commission’s regularly-scheduled October 20, 2016 hearing, the Commission approved a motion continuing the item to the November 10, 2016 hearing to allow the Applicant’s representative an opportunity to address recent comments received by the County on the subject proposal. The request for continuance was made by the Applicant in writing and is attached as Exhibit 9. The comments on the project were received from a law firm representing a business adjacent to the project site. According to the Applicant’s representative, a response to the comments prepared by a law firm representing the Applicant will be available to the Commission prior to the hearing.

The project entails the construction of a 1.3-mile-long 70 kV Generation Tie Line to be authorized by Unclassified Conditional Use Permit (CUP) No. 3531, and a 70 kV Switching Station on portions of a 182.7-acre property. The proposal will modify the interconnection of a

previously-approved photovoltaic solar facility to the power grid. The proposed 70 kV Generation Tie Line will connect a photovoltaic solar power generation facility authorized by CUP No. 3291 to the proposed 70 kV Switching Station which will be the relocation of the existing PG&E Stroud Switching Station located approximately 800 feet northwest of the proposed Switching Station. The 70 kV Generation Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the 70 kV Switching Station, which may serve other interconnection customers in the area, will be constructed by Pacific Gas & Electric (PG&E) under California Public Utilities Commission (CPUC) jurisdiction and will also be owned and operated by PG&E. Although the County of Fresno does not have authority to require PG&E to implement Mitigation Measures, PG&E will incorporate Avoidance and Protection Measures (APMs) into its Switching Station proposal in order to ensure that any environmental effects associated with the Switching Station proposal remain less than significant.

The photovoltaic solar power generation facility authorized by CUP No. 3291 has the capacity to generate 27 megawatts alternating current (MW-AC) and is located on an approximately 179.1-acre portion of a 318.18-acre site (APN 040-080-15S) adjacent to and east of the parcel subject to this proposal. The existing PG&E Stroud Switching Station that will be replaced by the proposed Switching Station is sited on a one-acre parcel (APN 040-070-39SU) and is located approximately one mile west of the photovoltaic solar power generation facility site [San Joaquin 1A Solar (SJ1A)] approved by CUP No. 3291. The proposed Switching Station will be located on a 13-acre portion and the proposed 70 kV Gen Tie Line will be sited on a 15.5-acre portion of the subject 182.7-acre property.

The 70 kV Generation Tie Line will be confined within a 100-foot-wide Gen Tie Line easement. The Line will start from the westerly boundary of the site for the photovoltaic solar power generation facility approved by CUP No. 3291 (San Joaquin 1A Solar) and will terminate at the proposed PG&E Switching Station, traversing the site underground as well as aboveground via tubular steel poles up to 110 feet in height. The poles will be supported on concrete foundation approximately six feet in diameter and up to 30 feet deep.

The new Switching Station will include a control building, storm water retention pond, capacitor banks, voltage transformers, 70 kV steel dead-end structures, busbar, protection facilities, circuit breakers and switches, and a 150-foot-tall microwave tower for system protection and communication. The Switching Station will connect to the existing electric transmission system by a new transmission line looping the facility into the existing PG&E Stroud Switching Station-Stroud 70 kV Transmission line. Two existing transmission lines, the Helm-Stroud 70 kV Line and the Stroud Switching Station-Schindler 70kV Line will be relocated from their current terminus at the existing Stroud Switching Station to run into the relocated Switching Station located on the south side of West Kamm Avenue.

Initial Study (IS) No. 7146 prepared for this project was routed to agencies for review and comments. Pacific Gas & Electric (PG&E) reviewed the IS and requested minor corrections to the document relating to the Switching Station, and offered project-specific Avoidance and Protection Measures (APM). Edits are noted in the Initial Study Environmental Checklist Form (Exhibit 7, page 2), and, with APM, are also attached to the IS as an Appendix (Exhibit 7, page 31).

Staff reviewed the October 19, 2016 letter submitted by legal counsel for a neighboring property owner who operates an agricultural fertilizer operation in the vicinity of the proposal. A copy of this letter is attached as Exhibit 10. The letter submitted took issue with various aspects of the proposal but primarily focused on the environmental document (Initial Study No. 7146) prepared for the subject application. Staff would emphasize that the current request associated with Unclassified Conditional Use Permit No. 3531 is to construct a gen-tie line west of the approved

photovoltaic solar facility to connect with a substation to be constructed for Pacific Gas and Electric. Unclassified Conditional Use Permit No. 3291 was approved by the Fresno County Planning Commission on November 3, 2011 to permit the solar facility and that application was not appealed. Further, three time extensions have been approved for Unclassified CUP No. 3291.

Installation of solar panels were addressed and analyzed in Unclassified CUP No. 3291. Photovoltaic solar panels generally are not considered to be glare-inducing due to their treatment and positioning, and County staff is not aware of any glare concerns associated with other photovoltaic solar facilities approved and operational in Fresno County. Regarding traffic, no significant traffic impacts were identified in either Unclassified CUP No. 3291 or the subject proposal for the gen-tie and it is generally acknowledged that any traffic trips associated with these facilities are limited to construction for a finite period. Once operational, trips are limited to site maintenance and panel washing.

Regarding concerns expressed associated with incompatibility with County General Plan policies, zoning requirements, agricultural and biological impacts and the need to prepare a Water Supply Assessment, staff would note that the County permits photovoltaic solar facilities with an approved Conditional Use Permit and with review and acceptance of the points related to the County's Photovoltaic Solar Guidelines. Unclassified CUP No. 3291 was approved subject to those guidelines and Unclassified CUP No. 3531 seeks to establish a gen-tie route for this existing project. Biological impacts associated with CUP No. 3531, including the impacts on birds, have been adequately addressed with the inclusion of several mitigation measures from the California Department of Fish and Wildlife. Water supply assessments are not required for photovoltaic projects, as they are not considered true large-scale industrial uses subject to the provisions of SB 610. Water use associated with photovoltaic projects is typically very limited. The gen-tie line associated with CUP No. 3531 may use limited water during construction of utility poles but no water during operation. The Applicant has indicated that they will continue farming operations under the gen-tie easement, and the area of impact associated with the utility poles is relatively small in relation to the entire easement area, so actual farmland disruption is limited.

The 100-foot-wide easement for the gen-tie line is at its closest still several hundred feet west of the fertilizer operation. Staff reached out to the County's Agricultural Commissioner's Office to confirm aerial spraying activities in the vicinity of the proposal. According to the Agricultural Commissioner, aerial spraying occurs in Section 30, located south of Conejo Avenue between the Butte and Yuba Avenue alignments, well south the proposal, and in Section 24 which is located west of the proposal on the south side of Kamm Avenue, west of the Yuba Avenue alignment. Staff also notes that site photos of the area along Kamm Avenue indicate the presence of existing power poles.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	N/A	N/A

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	None required	N/A
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	None required	N/A

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal

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

**Analysis:**

The proposed 70 kV Generation Tie Line and the Switching Station will be located on a 15.5-acre and a 13-acre portion of a 182.7-acre property. The overhead Gen Tie Line will require installation of 110-foot-tall utility poles within a 100-foot-wide Gen Tie Line easement that will run parallel to the eastern and northern boundaries of the subject property. Staff notes that the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District does not prescribe setback requirements for utility poles; however, a Project Note would require that the line shall stay clear of the ultimate right-of-way for Kamm Avenue.

Based on the above information, staff believes the site is adequate in size and shape to accommodate the proposal.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Kamm Avenue: Excellent condition	No change
Direct Access to Public Road	Yes	Kamm Avenue	No change
Road ADT (Average Daily Traffic)		400	No change
Road Classification		Arterial	No change
Road Width		45 to 53 feet right-of-way south of section line	No change
Road Surface		Paved (pavement width: 21.9 feet)	No change
Traffic Trips		N/A	Up to 120 one-way trips per day (60 round trips per day) during the 12 months of construction. Once operational, the proposed improvements will be unmanned.
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by County Design Division
Road Improvements Required		Excellent	None required

**Reviewing Agency/Department Comments:**

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Kamm Avenue is a County-maintained road classified as an Arterial and requires an ultimate right-of-way of 106 feet (53 feet each side of the section line). Currently, there is 80 feet of road right-of-way (40 feet each side of the section line). Setbacks for new construction shall be based upon this ultimate right-of-way line. No improvements related to the Gen Tie Line shall be located within the existing or future County road right-of-way. Crossing of a road right-of-way or access drive improvements constructed within the County road right-of-way shall require an encroachment permit from the County. Parallel construction in the County road right-of-way shall require a franchise agreement between the County and the Applicant.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Kamm Avenue is a County-maintained road. The section of Kamm Avenue from

west of Stinson Canal to Crescent Ditch has an ADT of 400, pavement width of 21.9 feet, and is in excellent condition.

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

**Analysis:**

As noted above, Kamm Avenue has a total existing right-of-way of 80 feet at the project site and is classified as an Arterial. The minimum total right-of-way for an Arterial road right-of-way is 106 feet. However, as this proposal entails the development of unmanned facilities, no additional right-of-way dedication is required for this project.

Staff notes that vehicular traffic in the area will be increased during the time of construction; however, this increase will be temporary. According to the Applicant, the construction of the project is expected to last approximately twelve months. Construction of the project is estimated to generate up to 120 one-way trips per day (60 round trips per day). Once operational, the proposed improvements will be unmanned. Further, no concerns regarding the project’s impact on County roadways were expressed by either the Design or Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning.

Based on the above information, staff believes that the roadways in proximity to the project site will remain adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	640 acres	Farmland	AE-20	None
South	302.3 acres	Farmland	AE-20	None
East	68.6 & 318 acres	Farmland	AE-20	None
West	7.8 acres to 20 acres	Farmland	AE-20	None

## **Reviewing Agency/Department Comments:**

California Department of Fish and Wildlife (CDFW): The project site contains suitable foraging, nesting, or burrowing habitat for the San Joaquin kit fox (SJKF), Swainson's hawk (SWHA), Burrowing owl (BUOW), giant garter snake (GGS), Mountain Plover and tri-colored blackbird. To mitigate impact on these species, CDFW recommendations have been included as Mitigation Measures in Exhibit 1 of this report.

Fresno County Department of Agriculture: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities on the surrounding lands.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: A dust palliative shall be required on all parking and circulation areas.

The aforementioned requirements have been included as Conditions of Approval.

San Joaquin Valley Air Pollution Control District (Air District): This proposal is subject to District Rule 9510 (Indirect Source Review) and may also be subject to the following District rules: District Rule 2010 (Permits Required); Rule 2201 (New and Modified Stationary Source Review); District Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). These requirements have been included as Project Notes. An Air Impact Assessment (AIA) Application (ISR Project Number: C20160232) was prepared and submitted to the Air District by the Applicant on August 25, 2016. The project will be required to pay off-site mitigation fees prior to issuance of Grading/Building Permits.

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit may be required. Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County standards. According to FEMA FIRM Panel 2550H, portions of the subject parcel are in Flood Zone A, which is subject to the one-percent-chance storm. The southwesterly portion of the property under Flood Zone A is subject to a 100-year storm. Any development within the area identified as Zone A shall comply with the Fresno County Flood Ordinance (Title 15.48).

Fresno County Fire Protection District (Fire District): The proposed 70 kV Generation Tie Line shall comply with the 2013 California Code of Regulations Title 24. Subsequent to County approval, copies of the approved Site Plan for the proposed 70 kV Generation Tie Line shall be submitted to the Fire District for review and approval. Additionally, the project may be subject to joining the Community Facilities District (CFD).

Regional Water Quality Control Board: If construction activity for the project will disturb one or more acres and storm water would reach a water of the United States, the project proponent shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required per public utility requirements.

The aforementioned requirements have been included as Project Notes.

**Analysis:**

The project site is located in an agricultural area marked by large parcel sizes and sparse residential uses. The closest neighboring residence is located approximately one half-mile to the east. The unincorporated community of Helm is located approximately three miles to the east and the City of San Joaquin is located 4.8 miles to the north of the site. For the proposed 70 kV Generation Tie Line, up to 100-foot-tall tubular steel poles will be installed within a 100-foot-wide Gen Tie Line easement. This easement will run along the northern and eastern boundaries of the site to connect to the proposed 70 kV Switching Station to be located within the northwest portion of the property. The utility poles and the Switching Station would be similar in nature and looks to the existing electrical utility poles and Stroud Switching Station in the area, and therefore will not bring any significant visual changes to the neighborhood.

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to surrounding agricultural area which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands are available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties</p>	<p>With regard to Criteria "a" and Criteria "b", this proposal is limited in scope to a 70 kV Generation Tie Line to be authorized by Unclassified Conditional Use Permit (CUP) No. 3531 and a 70 kV Switching Station to be constructed by PG&amp;E under California Public Utilities Commission (CPUC) jurisdiction. The project will not impact farmland, as the 15.5 acres of Gen Tie Line easement area will remain in farming operation once the project is constructed. With regard to Criteria "c", the project will utilize limited water during construction and no water during its operation. With regard to Criteria "d", this proposed project</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
within ¼-mile radius; d) Probable workforce located nearby or readily available.	is located approximately three miles west of the unincorporated community of Helm and 4.8 miles south of the City of San Joaquin. These communities have the ability to provide an adequate workforce.
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	The project will have little if any impact on agricultural activities on the subject property or on the surrounding lands. As noted above, the proposal is limited in scope and will allow construction of a 70 kV Generation Tie Line via installation of utility poles and relocation of an existing PG&E Switching Station on the subject property.
General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	The project will utilize limited water during construction and no water during its operation. The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns with water supply for the project.

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the General Plan. According to General Policy LU-A.3, non-agricultural uses such as electrical power transmission facilities may be allowed by means of a discretionary use permit. Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses, and Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations. Policy PF-C.17 requires a water supply evaluation to include adequacy, sustainability and impact to other water users in the County. The subject property is under a Williamson Act Land Conservation Contract.

**Analysis:**

This project entails the construction of a 70 kV Generation Tie Line to be authorized by Unclassified Conditional Use Permit (CUP) No. 3531, and a 70 kV Switching Station. The proposed 70 kV Generation Tie Line will connect a photovoltaic solar power generation facility authorized by CUP No. 3291 in accordance with a Mitigated Negative Declaration adopted by the Fresno County Planning Commission on November 3, 2011 to the new 70 kV Switching Station, which will be the relocation of the existing PG&E Stroud Switching Station located approximately 800 feet northwest of the new Switching Station. The 70 kV Generation Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the 70 kV Switching Station will be constructed by Pacific Gas and Electric (PG&E) under California Public Utilities Commission (CPUC) jurisdiction and will also be owned and operated by PG&E. The Generation Tie Line and the Switching Station will be sited on 15.5-acre and 13-acre portions of the subject 182.7-acre property. The proposed 70 kV Generation Tie Line will have utility poles

up to 110 feet tall (installed within a 100-foot-wide easement) required of the owner of said property. The Generation Tie Line is a compatible use under the Williamson Act Contract. The farming activities on the property will continue within the 100-foot-wide Gen Tie Line, as well as under the utility poles once they are constructed and operational. However, the PG&E process for construction of a switching station on a contracted land (15.5-acre portion of a 182.7-acre property) is exempt from County requirements. PG&E will coordinate with and obtain necessary approvals from the appropriate departments of the State of California prior to construction of the Switching Station.

A Site Reclamation Plan has been provided by the Applicant in order to reclaim the site to its original condition upon cessation of the use related to the Gen Tie line. In that regard, a Condition of Approval would require that the Reclamation Plan approved for CUP No. 3291 shall be revised to include new improvements (Gen Tie Line) proposed by the subject application.

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

**Recommended Conditions of Approval:**

*The Applicant shall revise the Reclamation Plan approved for CUP No. 3291 to include new improvements (Gen Tie Line) proposed by CUP No. 3531. Cost estimates and reclamation procedures shall be amended to address those improvements.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

Staff received a letter and related information from the California Resources Corporation (CRC) regarding mineral rights. The letter states that CRC has mineral rights underlying the project site and expressed concerns about CRC's access to mineral rights. However, a subsequent e-mail from CRC indicated they have no concerns with the project. Staff also received a letter from a law firm representing a business adjacent to the project site. The letter states that the CUP Findings cannot be made and an EIR shall be prepared for the project as the Mitigated Negative Declaration prepared for the project is inadequate under CEQA (California Environmental Quality Act). Additionally, late correspondence received from the Native American Heritage Commission has questioned the project's compliance with CEQA as amended by Assembly Bill 52 (AB 52). Staff notes the project was routed to Table Mountain Rancheria (TMR) per AB 52 and no concerns with the proposal were expressed by that agency. Copies of the letters and the e-mail have been attached as Exhibit 10.

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit No. 3531 subject to the recommended Conditions.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7146; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3531, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3531; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

EA:ksn

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**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7146/Unclassified Conditional Use Permit Application No. 3531**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
*1.	Biological Resources	The Swainson's hawk (SWHA) nest surveys shall be conducted according to the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" (SWHA TAC 2000) found at <a href="http://www.dfg.ca.gov/wildlife.nongame/docs/swain_proto.pdf">http://www.dfg.ca.gov/wildlife.nongame/docs/swain_proto.pdf</a> in the breeding season prior to starting project-related activities.	Applicant	Applicant/California Department of Fish and Wildlife (CDFW)	As noted
*2.	Biological Resources	Project-related activities shall be avoided within 0.5 mile of active SWHA nests during the breeding season, defined as February 1 through September 15, by clearly delineating no-disturbance buffer zones on the ground with fencing, stakes, or flagging, and maintaining these until September 15 or until the young have fledged and are no longer dependent on the nest or parents for survival as determined by a qualified biologist and approved in writing by the California Department of Fish and Wildlife (CDFW).	Applicant	Applicant/CDFW	As noted
*3.	Biological Resources	If full avoidance of active SWHA nests during the breeding season is infeasible, CDFW shall be consulted to obtain an Incidental Take Permit (ITP) prior to starting project-related activities within 0.5 mile of any active SWHA nest.	Applicant	Applicant/CDFW	As noted
*4.	Biological Resources	Three SWHA nest locations are known within 8.5 miles of the project site which contains suitable foraging habitat for SWHA. Foraging habitat compensation and funding for its management shall be required in perpetuity for the benefit of SWHA prior to starting project-related activities.	Applicant	Applicant/CDFW	As noted
*5.	Biological Resources	Burrowing owl (BUOW) surveys shall be conducted according to the "Staff Report on Burrowing Owl Mitigation" dated March 7, 2012 (CDFG 2012) found at <a href="http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf">www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf</a> .	Applicant	Applicant/CDFW	As noted

*6.	Biological Resources	All known or additionally found BUOW burrows during the breeding and non-breeding seasons shall be avoided by following the "Staff Report on Burrowing Owl Mitigation" with regard to buffer distance, found at <a href="http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf">www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf</a> .	Applicant	Applicant/CDFW	As noted
*7.	Biological Resources	Passive relocation of BUOW shall be allowed only during the non-breeding season and only after a Burrowing Owl Exclusion Plan, which shall also include the impacts of evicting owls, has been submitted and reviewed by CDFW.	Applicant	Applicant/CDFW	As noted
*8.	Biological Resources	Habitat compensation and funding for management activities shall be required in perpetuity for BUOW before starting project-related activities.	Applicant	Applicant/CDFW	As noted
*9.	Biological Resources	January 2011 "U.S. Fish and Wildlife Service Standardized Recommendation for Protection of Endangered San Joaquin Kit Fox found at <a href="http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/kitfox_standard_res_2011.pdf">http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/kitfox_standard_res_2011.pdf</a> for pre-construction survey protocol and avoidance measures shall be implemented.	Applicant	Applicant/CDFW/ US Fish and Wildlife Service	As noted
*10.	Biological Resources	Habitat permeability for San Joaquin kit fox (SJFK) shall be maintained by installing only permeable perimeter fencing as approved by CDFW.	Applicant	Applicant/CDFW	As noted
*11.	Biological Resources	Conduct pre-project surveys/assessment for giant garter snakes (GGS) breeding habitat by a qualified wildlife biologist. If suitable GGS breeding habitat (irrigation ditches) is identified, avoid by 250 feet. Any variance from these buffers shall be supported by a qualified wildlife biologist, and the California Department of Fish and Wildlife and the US Fish and Wildlife Service shall be notified in advance of implementation of a no-disturbance buffer variance.	Applicant	Applicant/CDFW/ US Fish and Wildlife Service	As noted
*12.	Biological Resources	Surveys for active bird nests shall be conducted no more than 10 days before starting project-related activities if they are to occur between January 1 and September 15. Surveys shall be conducted on the project site and in a sufficient area around the project site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the project. In addition to direct impacts such as nest destruction, nests might be affected by noise, vibration, odors, or movement of workers or equipment. Continuously survey identified nests for the first 24 hours to establish a behavioral baseline prior to	Applicant	Applicant/CDFW	As noted

		starting any construction-related activities. Once work commences, continuously monitor all nests to detect any behavioral changes as a result of the project. If behavioral changes are observed, cease all work causing the change and consult with CDFW for additional avoidance and minimization measures.			
*13.	Biological Resources	If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet shall be implemented around active nests of non-listed, non-raptor bird species; 500 feet around active nests of non-listed, raptor bird species; and 0.5 mile around listed bird species until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer dependent upon the nest or parental care for survival. Variance from these no-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so. Any variance from these buffers is advised to be supported by a qualified biologist, and it is recommended that CDFW be notified in advance of implementation of a no-disturbance variance.	Applicant	Applicant/CDFW	As noted
*14.	Biological Resources	Additional nesting bird surveys shall be conducted before restarting project-related activities after a lapse of 10 days or more during the general breeding season.	Applicant	Applicant/CDFW	As noted
*15.	Biological Resources	To prevent entrapment and death of birds, all vertical pipes associated with the solar mounts and fencing shall be capped as they are installed.	Applicant	Applicant/CDFW	As noted
*16.	Biological Resources	The use of rodenticides shall be prohibited. If rodenticide use is allowed, an Incidental Take Permit (ITP) shall be obtained from CDFW for listed species such as SJKF, SWHA, and any other State-listed species known to occur in the project site's vicinity that could directly or indirectly ingest rodenticides before starting rodenticide use.	Applicant	Applicant/CDFW	As noted
*17.	Cultural Resources	In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Coroner	As noted

<b>Conditions of Approval</b>	
1.	Development and operation shall be in substantial conformance with the approved Site Plans and Operational Statement, except as modified by the Conditions of Approval.
2.	Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniencies and discomfort associated with normal farm activities in the surrounding of the proposed development.
3.	A dust palliative shall be required on all parking and circulation areas.
4.	The Applicant shall revise the Reclamation Plan approved for CUP No. 3291 to include new improvements (Gen Tie Line) proposed by CUP No. 3531. Cost estimates and reclamation procedures shall be amended to address those improvements.

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections shall be required per public utility requirements. Contact the Building and Safety Section of the Department of Public Works and Planning at (559) 600-4540.
3.	Per the Fresno County Department of Public Health, Environmental Health Division: <ul style="list-style-type: none"> <li>• Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.</li> <li>• Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to HSC, Division 20, Chapter 6.95.</li> <li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</li> </ul>
4.	Per the Development Engineering Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• A grading permit may be required for the project.</li> <li>• Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County standards.</li> <li>• The southwesterly portion of the property under Flood Zone A is subject to a 100-year storm. Any development within the area identified as Zone A shall comply with the Fresno County Flood Ordinance (Title 15.48).</li> </ul>

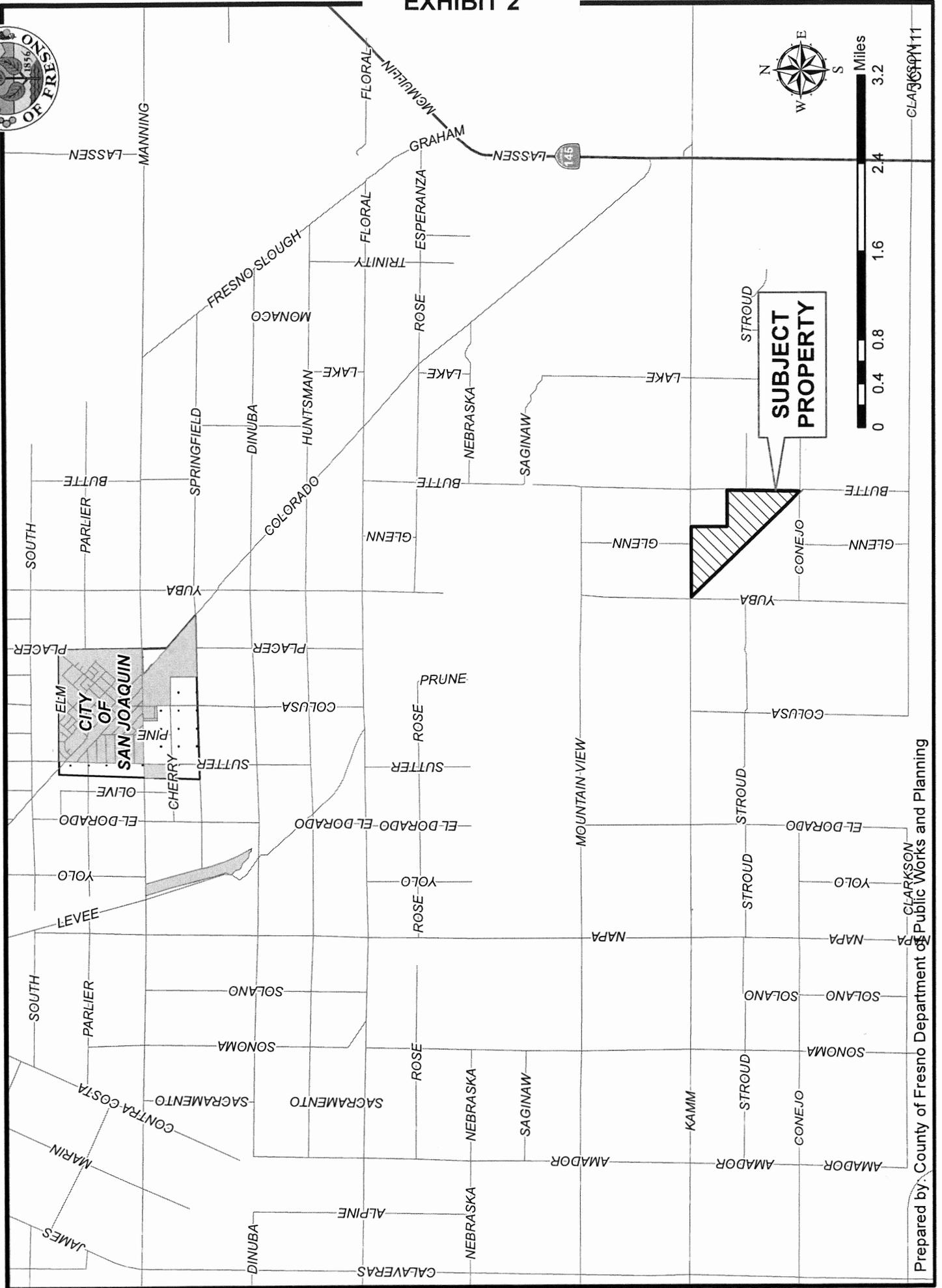
Notes	
5.	If construction activity for the project will disturb one or more acres and storm water would reach a water of the United States, the project proponent shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity by contacting the Regional Water Quality Control Board. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling or excavation.
6.	Per the San Joaquin Valley Air Pollution Control District (Air District), the project is subject to: <ul style="list-style-type: none"> <li>• Air District Rule 9510, and shall pay off-site mitigation fees prior to issuance of the first Grading/Building Permit</li> <li>• Rule 4102 (Nuisance)</li> <li>• Rule 4601 (Architectural Coatings)</li> <li>• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)</li> <li>• Rule 4002 (National Emission Standards for Hazardous Air Pollutants)</li> </ul>
7.	Per the Road Maintenance & Operations (RMO) Division of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• Crossing of a road right-of-way or access drive improvements constructed within the County road right-of-way shall require an encroachment permit from the County.</li> <li>• Parallel construction in the County road right-of-way shall require a franchise agreement between the County and the Applicant.</li> </ul>
8.	The proposed Generation Tie Line shall comply with the California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use. The project may also be subject to joining the Community Facilities District (CFD).



# EXHIBIT 2

## LOCATION MAP

CUP 3531



# EXISTING ZONING MAP

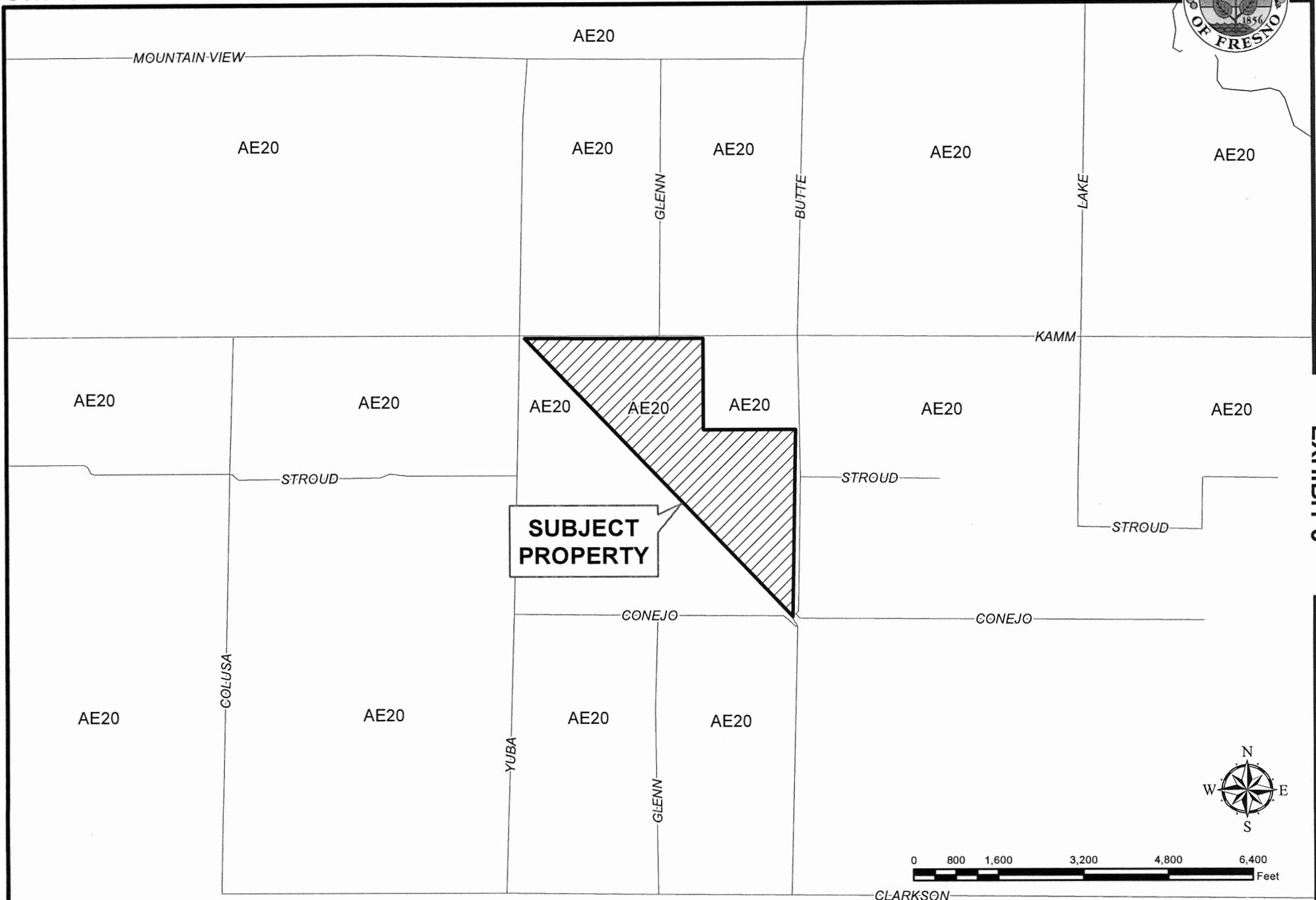
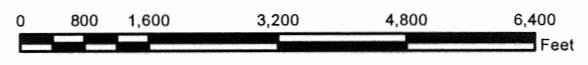
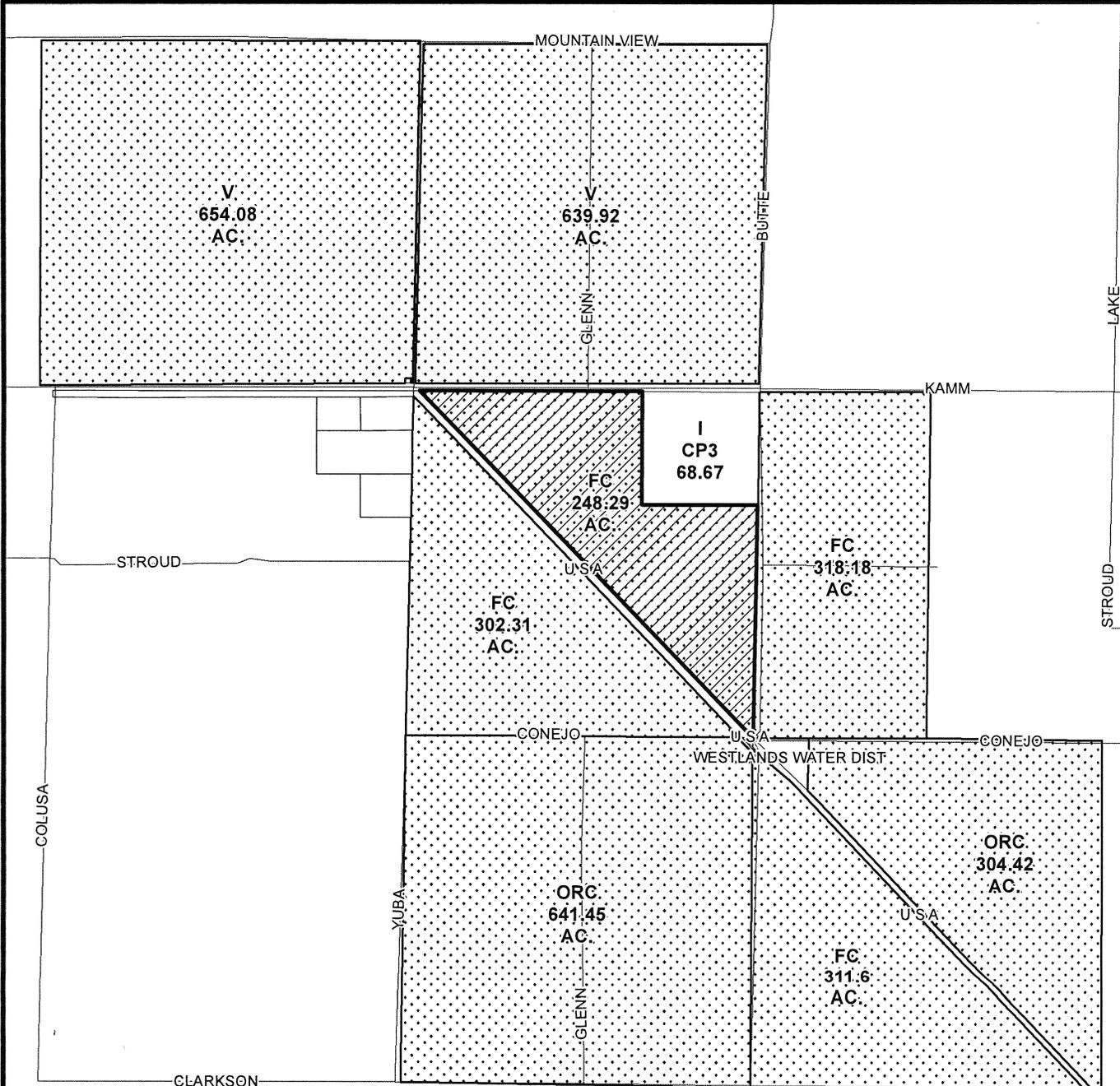


EXHIBIT 3



# EXISTING LAND USE MAP

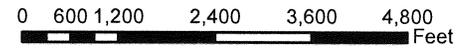


**LEGEND**

CP# - OFFICE COMM./PROF  
 FC - FIELD CROP  
 I - INDUSTRIAL  
 ORC - ORCHARD  
 V - VACANT

**LEGEND:**

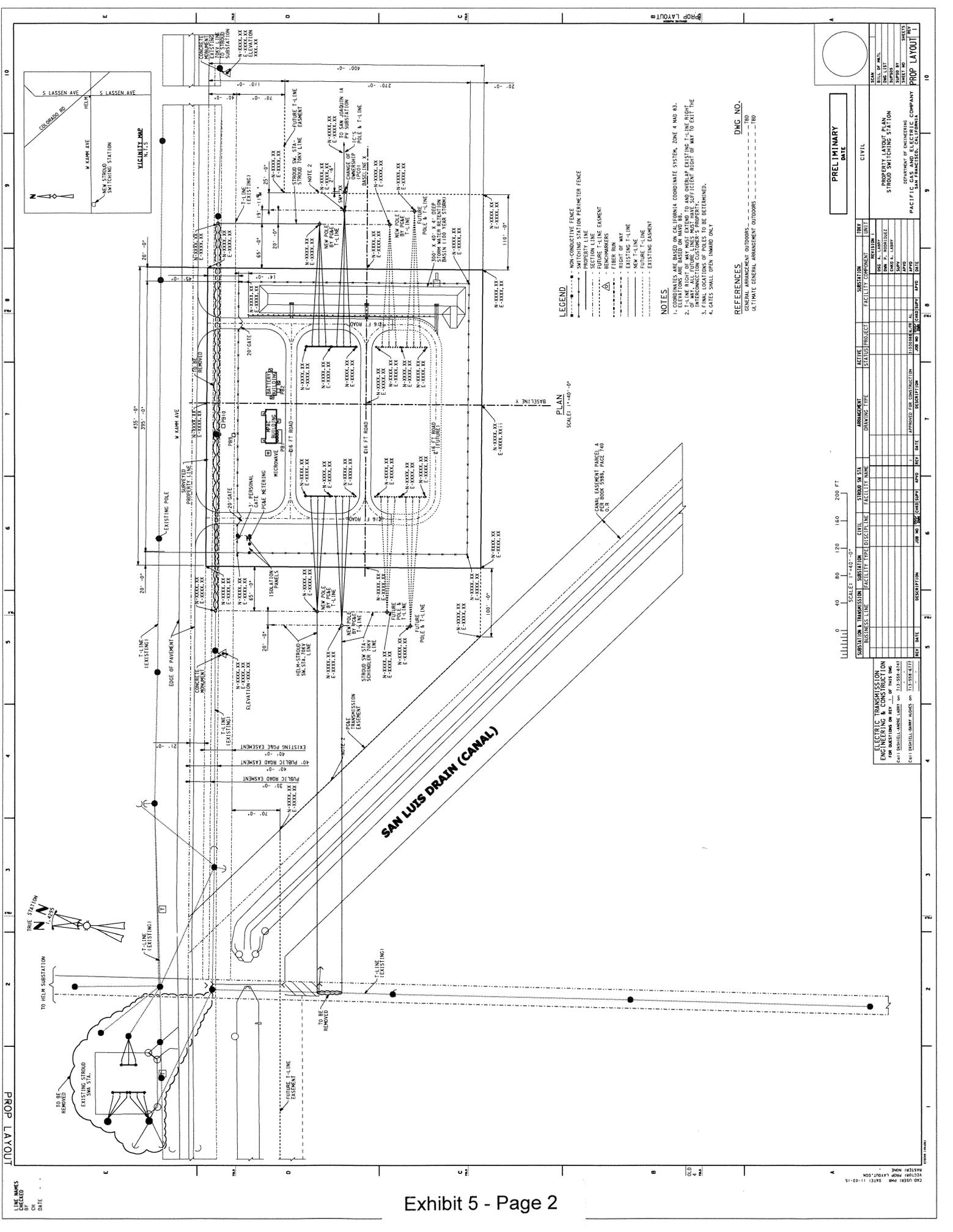
Subject Property  
 Ag Contract Land



Department of Public Works and Planning  
 Development Services Division

Map Prepared by: JHernandez  
 J:GISJCHLanduse1





- LEGEND**
- NON-CONDUCTIVE FENCE
  - - - SWITCHING STATION PERIMETER FENCE
  - - - EXISTING T-LINE
  - - - FUTURE T-LINE
  - - - FUTURE T-LINE EASMENT
  - - - BENCHMARKERS
  - - - RIGHT OF WAY
  - - - EXISTING T-LINE
  - - - NEW T-LINE
  - - - EXISTING EASMENT

**NOTES**

1. COORDINATES ARE BASED ON CALIFORNIA COORDINATE SYSTEM, ZONE 4 NAD 83.
2. T-LINE RIGHT OF WAY MUST EXTEND TO AND OVERLAP EXISTING T-LINE RIGHT OF WAY TO MAINTAIN SUFFICIENT RIGHT OF WAY TO EXIT THE INTERSECTION CUSTOMER'S PROPERTY.
3. FINAL LOCATIONS OF POLES TO BE DETERMINED.
4. GATES SHALL OPEN INWARD ONLY.

**REFERENCES**

DWG. NO. \_\_\_\_\_

GENERAL ARRANGEMENT OUTDOORS - T80

ULTIMATE GENERAL ARRANGEMENT OUTDOORS - T80

**PLAN**  
SCALE: 1"=40'-0"



**PRELIMINARY DATE**

NO.	DATE	DESCRIPTION	BY	CHECKED	DATE	DESCRIPTION	BY	CHECKED	DATE
1	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
2	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
3	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
4	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
5	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
6	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
7	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
8	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
9	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH
10	11/25/2012	ISSUED FOR CONSTRUCTION	CH	CH	11/25/2012	CH	CH	11/25/2012	CH

## EXHIBIT 6



# Operational Statement San Joaquin 1A Solar Generation Interconnection Project February 2016 (revised 8/25)

Below are responses to the questions asked in the operational statement checklist. For additional information please contact the planner, Ejaz Ahmad or the project manager, Lance Mobley via lance.mobley@solar-frontier.com.

1. The San Joaquin 1A Solar (SJ1A) project interconnection facilities will consist of a Transmission Line interconnection from the solar project approximately one mile west to the relocated PG&E Stroud Switching Station. Solar Frontier will construct the line from the solar facility to the switching station along the edge of the property in a manner that will allow existing agriculture operations to continue and maintains compatibility with the existing agricultural conservation contract. PG&E will construct, own and operate the new switching station. All energy produced from the solar project will be distributed to PG&E's grid through the switching station. Attached is PG&E's project description for the switching station which includes their electrical equipment and construction information.

2. Once built, the interconnection facility will operate year round and will transmit energy daily from sunrise to sunset. The facility will occupy the land for a minimum of 25 years transmitting thousands of megawatt-hours of electrical energy.

3-5. The SJ1A solar interconnection facility will be a private facility and, for safety reasons, will not be open to the public. Only authorized personnel will be permitted on site and will generally be PG&E employees who will be monitoring and maintaining the facility. During operations PG&E personnel or approved contractors will visit facilities on a regular basis for inspections and to replace or service equipment. During labor intensive construction workday, an average of 60 people and up to 15 construction vehicles will be on the site.

6-8. The subject property is located on the south side of West Kamm Ave between S Yuba Ave and S Butte Ave in Helm, CA. The address is to be determined. There will be up to 6 crushed aggregate parking spaces in front of the control center building with reservation handicap accessibility. A normal workday during construction is from 6:00 AM to 4:00 PM.

9,10. Equipment to be used will consist of the following:

### **Generation Tie Line**

The generation tie line will be approximately one mile in length from the solar project, running west to the new switching station and consist of the following equipment:

- Approximately one mile of 70kV transmission
- Up to 24 wood or tubular steel poles
- Poles will be supported on concrete foundations approximately six feet in diameter and up to 30 feet deep
- Height of the poles will be up to approximately 110 feet tall including the foundations
- Gen-Tie line to be located on the edge of the property in a manner that does not disturb the path of farming equipment or ag operations

### **Switching Station**

Although design is preliminary, the switching station will include typical electrical equipment, which may include:

- A control building installed on a concrete foundation
- A stormwater retention pond
- Capacitor banks
- Voltage transformers on concrete foundations
- 70 kV steel dead-end structures
- Busbar (a conducting bar that carries heavy currents to supply several electric circuits)
- Protection facilities (e.g., microwave, optical ground wire)
- Circuit breakers and switches and
- A microwave tower for system protection and communication

11. The generation interconnection project will not cause an unsightly appearance the transmission line will run behind the True Organic Fertilizer Plant and then along Kamm Ave will be similar in appearance to the existing transmission lines along Kamm Ave. The project will generate no glare and will not interfere with vehicle traffic or pedestrians.

12,13. The facility will only transmit electrical energy and there will not be any solid or liquid waste produced as a result of the electrical energy being transmitted. The water source for construction will either be from an existing water well on site or will be stored on site in large water tanks.

14. There will not be any advertising for this facility other than a nameplate on the perimeter fence or a cornerstone that will identify the Stroud Switching Station. For safety reasons, we do not want to place any large identifiers that will generate public interest to the facility.

15,16. The switching station will have a control building that will house a monitoring and surveillance control room, a warehouse and an equipment room. See PG&E's attached project description

17-19. The switching station will be secured by a chain link and barb wire fence and gate, approximately 10 feet in height, along the perimeter of the facility. There will be minimal landscaping. All access roads will likely consist of crushed aggregate material. The area that the switching station will be built on will be cleared of any existing vegetation and topsoil. See PG&E's attached project description

San Joaquin 1A Solar Generation Interconnection Project

**Solar Facility Guidelines**

(Revised by BOS on 5/21/13)

The need to accommodate new renewable energy technology must be balanced with the need to protect important farmlands and minimize impacts to existing agricultural operations. The land use process for evaluating solar facilities should rely on general guidelines and policies rather than specific standards which may not be flexible enough to accommodate the evolving technology.

Applicants for solar facilities shall address the following as part of the application review process:

1. Information shall be submitted regarding the historical agricultural operational/usage of the parcel, including specific crop type and crop yield, for the last ten years (if no agricultural operation in the last ten years, specify when land was last in agricultural use); and - No agricultural operations over last ten years
2. Information shall be submitted that identifies the source of water for the subject parcel (surface water from irrigation district, individual well(s), conjunctive system). If the source of water is via district delivery, the applicant shall submit information documenting the allocations received from the irrigation district and the actual disposition of the water (i.e. utilized on-site or moved to other locations) for the last ten years. If an individual well system is used, provide production capacity of each well, water quality data and data regarding the existing water table depth; and - No water source for subject parcel
3. Identify the current status of the parcel (Williamson Act Contract, Conservation Easement, retired land, etc.), the purpose of any easement and limitations of the parcel. The applicant shall submit a Title Report or Lot Book Guarantee for verification. - Williamson Act Contract
4. Identify (with supporting data) the current soil type and mapping units of the parcel pursuant to the standards of the California State Department of Conservation and the Natural Resources Conservation Service; and - Predominantly highly plastic clay with layers of sandy clay, sandy silt and poorly graded sand
5. List all proposed measures and improvements intended to create a buffer between the proposed solar facility and adjacent agricultural operations (detailed information must be shown on Site Plan) and provide factual/technical data supporting the effectiveness of said proposed buffering measures; and - N/A
6. Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements; and - Provided

7. Provide information documenting efforts to locate the proposed solar facility on non-agricultural lands and non-contracted parcels and detailed information explaining why the subject site was selected. - N/A
8. Develop and submit a project site Pest Management Plan to identify methods and frequency to manage weeds, insects, disease and vertebrate pests that may impact adjacent sites. - Provided
9. The applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice prior to issuance of any permits. This shall be included as a recommended Condition of Approval of the land use entitlement. - Solar Frontier acknowledges the County's Right To Farm Ordinance
10. Note: The life of the approved land use permit will expire upon expiration of the initial life of the solar lease. If the solar lease is to be extended, approval of new land use permit will need to be obtained.

San Joaquin 1A  
Generation Interconnection Project  
County of Fresno Reclamation Plan

The San Joaquin 1A Solar (SJ1A) Generation Interconnection Project is located on 26 acres adjacent to the SJ1A project (CUP #3291) on W. Kamm Ave in Fresno County. The proposed alternate use of the land is an approximately 1.3 mile generation tie-line and a new PG&E Switching Station intended to be in operation for a minimum of 20 years. The majority of the construction activities will occur above ground while there will be some underground construction for electrical cabling and concrete foundations for the steel utility poles. Above ground equipment will consist of capacitor banks, Voltage transformers on concrete foundations, 70 kV steel dead-end structures, Busbar (a conducting bar that carries heavy currents to supply several electric circuits), Protection facilities (e.g., microwave, optical ground wire), Circuit breakers and switches; and a microwave tower for system protection and communication.

There will also be a modular type construction trailer that will house spare parts and tools needed for maintenance. The perimeter of the facility will be enclosed with a chain link fence built per county standards.

Once the photovoltaic facility has been permanently shut down, the reclamation process will begin to return the gen-tie site to its previous agricultural condition. It is our understanding that PG&E plans to keep the Switching Station in service beyond the life of the solar project. The entire reclamation of the site will be complete approximately 6 months after the end of the solar facility's lease. Due to the relatively simple nature of photovoltaic facilities, the reclamation process is straightforward and completed in one phase. This includes the removal of all above and below grade equipment and structures.

All Gen-Tie steel poles foundations will be demolished any concrete will be removed from the site and properly disposed. If necessary, grading will be performed to return the site to its original grade. All removed or demolished infrastructure will either be salvaged or recycled if possible. Since no hazardous chemicals or materials will be present during normal site operations, no special precautions or handling methods are necessary during the reclamation process. All electrical equipment will be uninstalled and either reused or recycled as per the manufacturer's requirements and equipment's condition. Any below grade facilities that are deemed necessary by the utility will remain buried and marked. All of these items are detailed in the attached site plan and cost estimate calculations.

The process of returning this site to its original state is estimated to cost **\$24,765**. These prices are a rough estimate of predicted market conditions and subject to change. In the case of agricultural land, wells or pumps on site prior to power plant construction may remain throughout the solar facility's use. These systems may once again be used to provide irrigation on the property after the site has been decommissioned. Once the solar facility is completely removed, the property owner will be able to commence farming on this property if they so choose.

12/17/15

***PG&E Network Upgrades – San Joaquin Solar Generation Interconnection Project (Q632B)***

*Relocate Stroud Switching Station, Stroud Switching Station-Stroud 70 kV Transmission Line Interconnection, Helm-Stroud 70 kV Transmission Line Relocation, and Stroud Switching Station-Schindler 70 kV Transmission Line Relocation*

**Introduction and Background**

This document is intended to serve as a scope document to assist the County of Fresno (County) in order to update the description of the proposed upgrades to Pacific Gas and Electric Company (PG&E) facilities needed as part of the San Joaquin Solar Project (project). The project was analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of Fresno Department of Public Works and Planning, dated October 2011. The IS/MND was adopted by the Fresno County Planning Commission on November 3, 2011. The IS/MND as originally prepared did not include a complete description or environmental analysis of PG&E's portion of the project.

In order to accommodate interconnection of the proposed solar photovoltaic electrical generating facility (solar facility) to the California electrical grid, the project is anticipated to include relocation of the existing 70 kilovolt (kV) Stroud Switching Station to be constructed and operated by PG&E in a new location southeast of its current location. The switching station will connect to the existing electric transmission system by a new transmission line looping the facility into the existing PG&E Stroud Switching Station-Stroud 70 kV Transmission Line. Two existing transmission lines, the Helm-Stroud 70 kV Line and the Stroud Switching Station-Schindler 70 kV Line will be relocated from their current terminus at the existing Stroud Switching Station to run into the relocated switching station located on the south side of West Kamm Avenue. System protection will be facilitated through the installation of a microwave tower at the new switching station. Further description of these network upgrades is provided in the sections below.

In addition to description of the currently-anticipated PG&E facility requirements, this document provides information relating to PG&E's permitting requirements with the California Public Utilities Commission (CPUC) pursuant to General Order 131-D (GO 131-D).

**Scope**

***Project Location and Setting***

The existing PG&E 70 kV Stroud Switching Station is located approximately 1 mile west of the proposed San Joaquin Solar Project previously approved under CUP # 3291 and approximately 800 feet northwest of the proposed relocated switching station. The existing switching station is bounded to the west, north, and east by private property under a Wetlands Reserve Program conservation easement, and by West Kamm Avenue on the south. The proposed relocated switching station would be constructed on agricultural land south of West Kamm Avenue.

### *Project Description*

The existing IS/MND does not discuss the interconnection facilities required to tie the San Joaquin Solar Project to the existing electric transmission grid. Discussion of these facilities in the CEQA document is necessary to allow expedited CPUC approval of PG&E's electrical network upgrades.

### Relocated Stroud Switching Station

Stroud Switching Station (switching station), which currently occupies approximately 1 acres, will be relocated to a new site up to approximately 13 acres in size. (Exhibit 1) The switching station will be located along the existing PG&E Stroud Switching Station-Stroud 70 kV Transmission Line that parallels West Kamm Avenue. Although design is preliminary, the switching station will include typical electrical equipment, which may include:

- A control building installed on a concrete foundation;
- A stormwater retention pond;
- Capacitor banks;
- Voltage transformers on concrete foundations;
- 70 kV steel dead-end structures;
- Busbar (a conducting bar that carries heavy currents to supply several electric circuits);
- Protection facilities (e.g., microwave, optical ground wire);
- Circuit breakers and switches; and
- A microwave tower for system protection and communication.

Photos of a typical switching station are attached (Exhibit 2). The new switching station facilities will interconnect the proposed solar facility to the electrical grid. The new switching station will be surrounded by new chain link and barb wire security fencing approximately 10 feet in height with a secure gate accessible only by PG&E staff.

### Transmission Line Interconnection to San Joaquin Solar

Although design is preliminary, interconnection of the proposed solar facility through the new switching station to the existing electric transmission grid will require construction of up to approximately 2 tubular steel poles. These structures would support the new conductor (wire) conveyed into the switching station. Where they are required for the project, tubular steel poles will be supported on concrete foundations approximately six feet in diameter and up to 30 feet deep. The structures will be up to approximately 110 feet tall including the foundations. The total length of new transmission line associated with the transmission line interconnection will be approximately 2,000 linear feet or less.

### Helm-Stroud 70 kV Line Realignment

The existing Helm-Stroud 70 kV Line enters the existing Stroud Switching Station from the north. Once the Stroud Switching Station is relocated to the south side of West Kamm Avenue, the Helm-Stroud 70 kV Line will need to be extended to cross and then continue east on West Kamm Avenue to enter the relocated switching station. This extension will be supported by up to approximately 10 tubular steel poles that will be up to approximately 110 feet tall. The total length of the extended line will be approximately 2,000 linear feet or less.

### Stroud Switching Station-Schindler 70 kV Line Realignment

The existing Stroud Switching Station-Schindler 70 kV Line enters the existing Stroud Switching Station from the south. Once the Stroud Switching Station is relocated to the south side of West Kamm Avenue, the Stroud Switching Station-Schindler 70 kV Line will need to be extended east along West Kamm Avenue to enter the relocated switching station. This extension will be supported by up to approximately 10 tubular steel poles that will be up to approximately 110 feet tall. The total length of the extended line will be approximately 2,000 linear feet or less.

#### Stroud Switching Station-Stroud 70 kV Line Realignment

The existing Stroud Switching Station- Stroud 70 kV line enters the existing Stroud Switching Station from the east. Once the Stroud Switching Station is relocated to the south side of West Kamm Avenue, the Stroud Switching Station- Stroud 70 kV line will need to be reduced in length to enter the new switching station. This will require the removal of approximately 10 poles and 1200 feet of line. The new configuration will include construction of approximately 5 tubular steel poles that will be up to approximately 110 feet tall.

#### Telecommunication Infrastructure

The IS/MND does not include description of telecommunication infrastructure required for the proposed switching station relocation. Although design is preliminary, system protection for the new switching station will be facilitated through installation of a microwave tower at the relocated switching station and another at the Stroud Substation. The towers will be approximately 150 feet in height and will allow communication between the relocated switching station and nearby substations (e.g., Stroud Substation).

#### Construction

Construction of the relocated Stroud Switching Station will be completed by PG&E or their designated contractor, and will be owned and operated by PG&E as a public utility facility. Construction will occur in a phased approach beginning with site preparation and grading of the site, installing foundations and underground equipment, and lastly installing and testing of electrical equipment. Site preparation will involve grubbing, clearing and grading of the substation expansion footprint (grading would be minimal due to existing flat terrain) as well as installing the security fencing. Underground equipment, if necessary, will be installed in trenches, backfilled with suitable material (e.g. excavated soil or clean fill). Switching station equipment will be installed on concrete foundations. Equipment typically used for construction of the switching station may include but is not limited to cranes, excavators, forklifts, generators, water trucks, pavers, graders, rollers, and scrapers. Construction of the switching station is anticipated to take up to approximately 12 months.

Construction of the transmission line interconnection will be completed by PG&E or a designated contractor. Tubular steel pole structures will require permanent concrete foundations approximately six feet in diameter and up to 30 feet deep. Light-duty steel poles and wood poles will not require foundations. Construction will involve temporary ground disturbance around each new pole location (approximately a 30-foot radius) as well as temporary ground disturbance associated with access to each pole location (approximately a 15-foot-wide access route). All new poles and access thereto will be located within existing and new (to be purchased) PG&E electric transmission or distribution easements or adjacent agricultural areas. Temporary staging and lay down areas may also be needed for the construction of the interconnection facilities to be identified by PG&E.

### Operations and Maintenance

Following completion, testing, and energizing, the PG&E facilities will operate continuously. Routine maintenance for the switching station and power lines will continue as they do during current operations, in accordance with PG&E standard operations and maintenance procedures. PG&E personnel or approved contractors will visit the facilities on a regular basis for inspections and to replace or service equipment. Access to the facilities would typically be by crew truck using existing access routes; a minimal amount of overland travel may be required.

To protect biological resources, operations and maintenance (O&M) activities at the facility will continue to be covered by the PG&E San Joaquin Valley Operations and Maintenance Habitat Conservation Plan (HCP). The HCP was prepared to permit PG&E to conduct routine O&M activities within the approved plan area in compliance with the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA). PG&E has incorporated design features, measures, and procedures as part of the HCP to avoid or reduce impacts from O&M activities. These measures are referred to as Avoidance and Minimization Measures in the HCP EIS/EIR and will be implemented during all PG&E O&M activities at the new switching station (Exhibit 3).

### General Order 131-D

PG&E's design and construction of electric transmission facilities falls under the jurisdiction of the CPUC pursuant to GO 131-D, and PG&E is not subject to local agency (e.g. County) discretionary permitting requirements. Moreover, GO 131-D exempts projects from the CPUC's formal permitting requirements if PG&E's proposed facilities have been included in the CEQA review for a larger project and "for which the final CEQA document...finds no significant unavoidable environmental impacts caused by the proposed line or substation." (GO 131-D, § III.B.1.f.)

In order for PG&E's interconnection facilities to qualify for the Notice Of Construction (NOC) process under GO 131-D, § III.B.1.f., the lead agency must include a complete and accurate description of PG&E's facilities and conclude that construction of PG&E's facilities will not result in a potentially-significant impact – even if the larger generation project will. Since local agencies do not have jurisdiction over PG&E's facilities, they do not have authority to impose mitigation measures on PG&E's project. If the lead agency has concerns that the PG&E project will have a significant impact on any resource without implementation of measures to reduce the impact, they should contact PG&E to establish Avoidance and Protection Measures ("APMs") to incorporate into PG&E's project. If the lead agency is unable to make findings of less than significant impacts for the PG&E facilities, PG&E's interconnection work will not qualify for the larger project-CEQA exemption under GO 131-D and PG&E will need to obtain a formal Permit to Construct (PTC). The formal permit process, including CEQA review, can take two years or longer.

The existing IS/MND does not discuss the interconnection facilities required to tie the San Joaquin Solar Project to the existing electric transmission grid. In order for timely construction of the interconnection facilities, PG&E recommends that the IS/MND be updated or supplemented to include analysis of these facilities.

### Other Considerations

Additional recommendations regarding the inclusion of PG&E's project in the IS/MND are as follows:

San Joaquin Solar (Q632B) Generation Interconnection Project

- The attached “Interconnection Projects: General recommendations concerning the contents of local CEQA documents” guidance document should be used as general advice for updating the project’s CEQA documentation.
- Updates to all resource sections of the document should include analysis of the PG&E facilities as appropriate including discussion of coverage of project elements by PG&E’s San Joaquin Valley Habitat Conservation Plan (HCP).
- Clarify that, while the construction of PG&E’s interconnection facilities is part of the project for purposes of CEQA review, the interconnection is not otherwise subject to County jurisdiction. For that reason, PG&E is not subject to mitigation measures or other requirements to which the PG&E team has not formally agreed and included as a PG&E-specific avoidance and protection measure.

#### Exhibits

- Exhibit 1 – Project Location Map
- Exhibit 2 – Typical Switching Station Photos
- Exhibit 3 – HCP AMMs and Implementation

#### Attachments (Separate)

- Interconnection Projects: General recommendations concerning the contents of local CEQA documents

Exhibit 1: Project Location Map



San Joaquin Solar (Q632B) Generation Interconnection Project  
Exhibit 1

**Exhibit 2: Typical Switching Station Photos**



Photo 1. Typical 70 kV switching station.

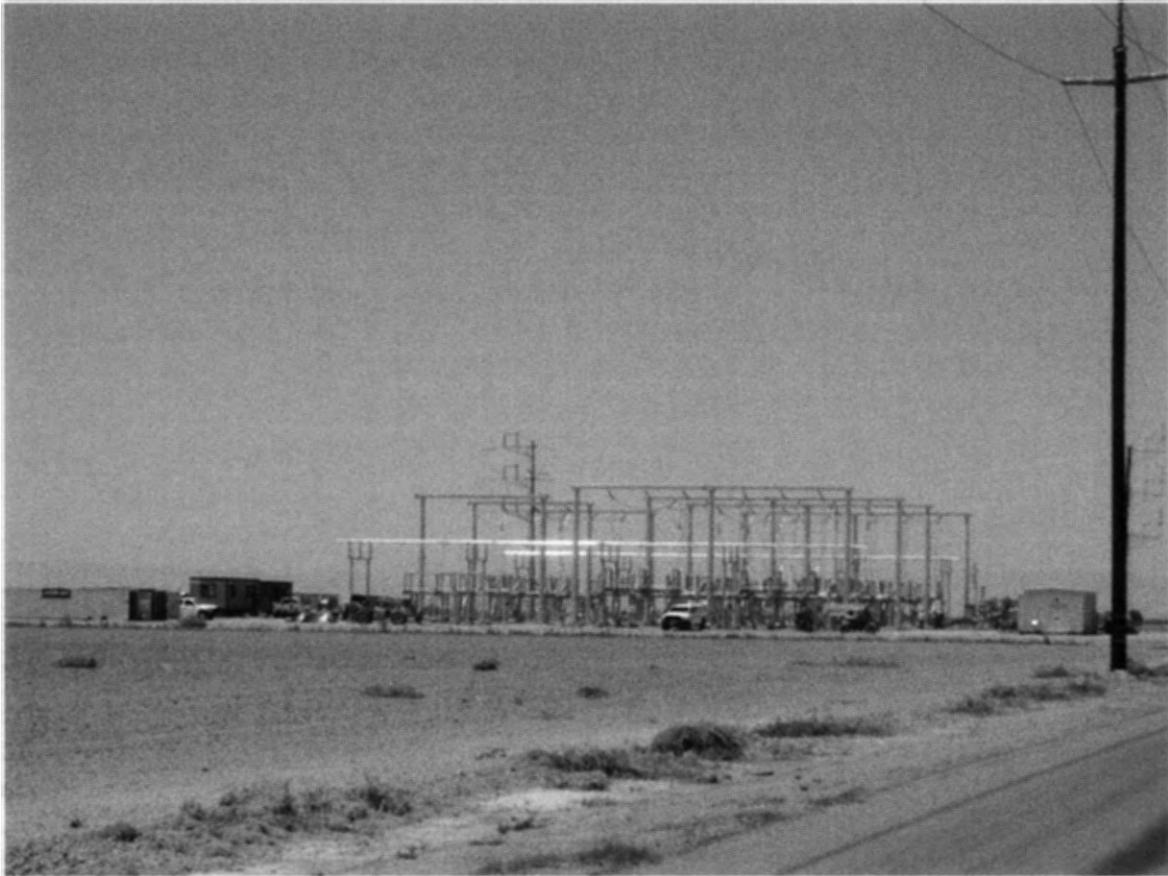


Photo 2. Typical 115 kV switching station under construction.

### Exhibit 3: PG&E HCP AMMs 1-11

- AMM 1 Employees and contractors performing O&M activities will receive ongoing environmental education. Training will include review of environmental laws and guidelines that must be followed by all personnel to reduce or avoid effects on covered species during O&M activities.
- AMM 2 Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.
- AMM 3 The development of new access and ROW roads by PG&E will be minimized, and clearing vegetation and blading for temporary vehicle access will be avoided to the extent practicable.
- AMM 4 Vehicles will not exceed a speed limit of 15 mph in the ROWs or on unpaved roads within sensitive land-cover types.
- AMM 5 Trash dumping, firearms, open fires (such as barbecues) not required by the O&M activity, hunting, and pets (except for safety in remote locations) will be prohibited in O&M work activity sites.
- AMM 6 No vehicles will be refueled within 100 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.
- AMM 7 During any reconstruction of existing overhead electric facilities in areas with a high risk of wildlife electrocution (e.g., nut/fruit orchards, riparian corridors, areas along canal or creek banks, PG&E's raptor concentration zone [RCZ]), PG&E will use insulated jumper wires and bird/animal guards for equipment insulator bushings or will construct lines to conform to the latest revision of PG&E's Bird and Wildlife Protection Standards.
- AMM 8 During fire season in designated State Responsibility Areas (SRAs), all motorized equipment will have federal or state approved spark arrestors; a backpack pump filled with water and a shovel will be carried on all vehicles; and fire-resistant mats and/or windscreens will be used when welding. In addition, during fire "red flag" conditions as determined by California Department of Forestry (CDF), welding will be curtailed, each fuel truck will carry a large fire extinguisher with a minimum rating of 40 B:C, and all equipment parking and storage areas will be cleared of all flammable materials.
- AMM 9 Erosion control measures will be implemented where necessary to reduce erosion and sedimentation in wetlands, waters of the United States, and waters of the state, and habitat occupied by covered animal and plant species when O&M activities are the source of potential erosion problems.
- AMM 10 If an activity disturbs more than 0.25 acre in a grassland, and the landowner approves or it is within PG&E rights and standard practices, the area should be returned to pre-existing conditions and broadcast-seeded using a commercial seed mix. Seed mixtures/straw used for erosion control on projects of all sizes within grasslands will be certified weed-free. PG&E shall not broadcastseed (or apply in other manner) any commercial seed or seed-mix to disturbance sites within other natural land-cover types, within any vernal pool community, or within occupied habitat for any plant covered-species.
- AMM 11 When routine O&M activities are conducted in an area of potential VELB habitat, a qualified individual will survey for the presence of elderberry plants within a minimum of 20 feet from the worksite. If elderberry plants have one or more stems measuring 1 inch or more in diameter at ground level are present, the qualified individual will flag those areas to avoid or minimize potential impacts on elderberry plants. If impacts (pruning/trimming, removal, ground disturbance or damage) are unavoidable or occur, then additional measures identified in the VELB conservation plan and compliance brochure will be implemented. The VELB compliance brochure must be carried in all vehicles performing O&M activities within the potential range of VELB



## EXHIBIT 7

# County of Fresno

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

### INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. **Project title:**  
Initial Study Application No. 7146, Unclassified Conditional Use Permit Application No. 3531.
2. **Lead agency name and address:**  
Fresno County Department of Public Works and Planning  
Development Services Division  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721-2104
3. **Contact person and phone number:**  
Ejaz Ahmad, Planner, (559) 600-4204
4. **Project location:**  
The subject property is located on the south side of W. Kamm Avenue approximately 3.3 miles west of the intersection of W. Kamm Avenue and S. Lassen Avenue (State Route 145) and 4.8 miles south of the nearest city limits of the City of San Joaquin (SUP. DIST. 1) (APN 040-080-41S).
5. **Project Applicant's name and address:**  
GASNA 6P LLC  
50 California Street  
San Francisco, CA 94111
6. **General Plan designation:**  
Agriculture
7. **Zoning:**  
AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District
8. **Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**  
GASNA 6P LLC would construct, own and operate a 1.3-mile-long 70 kV Generation Tie Line, connecting the San Joaquin 1A Solar authorized by Conditional Use Permit (CUP) No. 3291 to a new 70 kV Switching Station on a 13-acre portion of a 182.7-acre parcel. The Switching Station will be constructed, owned and operated by Pacific Gas and Electric (PG&E) and would be the relocation of the existing PG&E Stroud Switching Station located 800 feet northwest of the subject proposal. For California Environmental Quality Act (CEQA) purposes, both the Switching Station and Gen Tie Line are collectively referred to as the "proposed Project" or "Project" throughout this document. This document will serve as the environmental clearance for both the Generation Tie Line and Switching Station even though these project components fall under different land use authorities and the switching station is not included in the County CUP.

Generation Tie Line

The proposed Project seeks an amendment to Conditional Use Permit (CUP) Number 3291, approved by the Fresno County Planning Commission on November 3, 2011, to include a 1.3-mile-long Generation Tie Line. The Generation Tie Line is within Fresno County land use jurisdiction and authority pursuant to Section 12-204.13 of the Fresno County Municipal Code.

The Generation Tie Line will be confined within a 100-foot-wide Gen Tie Line easement starting from the westerly boundary of the solar photovoltaic electrical generation facility (San Joaquin 1A Solar) site and ending at the proposed PG&E switching station on a 182.7-acre project site. This 1.3-mile-long 70kV gen tie line will traverse the site underground as well as aboveground via tubular steel poles up to 110 feet in height. The poles will be supported on concrete foundation approximately six feet in diameter and up to 30 feet deep.

#### Switching Station

In order to accommodate interconnection of the proposed solar photovoltaic electrical generation facility (San Joaquin 1A Solar) to the California electrical grid, the existing 70kV Stroud Switching Station on a one-acre parcel will be relocated to the subject 182.7-acre parcel. Relocation will utilize a 13-acre portion of the property. The new Switching Station will include a control building, storm water retention pond, capacitor banks, voltage transformers, 70 kV steel dead-end structures, busbar, protection facilities, circuit breakers and switches, and a 150-foot-tall microwave tower for system protection and communication. The Switching Station will connect to the existing electric transmission system by a new transmission line looping the facility into the existing PG&E Stroud Switching Station-Stroud 70 kV Transmission line. Two existing transmission lines, the Helm-Stroud 70 kV Line and the Stroud Switching Station-Schindler 70kV Line will be relocated from their current terminus at the existing Stroud Switching Station to run into the relocated Switching Station located on the south side of West Kamm Avenue.

The design, entitlement and construction of the Switching Station are within the regulatory authority of the California Public Utilities Commission (CPUC), exclusively and not included in the County land use application. Although the County of Fresno does not have authority to require PG&E to implement mitigation measures, PG&E has incorporated Avoidance and Protection Measures (APMs) into its Switching Station proposal which would ensure that any environmental effects that are identified throughout this document remain less than significant. **The Avoidance and Protection Measures (APMs), identified throughout in this document, will be implemented by PG&E to reduce impacts associated with development of the Switching Station component of the proposed Project. In some instances, APMs for the Switching Station may differ somewhat from the corresponding Mitigation Measures for the Gen Tie Line due to the different construction activities and site circumstances for each major component as well as requirements that PG&E is subject to due to regulatory outreach with California Department of Fish and Wildlife (CDFW) and their Best Management Practices (BMPs) under the jurisdiction of the CPUC. PG&E has worked in collaboration with state and federal agencies to identify measures that apply programmatically to a range of PG&E's projects, operations and maintenance activities (refer to Exhibit-3), and these measures may not be applicable to the private project applicant will be implemented during PG&E's operations and maintenance of the Switching Station. If APMs have not been identified for a particular impact, mitigation measures will apply to both components of the proposed Project (the Switching Station and Gen Tie Line). The CPUC will utilize and incorporate this Mitigated Negative Declaration (MND), including all of the applicable PG&E avoidance and protection measures APMs, by reference in its subsequent authorization of the authorizing document for the Switching Station.**

**9. Surrounding land uses and setting: Briefly describe the project's surroundings:**

The project is located in an agricultural area marked by large parcel sizes and sparse residential uses. The project site and most of the lands in its immediate vicinity are unfarmed agricultural lands. The closest single-family residence is located approximately one half-mile to the east, and the San Luis Drain (canal) runs along the westerly boundary and crescent ditch runs along the easterly boundary of the project site. The unincorporated community of Helm is located approximately three miles to the east and the City of San Joaquin is located 4.8 miles to the north of the subject proposal.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |
|---|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forestry Resources |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Biological Resources               |
| <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Hazards and Hazardous Materials    | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                 |
| <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic             | <input type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> Greenhouse Gas Emissions           |

**DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the Mitigation Measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project, no new effects could occur, or new Mitigation Measures would be required that have not been addressed within the scope of a previous Environmental Impact Report.

**PERFORMED BY:**

**REVIEWED BY:**

Ejaz Ahmad, Planner

Chris Motta, Principal Planner

Date: 09-19-2016

Date: 9/19/2016

**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST FORM**  
(Initial Study Application No. 7146 and  
Unclassified Conditional Use Permit  
Application No. 3531)

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact

2 = Less Than Significant Impact

3 = Less Than Significant Impact with Mitigation Incorporated

4 = Potentially Significant Impact

**I. AESTHETICS**

Would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 2 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

**II. AGRICULTURAL AND FORESTRY RESOURCES**

Would the project:

- 2 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- 2 b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- 2 c) Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?
- 2 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 2 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

**III. AIR QUALITY**

Would the project:

- 2 a) Conflict with or obstruct implementation of the applicable Air Quality Plan?
- 2 b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 2 c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable Federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- 2 d) Expose sensitive receptors to substantial pollutant concentrations?
- 1 e) Create objectionable odors affecting a substantial number of people?

**IV. BIOLOGICAL RESOURCES**

Would the project:

- 3 a) 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?
- 3 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 1 c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 1 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

**V. CULTURAL RESOURCES**

Would the project:

- 3 a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?
- 3 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 3 c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?
- 3 d) Disturb any human remains, including those interred outside of formal cemeteries?
- 2 e) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

**VI. GEOLOGY AND SOILS**

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
  - 1 ii) Strong seismic ground shaking?
  - 1 iii) Seismic-related ground failure, including liquefaction?
  - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 2 c) 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?

- 1 d) Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

**VII. GREENHOUSE GAS EMISSIONS**

Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2 b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

- 2 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 2 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 2 c) Create hazardous emissions or utilize hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) Result in a safety hazard for people residing or working in the project area for a project located within an Airport Land Use Plan or, where such a Plan has not been adopted, within two miles of a public airport or public use airport?
- 1 f) Result in a safety hazard for people residing or working in the project area for a project within the vicinity of a private airstrip?
- 1 g) Impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?
- 1 h) 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?

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

- 2 a) Violate any water quality standards or waste discharge requirements?
- 2 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 1 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?
- 1 d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?

- 2 e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?
- 2 f) Otherwise substantially degrade water quality?
- 1 g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- 2 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 1 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- 1 j) Cause inundation by seiche, tsunami, or mudflow?

**X. LAND USE AND PLANNING**

Would the project:

- 1 a) Physically divide an established community?
- 2 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the General Plan, Specific Plan, local coastal program, or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- 1 c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

**XI. MINERAL RESOURCES**

Would the project:

- 1 a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 1 b) 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?

**XII. NOISE**

Would the project:

- 2 a) Expose persons to or generate noise levels in excess of standards established in the local General Plan or Noise Ordinance, or applicable standards of other agencies?
- 2 b) Expose persons to or generate excessive ground-borne vibration or ground-borne noise levels?
- 2 c) Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 2 d) Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 e) Expose people residing or working in the project area to excessive noise levels, for a project located within an Airport Land Use Plan or, where such a Plan has not been adopted, within two miles of a public airport or public use airport?
- 1 f) Expose people residing or working in the project area to excessive noise levels, for a project within the vicinity of a private airstrip?

**XIII. POPULATION AND HOUSING**

Would the project:

- 1 a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 1 b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- 1 c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

#### XIV. PUBLIC SERVICES

Would the project:

Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- 2 a) Fire protection?  
1 b) Police protection?  
1 c) Schools?  
1 d) Parks?  
2 e) Other public facilities?

#### XV. RECREATION

Would the project:

- 1 a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?  
1 b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

#### XVI. TRANSPORTATION/TRAFFIC

Would the project:

- 2 a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?  
2 b) Conflict with an applicable Congestion Management Program including, but not limited to, level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways?  
1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, which results in substantial safety risks?  
2 d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

#### Documents Referenced:

This Initial Study is referenced by the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services Division, 2220 Tulare Street, Suite A, Fresno, California (corner of M & Tulare Streets).

Fresno County General Plan, Policy Document and Final EIR  
Fresno County Zoning Ordinance  
Important Farmland 2010 Map, State Department of Conservation  
Air Quality and Greenhouse Gas Analysis Report, prepared by FirstCarbon Solutions and dated May 4, 2016  
Habitat Assessment prepared by Precision Engineering, Inc., and dated Jan. 29, 2016.  
Rodent and Weed Control Plan Update prepared by FirstCarbon Solutions and dated May 4, 2016.

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- 1 e) Result in inadequate emergency access?  
1 f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

#### XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 2 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  
2 b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?  
2 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?  
2 d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?  
2 e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?  
1 f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  
1 g) Comply with federal, state, and local statutes and regulations related to solid waste?

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?  
2 b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)  
1 c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** GASNA, 6P LLC
- APPLICATION NOS.:** Initial Study Application No. 7146 and Unclassified Conditional Use Permit (CUP) Application No. 3531 (amending approved CUP No. 3291)
- DESCRIPTION:** The project for purposes of review under the California Environmental Quality Act (CEQA) consists of two components: a 70 kV Generation Tie Line that is the subject of Unclassified Conditional Use Permit (CUP) Application No. 3531, and a 70 kV Switching Station. The 70 kV Generation Tie Line will connect a photovoltaic solar power generation facility that was authorized by CUP No. 3291 in accordance with a Mitigated Negative Declaration that was adopted by the Fresno County Planning Commission on November 3, 2011 to the new 70 kV Switching Station, which will be the relocation of the existing PG&E Stroud Switching Station located approximately 800 feet northwest of the new Switching Station. The 70 kV Generation Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the 70 kV Switching Station will be constructed by Pacific Gas and Electric (PG&E) under California Public Utilities Commission (CPUC) jurisdiction and will also be owned and operated by PG&E. The Generation Tie Line will occupy approximately 15.5 acres and the Switching Station will occupy a 13-acre portion of a 182.7-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The subject property is located on the south side of W. Kamm Avenue approximately 3.3 miles west of the intersection of W. Kamm Avenue and S. Lessen Avenue (State Route 145) and 4.8 miles south of the nearest city limits of the City of San Joaquin (SUP. DIST. 1) (APN 040-080-41S).

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or

- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

This project entails construction of a 70 kV Generation Tie Line to be authorized by Unclassified Conditional Use Permit (CUP) Application No. 3531, and a 70 kV Switching Station to be constructed under California Public Utilities Commission (CPUC) jurisdiction on a 182.7-acre parcel. The proposed 70 kV Generation Tie Line will connect a photovoltaic solar power generation facility authorized by CUP No. 3291 to the new 70 kV Switching Station which will be the relocation of the existing nearby Stroud Switching Station. The 70 kV Generation Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the 70 kV Switching Station will be constructed, owned and operated by Pacific Gas and Electric (PG&E). Although the County of Fresno does not have authority to require PG&E to implement mitigation measures, PG&E will incorporate Avoidance and Protection Measures (APMs) into its Switching Station proposal in order to ensure that any environmental effects that are identified throughout this document remain less than significant.

The approved photovoltaic solar power generation facility authorized by CUP No. 3291 has the capacity to produce an estimated 27 megawatts of electricity and is located on an approximately 179.1-acre portion of a 318.18-acre site (APN 040-080-15S) adjacent to and east of the parcel subject to this proposal. The existing PG&E Stroud Switching Station is sited on a one-acre parcel (APN 040-070-39SU) one mile west of the San Joaquin 1A Solar (SJ1A) site and 800 feet northwest of the proposed Switching Station. The Switching Station will occupy a 13-acre portion and the proposed 70 kV Gen Tie Line will occupy a 15.5-acre portion of a 182.7-acre project site. The proposed 70 kV Generation Tie Line will have utility poles up to 110 feet tall installed within a 100-foot-wide easement and shall be required from the owner of said property. This requirement will be included as a Project Note.

The project site is located in an agricultural area marked by large parcel sizes and sparse residential uses. The closest neighboring residence is located approximately one half-mile to the east. The unincorporated community of Helm is located approximately three miles to the east and the City of San Joaquin is located 4.8 miles to the north of the site. Utility poles for the proposed 70 kV Generation Tie Line will be installed within a 100-foot-wide gen tie line easement. This easement will run along the north and east boundaries of the site to connect to the proposed 70 kV Switching Station to be located within the northwest portion of the property. The project site is not located along a designated scenic highway, and no scenic vistas or scenic resources were identified on or near the site to be impacted by this proposal. The proposed electrical utility poles for overhead power lines and the proposed Switching Station would be similar in nature and look to the existing poles and the switching station in the

area and therefore will not bring any significant visual changes to the area. The project will have a less than significant impact on visual quality of the site or its surroundings.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT:

During the proposed 12-month period for construction of the project, presence of construction workers and the operation of construction equipment may have the potential of generating new sources of light and glare in the area. However, given the temporary presence of such sources and limited number of people residing in the vicinity of the proposal, the lighting impacts would be less than significant.

Once operational, the utility poles utilized for the proposed 70 kV Generation Tie Line will not have artificial lighting. However, the proposed 70 kV Switching Station will have lighting similar to that currently utilized at the existing PG&E Stroud Switching Station. As these outdoor light fixtures have the potential of generating new sources of light and glare in the area, all outdoor lighting shall be required to be hooded and directed as to not shine toward adjacent properties and public streets. This requirement will be included as an Avoidance and Protection Measure (APM). Although the County of Fresno does not have authority to require PG&E to implement mitigation measures, PG&E will incorporate APMs into its Switching Station proposal. This should help ensure that any environmental effects that are identified throughout this document remain less than significant.

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel for the proposed 70 kV Generation Tie Line and the proposed 70 kV Switching Station is classified as Farmland of Local Importance on the 2010 Fresno County Important Farmland Map, zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size), and designated Agriculture in the Fresno County General Plan. This proposal is not in conflict with agricultural zoning. Although the Switching Station is not subject to County zoning regulations, the Generation Tie Line is an allowed use on land designated for agriculture with discretionary approval and adherence to applicable General Plan Policies.

The proposed 70 kV Switching Station will be sited on a 13-acre portion of a 182.7-acre parcel that is currently enrolled under Williamson Act Agricultural Land Conservation Contract No. (AP) 2093. Pacific Gas and Electric (PG&E) will construct, own and operate the proposed 70 kV Switching Station and related facilities and will go through State Contract removal processes for the Switching Station to be completed and operated by PG&E. For that reason, it will not be necessary for the County to take action to terminate Williamson Act Agricultural Land Conservation Contract No. (AP) 2093 on a 13-acre portion of a 182.7-acre parcel to be utilized by PG&E for the Switching Station. PG&E will also negotiate with the owner of the said parcel (APN 040-080-41S) regarding acquisition of the 13-acre Switching Station site. As such, the proposed Switching Station would have no impact on existing zoning or Williamson Act Contracts.

The proposed 70kV Generation Tie Line will occupy an approximately 15.5-acre portion of a 182.7-acre parcel. Electrical power transfer from the approved photovoltaic solar power generation facility (San Joaquin 1A Solar) to the new PG&E switching station will be underground as well as overhead with overhead transmission requiring installation of utility poles within a 100-foot-wide Gen Tie Line easement. Cancellation of the Williamson Act Contract for the 15.5-acre portion of the property would not be necessary, as the land within the easement area will continue to be farmed with rest of the land upon construction of the Gen Tie Line. The proposed 70 kV Generation Tie Line is a compatible use under the Williamson Act Contract and will have a less than significant impact on existing agricultural zoning or Williamson Act Contracts.

The subject 182.7-acre project site is not a forest land. As such, the project would have no impact on forest land.

For the control of weeds and rodents on the property, a Rodent and Weed Control Plan Update was prepared for the project by FirstCarbon Solutions and dated May 4, 2016. The Fresno County Agricultural Commissioner's Office (Ag Commissioner) reviewed the Control Plan Update and expressed no concerns with the project except that the Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities on the surrounding lands. This requirement will be included as a Condition of Approval.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

According to the San Joaquin Valley Air Pollution Control District (Air District) the project-specific criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10. As such, the project will not have significant adverse impact on air quality.

However, this proposal is subject to District Rule 9510 (Indirect Source Review) as it meets the applicability threshold within District Rule 9510 of 9,000 square feet of space. Pursuant to Rule 9510, the Applicant shall file an Air Impact Assessment (AIA) Application no later than applying for the final discretionary approval and shall pay applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit. An Air Impact Assessment (AIA) Application (ISR Project Number: C20160232) was prepared by the Applicant and submitted to the Air District on August 25, 2016.

Other Air District rules that may also apply to this proposal include: District Rule 2010 (Permits Required); Rule 2201 (New and Modified Stationary Source Review); District Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished, or removed.

- E. Would the project create objectionable odors affecting a substantial number of people?

**FINDING: NO IMPACT:**

The project will not create objectionable odor where it can affect people in the area.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATIONS  
INCORPORATED:

A biological report titled "Habitat Assessment Report" was prepared for the project by Precision Civil Engineering (PCE) and dated December 20, 2015 to identify the project's impact on sensitive habitat on or near the project site.

According to the Habitat Assessment, biologists conducted a reconnaissance-level survey of the project area to search for special-status species and to determine the potential presence of suitable habitat for these species. The survey resulted in the following findings. Vegetation on site and adjacent to the project impact area is highly disturbed due to agricultural activities and marginally-suitable habitat for state- and/or federally-listed sensitive-status animal species. Also, due to the site's disturbed nature potential for giant garter snake, California red-legged frog, blunt-nosed leopard lizard, Swainson's hawk and San Joaquin kit fox to be present on site is low. As such, the project would have a less than significant impact on these species. Also, none of habitat potentially utilized by these sensitive-status species (in disturbed agricultural land) would be directly impacted or altered by project implementation. Although western burrowing owls were observed adjacent to the project, it is not anticipated that the project would have a significant direct effect on this species' presence or altered by the project's implementation.

The California Department of Fish and Wildlife (CDFW) reviewed the Habitat Assessment. In a letter provided on August 26, 2016, CDFW stated that according to the Habitat Assessment, there are 13 special-status species that are known to occur or have the potential to occur in the project site's vicinity, but because of the disturbed state of the project site, it is unlikely species would be significantly impacted by the project. However, as noted by CDFW, the Habitat Assessment also reports sparse weedy vegetation and ground squirrel burrows throughout the project site and documents several burrowing owls along the irrigation ditch that runs along the southwestern boundary of the project site. Therefore, based on the long-term fallow condition of the project site and the presence of such habitat features as burrows and special-status birds, CDFW does not concur with the conclusion in the Habitat Assessment that it is unlikely species would be impacted by the implementation of the project. According to CDFW, given the information contained in the Habitat

Assessment, the project site does contain suitable foraging, nesting, or burrowing habitat for the San Joaquin kit fox (SJKF), Swainson's hawk (SWHA), Burrowing owl (BUOW), giant garter snake (GGS), Mountain Plover and tri-colored blackbird. CDFW recommends the following, which will be included as Mitigation Measures:

\* **Mitigation Measures**

1. *The Swainson's hawk (SWHA) nest surveys shall be conducted according to the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" (SWHA TAC 2000) found at [http://www.dfg.ca.gov/wildlife.nongame/docs/swain\\_proto.pdf](http://www.dfg.ca.gov/wildlife.nongame/docs/swain_proto.pdf) in the breeding season prior to starting project-related activities.*
2. *Project-related activities shall be avoided within 0.5 mile of active SWHA nests during the breeding season, defined as February 1 through September 15, by clearly delineating no-disturbance buffer zones on the ground with fencing, stakes, or flagging, and maintaining these until September 15 or the young have fledged and are no longer dependent on the nest or parents for survival as determined by a qualified biologist and approved in writing by the California Department of Fish and Wildlife (CDFW).*
3. *If full avoidance of active SWHA nests during the breeding season is infeasible, CDFW shall be consulted to obtain an Incidental Take Permit (ITP) prior to starting project-related activities within 0.5-mile of any active SWHA nest.*
4. *Three SWHA nest locations are known within 8.5 miles of the project site which contains suitable foraging habitat for SWHA. Foraging habitat compensation and funding for its management shall be required in perpetuity for the benefit of SWHA prior to starting project-related activities.*
5. *Burrowing owl (BUOW) surveys shall be conducted according to the "Staff Report on Burrowing Owl Mitigation" dated March 7, 2012 (CDFG 2012) found at [www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf](http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf).*
6. *All known or additionally found BUOW burrows during the breeding and non-breeding seasons shall be avoided by following the "Staff Report on Burrowing Owl Mitigation" with regards to buffer distance (found at the above site).*
7. *Passive relocation of BUOW shall be allowed only during the non-breeding season and only after a Burrowing Owl Exclusion Plan, which shall also include the impacts of evicting owls, has been submitted and reviewed by CDFW.*
8. *Habitat compensation and funding for management activities shall be required in perpetuity for BUOW before starting project-related activities.*

9. *January 2011, "U.S. Fish and Wildlife Service Standardized Recommendation for Protection of Endangered San Joaquin Kit Fox" found at [http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/kitfox\\_standard\\_res\\_2011.pdf](http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/kitfox_standard_res_2011.pdf) for pre-construction survey protocol and avoidance measures shall be implemented.*
10. *Habitat permeability for San Joaquin kit fox (SJKF) shall be maintained by installing only permeable perimeter fencing as approved by CDFW.*
11. *Conduct pre-project surveys/assessment for giant garter snakes (GGS) breeding habitat by a qualified wildlife biologist. If suitable GGS breeding habitat (irrigation ditches) is identified, avoid by 250 feet. Any variance from these buffers shall be supported by a qualified wildlife biologist, and the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service shall be notified in advance of implementation of a no disturbance buffer variance.*
12. *Surveys for active bird nests shall be conducted no more than 10 days before starting project-related activities if they are to occur between January 1 and September 15. Surveys shall be conducted on the project site and in a sufficient area around the project site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the project. In addition to direct impacts such as nest destruction, nests might be affected by noise, vibration, odors, or movement of workers or equipment. Continuously survey identified nests for the first 24 hours to establish a behavioral baseline prior to starting any construction-related activities. Once work commences, continuously monitor all nests to detect any behavioral changes as a result of the project. If behavioral changes are observed, cease all work causing the change and consult with CDFW for additional avoidance and minimization measures.*
13. *If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet shall be implemented around active nests of non-listed non-raptor bird species, 500 feet around active nests of non-listed raptor bird species, and 0.5 mile around listed bird species until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer dependent upon the nest or parental care for survival. Variance from these no-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so. Any variance from these buffers is advised to be supported by a qualified biologist, and it is recommended that CDFW be notified in advance of implementation of a no-disturbance variance.*
14. *Additional nesting bird surveys shall be conducted before restarting project-related activities after a lapse of 10 days or more during the general breeding season.*

15. *To prevent entrapment and death of birds, all vertical pipes associated with the solar mounts and fencing shall be capped as they are installed.*

16. *The use of rodenticides shall generally be prohibited. If rodenticide use is allowed, an Incidental Take Permit (ITP) shall be obtained from CDFW for listed species such as SJKF, SWHA, and any other State-listed species known to occur in the project site's vicinity that could directly or indirectly ingest rodenticides before starting rodenticides use.*

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?

FINDING: NO IMPACT:

According to the Habitat Assessment Report, vast majorities of the plant species found within the proposed project site are upland and non-indicator species and as such would not constitute wetland vegetation. No Obligate Wetland Indicator Species (species that occur within wetlands 100 percent of the time) were observed on site. The San Luis Drain irrigation canal located along the western boundary of the site was found to be dry and contained no vegetation. Because of the primary indicators for preliminary wetlands evaluation were lacking on site, the Habitat Assessment concludes that the subject site would not be considered as jurisdictional waters under U.S. Army Corps Engineer standards.

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The project would not interfere substantially with the movement of wildlife or with established migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

Implementation of the project would not conflict with any ordinances, plans or policies protecting biological resources.

- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT:

The project area is covered by Pacific Gas & Electric (PG&E) San Joaquin Valley Operations and Maintenance Habitat Conservation Plan (HCP) service area. The HCP was prepared to conduct routine operations and maintenance activities within the approved plan area in compliance with the Federal Endangered Species Act and California Endangered Species Act. The Project would not conflict with the provisions of the PG&E HCP.

## V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project site is located within an area designated to be moderately sensitive for archeological resources and has been disturbed with prior farming operations. Although the possibility of finding cultural resources are remote, a mitigation measure would require that if previously unidentified cultural materials are unearthed during construction, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.

\* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to*

*origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT:

With adherence to the above-noted Mitigation Measure, the project will not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.

## VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

The areas of the proposed Generation Tie Line and proposed Switching Station are designated as Seismic Design Category C in the California Geological Survey. No agencies expressed any concerns related to ground shaking, ground failure, liquefaction or landslides. Further, construction of the proposed Generation Tie Line and proposed Switching Station will be subject to the Seismic Design Category C Standards. This requirement has been included as a Project Note.

4. Landslides?

FINDING: NO IMPACT:

Pursuant to U.S. Geological, the project is not located within a mapped landslide hazard zone.

- B. Would the project result in substantial erosion or loss of topsoil; or
- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Grading and excavation will be required for the construction of the proposed Generation Tie Line and proposed Switching Station. As such, changes in topography and erosion could result from the construction of the proposed Generation Tie Line and proposed Switching Station. A grading permit may be required for the construction of the project. With adherence to this requirement, which will be included as a Project Note, potential erosion impacts will be reduced to less than significant.

The areas of the proposed Generation Tie Line and Switching Station are not located within an area of known risk of landslides, lateral spreading, liquefaction or collapse. The San Joaquin Valley in which Fresno County is located is known to experience subsidence. However, as the project does not entail a gravity-dependent utility, potential future subsidence in the area would not significantly impact the proposed Generation Tie Line and proposed Switching Station.

- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The areas of the proposed Generation Tie Line and Switching Station are not located within an area of known expansive soils.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

The project would not include the use of septic tanks or alternative wastewater disposal systems. No wastewater facilities would be constructed as part of the project. If sanitation facilities are required during the construction period, temporary portable toilets will be provided for the workers. Once operational, the proposed Generation Tie Line and proposed Switching Station will be unmanned.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality and Greenhouse Gas Analysis Report was prepared for the project by FirstCarbon Solutions and dated May 4, 2016 to analyze project-related greenhouse gas emissions to impact the environment. The subject proposal is a greenhouse gas reduction project that will assist the State of California in achieving targets established by Assembly Bill (AB) 32. The project will generate a less than significant amount of Construction Greenhouse Gas (GHG) Emissions and Operational Greenhouse Gas (GH) Emissions.

Regarding the Construction GHG Emissions, the emissions of CO<sub>2</sub> from project construction equipment, truck deliveries, and worker vehicles would be negligible. The impacts of the Switching Station area were estimated using Pacific Gas & Electric (PG&E)-provided construction assumptions. The table below summarizes the construction GHG emissions for each year and an amortized amount based on a project life of 25 years.

Phase	Estimated Total Emissions (Metric Tons/Year) (CO <sub>2</sub> -Equivalents)
Switching Station 2016 Construction	182
Switching Station 2017 Construction	41
Gen-Tie 2016 Construction	223
Solar Panel Project Construction	688
<b>Total</b>	<b>1,134</b>
Amortized over 25 year project life	<b>45.36</b>

Regarding the Operational GHG Emissions, the Switching Station and Gen-Tie are integral to the photovoltaic solar power generation facility approved by CUP 3291, and its operation would not produce substantial greenhouse gas emissions.

The addition of the Switching Station is not expected to add operational emissions related to facility maintenance compared with existing conditions. The proposed switching station on the property will be the relocation of the existing nearby Stroud Switching Station that currently requires maintenance. A similar level of maintenance would be required for the new Switching Station. The Gen-Tie power lines would not add significant maintenance requirements over and above those anticipated for the solar panel facility. The Switching Station will require circuit breakers that use the chemical compound SF<sub>6</sub>, which is a powerful greenhouse gas. The circuit breakers can leak SF<sub>6</sub> into the atmosphere. PG&E manages and operates a leak prevention program for SF<sub>6</sub> that results in a leak rate of approximately 0.5 percent per year which is a minor increase compared with the large reduction in CO<sub>2</sub>e provided by the solar electrical generation. Based on the minor increase in SF<sub>6</sub> emissions compared to the substantial GHG emission reductions that will be achieved by the project, no significant change in operational emissions would occur. As such, the subject proposal (Switching Station and Gen-Tie Line) would not result in a significant impact due to greenhouse gas emissions and would not conflict with applicable policies, plans, and regulations.

The project, along with the Air Quality and Greenhouse Gas Analysis Report, was routed to the San Joaquin Valley Air Pollution Control District (Air District) for review and comments. In a letter provided on July 18, 2016, the Air District expressed no concerns with the proposal related to greenhouse gas emissions. The project will adhere to the Air District Rules described in Section III. A. B. C.D. Air Quality.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not involve transport, use, or disposal of hazardous materials, and is not located within one quarter-mile of a school. The nearest school, Helm Elementary School, is approximately 2.9 miles east of the project site.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and requires the following: 1) facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5; 2) any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95; and 3) all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. These requirements will be included as a Project Note.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project is not located on a hazardous materials site. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan area, two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, San Joaquin Airport, is approximately 5.5 miles northwest of the proposal.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project 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: NO IMPACT:

The project will not impair implementation of or physically interfere with an adopted Emergency Response Plan and is not within or adjacent to a wildlands fire area.

#### IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed in Section VI.E, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns with the project in regard to soils or wastewater disposal. Wastewater generated during construction of this project will be contained within portable restroom facilities and will be disposed of at an approved site. Once operational, the proposed Generation Tie Line and proposed Switching Station will be unmanned. As such, permanent on-site restroom facilities are not required for the use, nor have permanent on-site restroom facilities been proposed with this project.

This proposal was also referred to the Regional Water Quality Control Board, Central Valley Region which expressed no impact on water quality.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, the water source for construction will either be from water wells on site or be stored on site in large water tanks.

This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity, as the project site is not located in a water short area. The project will not deplete groundwater resources.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

The San Luis Drain irrigation canal runs along the western boundary and Crescent Canal runs along the eastern boundary of the project site. The proposed PG&E Switching Station will be set back a minimum of 100 feet from the canal and will not impact the canal. Further, construction of the Switching Station and overhead Generation Tie Line will adhere to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B, Geology and Soils. Per the comments from the Development Engineering Section of the Fresno County Department of Public Works and Planning, any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County standards. This will be included as a Project Note.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this application.

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 2550H, portions of the subject parcel are in flood Zone A, which is subject to the one-percent chance storm. The southwesterly portion of the property under Flood Zone A is subject to a 100-year storm. A Project Note would require that any development within the area identified as Zone A shall comply with the Fresno County Flood Ordinance (Title 15.48).

- I. Would the project expose persons or structures to levee or dam failure; or  
J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project site is not prone to a seiche, tsunami or mudflow, nor is the project exposed to potential levee or dam failure.

## X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project is outside the boundaries of any city or unincorporated community. No impact is expected to any established community.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated Agriculture in the Fresno County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance. Provisions for certain non-agricultural uses such as the proposed use have been provided for in the Fresno County Zoning Ordinance and General Plan.

Plan Policy LU-A.3 of the General Plan provides that electrical power generating facilities may be allowed by discretionary permit subject to a number of specific criteria. Criteria LU-A. 3.a. states that the use shall provide a needed service to the surrounding agricultural area which cannot be provided within urban areas. Criteria LU-A. 3.b. states that the use should not be sited on productive agricultural lands if less productive

land is available in the vicinity. Criteria LU-A. 3.c. states that the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within one quarter-mile radius. Criteria LU-A. 3.d. states that a probable workforce should be located nearby or be readily available.

With regard to Criteria “a” and Criteria “b”, this proposal is limited in scope to a 70 kV Generation Tie Line to be authorized by Unclassified Conditional Use Permit (CUP) Application No. 3531 and a 70 kV Switching Station to be constructed by PG&E under California Public Utilities Commission (CPUC) jurisdiction. With regard to Criteria “c”, the project will utilize limited water during construction and no water during its operation. With regard to Criteria “d”, this proposed project is located approximately three miles west of the unincorporated community of Helm and 4.8 miles south of the City of San Joaquin. These communities have the ability to provide an adequate workforce.

Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses, and Policy LU-A.13 of the General Plan requires buffers between proposed non-agricultural uses and adjacent agricultural operations. The subject proposal is consistent with these policies. The proposal is limited in scope to a 70 kV Generation Tie Line to be authorized by Unclassified Conditional Use Permit (CUP) Application No. 3531, and a 70 kV Switching Station to be constructed by PG&E under California Public Utilities Commission (CPUC) jurisdiction.

Plan Policy PF-C.17 of the General Plan requires that the County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability. The project will utilize limited water during construction and no water during its operation. The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns with water supply for the project.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT

The project will not conflict with the provisions of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division, reviewed the proposal and did not identify any impact related to noise. However, the Generation Tie Line portion of the project will be subject to conformance with the Fresno County Noise Ordinance related to limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. This requirement will be included as a Project Note. Additionally, PG&E's construction activities would take place within these hours unless nighttime work is required for safety or clearance reasons.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located in the vicinity of an airport and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or

- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not construct or displace housing and will not otherwise induce population growth.

#### XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno County Fire Protection District (Fire District) review of the project did not identify any concerns with the proposal. The project shall comply with 2013 California Code of Regulations Title 24 – Fire Code and County-approved site plans for the proposed 70 kV Generation Tie Line will be required to be approved by the Fire District prior to issuance of building permits. This requirement will be included as a Project Note.

2. Police protection; or

3. Schools; or

4. Parks?

FINDING: NO IMPACT:

The project will not result in the need for additional public services related to police protection, schools, or parks.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT

The proposed 70 kV Pacific Gas and Electric (PG&E) Switching Station will be sited on a 13-acre portion of a 182.7-acre parcel and will replace the existing nearby Stroud Switching Station located on a one-acre parcel in the northwest portion of the site. The proposed Switching Station will be located on the south side of Kamm Avenue within the westerly portion of the property.

The proposed 70 kV Generation Tie Line will run through a 100-foot-wide utility easement. As the Gen Tie Line will cross the subject private property to connect a photovoltaic solar facility approved by CUP 3291 with the proposed 70 kV PG&E Switching Station, easements shall be required from the owner of said property. This requirement will be included as a Project Note. The Gen Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the Switching Station, which may serve other interconnection customers in the area, will be constructed, owned and operated by PG&E.

#### XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No impacts on recreational resources were identified in the project analysis.

#### XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the project will take approximately 12 months. During a labor-intensive construction workday, an average of 60 people and up to 15 construction vehicles will be on site. Construction hours will be from 6:00 am to 3:30 p.m.

The Design Division of the Fresno County Department of Public Works and Planning reviewed this proposal and expressed no impact on County roadways and required no Traffic Impact Study.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT NO IMPACT:

The Design Division and the Development Engineering Section of the Fresno County Department of Public Works and Planning reviewed the project and did not identify any concerns with respect to increased traffic hazards or emergency access. A Project Note would require that prior to any improvements constructed within the County right-of-way, an encroachment permit shall be obtained from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans.

## XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements; or

B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E. Geology and Soils.

C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. B. Geology and Soils.

D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

Once operational, the project will not impact area landfills. Non-hazardous solid waste associated with development of the project will be hauled off to local area landfills.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the project may impact sensitive biological and cultural resources. Included Mitigation Measures in Section IV and Section V will minimize such impacts to less than significant.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Valley Air Pollution Control District, California Code of Regulations Fire Code, California Regional Water Quality Control Board, and the California Public Utilities Commission, as applicable. No cumulatively considerable impacts were identified in the analysis other than Biological Resources and Cultural Resources that will be addressed with the Mitigation Measures and Avoidance and Protection Measures discussed in Section IV and Section V.

C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study (IS) No. 7146 prepared for Unclassified Conditional Use Permit Application No. 3531, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there will be no impacts to mineral resources, population and housing, or recreation.

Potential impacts related to aesthetics, agriculture and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous material, hydrology and water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant.

Potential impacts to biological resources and cultural resources have been determined to be less than significant with the identified mitigation measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

EA:ksn

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San Joaquin Solar  
CUP 3531 IS Routing Package  
PG&E Comments and List of APMs

October 3, 2016

PG&E requests the following revisions to the draft IS/MND to ensure that the final version is internally consistent and accurately addresses the jurisdiction of Fresno County over the Project proponent as it relates to the proponent's mitigation responsibilities. A list of proposed APMs to be implemented by PG&E during construction is attached; PG&E requests that they be included as an appendix to the IS/MND document.

**PDF p. 10**

**Description of the Project: Switching Station, 2<sup>nd</sup> paragraph**

"The design, entitlement and construction of the Switching Station are within the regulatory authority of the California Public Utilities Commission (CPUC), exclusively and not included in the County land use application. Although the County of Fresno does not have authority to require PG&E to implement mitigation measures, PG&E has incorporated Avoidance and Protection Measures (APMs) into its Switching Station proposal which would ensure that any environmental effects that are identified throughout this document remain less than significant. The Avoidance and Protection Measures (APMs), identified throughout in this document, will be implemented by PG&E to reduce impacts associated with development of the Switching Station component of the proposed Project. In some instances, APMs for the Switching Station may differ somewhat from the corresponding Mitigation Measures for the Gen Tie Line due to the different construction activities and site circumstances for each major component as well as requirements that PG&E is subject to due to regulatory outreach with California Department of Fish and Wildlife (CDFW) and their Best Management Practices (BMPs) under the jurisdiction of the CPUC. PG&E has worked in collaboration with state and federal agencies to identify measures that apply programmatically to a range of PG&E's projects operations and maintenance activities (refer to Exhibit 3), and these measures may not be applicable to the private project applicant will be implemented during PG&E's operations and maintenance of the Switching Station. If APMs have not been identified for a particular impact, mitigation measures will apply to both components of the proposed Project (the Switching Station and Gen Tie Line). The CPUC will utilize and incorporate this Mitigated Negative Declaration (MND), including all of the applicable PG&E avoidance and protection measures APMs, by reference in its subsequent authorization of the authorizing document for the Switching Station."

**PG&E Project-specific Avoidance and Protection Measures**

**Aesthetics**

1. The Switching Station lights will comply with the National Electrical Safety Code.

2. The Control Building exterior lights at the PG&E Switching Station will have LED lights and will point downward.

### **Biological Resources**

3. Work will occur during daytime hours, to the extent consistent with safety and clearance requirements.

4. Personnel will receive ongoing environmental education. Training will include review of environmental laws and guidelines that must be followed by all personnel to reduce or avoid effects on special-status species during work activities.

5. If work is scheduled to occur during the avian nesting season (February 1st through August 31st), active work areas will be surveyed by a qualified biologist within 15 days before work begins to determine if any nesting birds are present. Exclusionary buffer zones will be established by a qualified biologist around any active nests within the project area. The size of the buffer zone will be established at the discretion of the biologist based on the following factors: 1) the species' sensitivity to disturbance, 2) the topography surrounding the nest site, and 3) its concealment from project activities. If construction activities are required within an exclusionary buffer zone, the nest will be monitored for disturbance by a qualified biologist until the young have fledged and are independent of the adults. Nest disturbance will be assessed based on behavioral cues such as time off the nest, hesitation approaching the nest, incessant chattering and bill swiping, and other indications. If no nest disturbance is observed, work may continue. If the biologist determines that construction activities are causing nest disturbance, work will not be allowed to continue within the buffer zone until the nest becomes inactive or the young have fledged.

6. Within 30 days of beginning ground-disturbing activities, a preconstruction survey for burrowing owl will be conducted along the agricultural irrigation ditch and any other suitable habitat within 500 feet of the project area by a qualified biologist. If no burrowing owls are detected, no further measures are required. If burrowing owls are detected, no construction activities will occur within 250 feet of occupied burrows during the nesting season or within 160 feet of occupied burrows during the non-nesting season. For the purposes of this measure, the nesting season is February 1st to August 31st. Additionally, burrowing owls identified within these buffers will be monitored by a qualified biologist during construction to assess the sensitivity of the burrowing owls to the construction activities. The size of the avoidance buffer may be increased or decreased as determined by the monitoring biologist based on the planned construction activities and the sensitivity of the burrowing owls. If impacts on an active burrow cannot be avoided, passive relocation may be considered. Relocation will be conducted during the non-nesting season and only after a site-specific plan has been developed and implemented in coordination with the CDFW.

7. Preconstruction surveys for special-status species will be conducted by a qualified biologist within 15 days of the start of construction activities. Any observations of special-status species during the preconstruction survey will be reported to the PG&E project biologist.

8. If special-status species are observed during construction, work activities in the immediate vicinity of the observation will halt and the PG&E biologist will be notified immediately.

9. All excavations greater than two (2) feet deep left open overnight will be covered or will include escape ramps at no greater than a 2:1 slope to prevent wildlife from becoming entrapped.

10. Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

11. Vehicles will observe a speed limit of 15 miles per hour in unpaved areas.

12. Trash dumping, firearms, open fires (such as barbecues), hunting, and pets will be prohibited at the work activity sites.

13. Vehicles and equipment will remain outside of existing canals and ditches to the extent practicable.

14. No vehicle may be refueled within 100 feet of waterways including ditches and canals. Vehicles operating adjacent to waterways will be inspected and maintained daily to prevent leaks.

### **Cultural Resources**

15. If any cultural resources are located during project activities, all work in the vicinity of the discovery must be stopped and a PG&E Cultural Resources Specialist must be notified immediately. Archaeological resources in the region may include both prehistoric and historic age items, such as:

- Prehistoric archeological materials and features: flaked stone tools (projectile point, biface, scraper, etc.) and debitage (flakes) made of chert, obsidian, etc., groundstone milling tools and fragments (mortar, pestle, handstone, millstone, etc.), faunal bones, fire-affected rock, dark middens, housepit depressions and human interments.
- Historic-era archaeological materials and features may include, but are not limited to: small cemeteries or burial plots, cut (square) nails, containers or miscellaneous hardware, glass fragments, cans with soldered seams or tops, ceramic or stoneware objects or fragments, milled or split lumber, earthworks, feature or structure remains and trash dumps.

16. Section 7050.5 of the California Health and Safety Code (CHSC) states that it is a misdemeanor to knowingly disturb a human burial. In keeping with the provisions provided in 7050.5 CHSC and Public Resource Code 5097.98, if human remains are encountered (or are suspected) during any project-related activity, the following measures will be observed:

- Stop all work within 100 feet;
- Immediately contact a PG&E Cultural Resource Specialist (CRS), who will then notify the county coroner;
- Secure the location, but do not touch or remove remains and associated artifacts;
- Do not remove associated spoils or pick through them;
- Record the location and keep notes of all calls and events; and
- Treat the find as confidential and do not publically disclose the location.

EXHIBIT 8

Inter Office Memo

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DATE: November 3, 2011  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12270 - INITIAL STUDY APPLICATION NO. 6261,  
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO.  
3291

REPRESENTATIVE: Joe Contreras  
APPLICANT: GSNA 6P, LLC  
OWNER: Jeanne Lloyd Gagnani

REQUEST: Allow a photovoltaic solar power generation facility with related improvements including three 1,180 square-foot control center buildings, fourteen 84 square-foot inverter buildings, a 49,500 square-foot sub-station and a six-foot high chain-link fence on an approximately 179.1-acre portion of a 318.18-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the south side of W. Kamm Avenue approximately 2.51 miles west of the intersection of W. Kamm and S. Lassen Avenues and five miles south of the nearest city limit of the City of San Joaquin (SUP. DIST.: 1) (APN: 040-080-15S).

PLANNING COMMISSION ACTION:

At its hearing of November 3, 2011, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Goodman and seconded by Commissioner Ferguson to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report, including additional Conditions voluntary offered by the Applicant; and approve Unclassified Conditional Use Permit Application No. 3291, subject to the Conditions listed in Exhibit "B".



EXHIBIT "A"

Initial Study Application No. 6261  
Unclassified Conditional Use Permit Application No. 3291

- Staff: The Fresno County Planning Commission considered the Staff Report dated November 3, 2011, and heard a summary presentation by staff.
- Representative: The Applicant's representative concurred with the Staff Report and the Conditions recommended by staff. He described the project and offered the following information to clarify the intended use:
- The lawsuit recently filed by the State Farm Bureau regarding the cancellation of a Williamson Act Contract for a photovoltaic facility is for a totally different project.
  - We do not consider the adjacent True Organics operation to be a nuisance to our proposal.
  - Regarding the letter sent from the Defenders of Wildlife, a habitat study was completed for this project and mitigation was incorporated based on this study.
  - The Applicant is willing to add additional conditions regarding recordation of a 'Right-To-Farm Notice' on the property and additional biological survey and avoidance conditions similar to those added to a photovoltaic project approved by the Commission at its October 20, 2011 Hearing.
- Others: Four other individuals presented information in support of the application including the property owner who stated that the property to the north of the project site has been set aside for habitat; one speaker representing True Organics who indicated his client was comfortable with the project as long as a condition requiring a Right-To-Farm Notice was included with the project and that the project applicant stated True Organics was not a nuisance to their operation; and two speakers who described the economic and employment benefits of the project to the County.
- There were no speakers in opposition to the project.
- Correspondence: Two letters dated October 27, 2011 and October 31, 2011 were presented to the Planning Commission critical of the environmental document prepared for the project per the requirements of the

California Environmental Quality Act and specifically expressing concerns with biological mitigation for the project.

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 6261  
Unclassified Conditional Use Permit Application No. 3291

1. Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission.
2. A Site Plan Review 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. The Site Plan Review shall be applicable to those portions of the project site(s) to be improved with a sub-station, inverters, perimeter fire access road, control center buildings, parking, and driveway access excluding the solar panel fields. Items to be addressed under the Site Plan Review may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection, and lighting.
3. The project shall comply with the "Reclamation Plan for the San Joaquin Solar Project – Phase 2," dated June 6, 2011 attached as Exhibit 7 to the Staff Report and as approved and/or modified by the Commission.
4. As part of the Site Plan Review submittal process, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County acknowledging the presence of surrounding agricultural operations and their related activities and said agreement shall be recorded as a document to run with the land.
- \*5. All lighting shall be hooded and directed so as not to shine towards adjacent properties and public streets or roadways.
- \*6. The project shall adhere to the procedures listed in the "Reclamation Plan for the San Joaquin Solar Project – Phase 2," dated June 6, 2011 prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any permits, the required bond amount, based on an Engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit) and a covenant shall be signed between the property owner and the County of Fresno and shall run with the land requiring the site to be restored to an agricultural use at the cessation of operation.
- \*7. Prior to the issuance of any permits, a Pest Management Plan shall be submitted to the Department of Public Works and Planning and approved by the Fresno County Agricultural Commissioner's Office. The Pest Management Plan shall

identify methods and frequency to manage weeds, insects, and disease and vertebrate pests that may impact adjacent properties.

- \*8. The project operator shall utilize pest control professionals to keep the project site free of rodents at all times.
- \*9. The project operator shall at all times keep the project site free of weeds and other vegetation that could harbor pests or become a fire hazard.
- \*10. A Burrowing Owl (*Athene Cunicularia*) habitat is present on-site in the form of rodent burrows located along the western border of the site and near irrigation piping along the western portion of the site. Prior to ground disturbance, a qualified Ornithologist shall survey the site for Burrowing Owls using established protocol procedures. If Burrowing Owls are detected within the project site, procedures to avoid or compensate for the loss of nest sites shall be developed in coordination with California Department of Fish and Game.
- \*11. Should modification to the existing irrigation ditch on the property's western border be proposed, the U.S. Army Corp of Engineers shall be contacted to determine if a wetland delineation will be required.
- \*12. During project development and maintenance stages, the Applicant shall adhere to guidelines as established by the U.S. Fish and Wildlife Service (USFWS) to avoid impacts to the San Joaquin Kit Fox. This includes following the provisions established in "Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance." It shall be the Applicant's responsibility to contact USFWS to ensure that avoidance procedures are the most current as required by that Agency.
- \*13. In the event cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
- 14. Prior to and during any ground-disturbing activities occurring within the project area, the applicant will implement the following measures for the protection of the San Joaquin kit fox:
  - a. Project-related vehicles will observe a 20-mile-per-hour speed limit in all project areas, except on county roads and state and federal highways; this is particularly important at night, when San Joaquin kit foxes are most active. To the greatest extent practicable, nighttime construction will be minimized. Off-road traffic outside of designated project areas will be prohibited.

- b. To prevent inadvertent entrapment of San Joaquin kit foxes during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each working day by plywood or similar materials or provided with 1 or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured San Joaquin kit fox is discovered, the procedures under numbers h, k, l and m of this section will be followed.
- c. San Joaquin Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for 1 or more overnight periods will be thoroughly inspected for San Joaquin kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin kit fox is discovered inside a pipe, then that section of pipe will not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.
- d. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once a week from the construction site.
- e. No firearms will be allowed on the site, except for onsite security purposes.
- f. To prevent harassment or mortality of San Joaquin kit foxes or destruction of dens by dogs or cats, no pets will be permitted on the site.
- g. The use of rodenticides and herbicides in the project area will be minimized to meet Fresno County's pest control objectives within an actively farmed landscape. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.
- h. The applicant will appoint a representative who will be the contact source for any employee or contractor who might inadvertently kill or injure a San Joaquin kit fox or who finds a dead, injured, or entrapped individual. This representative will be identified during the employee education program. The representative's name and telephone number will be provided to the USFWS.
- i. An employee education program will be conducted for the project. The program will consist of a brief presentation by persons knowledgeable in

San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and agency personnel involved in the project. The program will include the following: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of San Joaquin kit fox in the project area; an explanation of the status of the species and its protection under the ESA; and a list of measures being taken to reduce impacts on the species during construction and implementation. A fact sheet conveying this information will be prepared for distribution to the above-mentioned people and anyone else who may enter the site.

- j. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, electrical collection corridors, etc., will be re-contoured, if necessary, and the site will be kept mowed and weed free in accordance with the Pest Management Plan required by Fresno County.
  - k. In the case of trapped animals, escape ramps or structures will be installed immediately to allow the animal(s) to escape, or the USFWS will be contacted for advice.
  - l. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox will immediately report the incident to their representative. This representative will contact the CDFG immediately in the case of a dead, injured, or entrapped San Joaquin kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.
  - m. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at (916) 414-6630. The CDFG contact is Mr. Craig Bailey at 1234 E. Shaw Avenue, Fresno, California 93710, at (559) 243-4014.
  - n. To enable kit foxes and other wildlife to pass through the project site after construction, the security fence shall be raised 5 - 7 inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.
15. To avoid impacts on western burrowing owl, the following guidelines, adapted from the DFG Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995), will be implemented:
- a. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) will conduct a preconstruction survey to locate any

breeding or wintering burrowing owls no more than 30 days prior to the start of construction.

- b. If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of photovoltaic panels or ancillary facilities, will be permitted within 250 feet of an active burrow during the breeding season (February 1–August 31) unless otherwise authorized by DFG. Occupied burrows should not be disturbed during the nesting season unless a qualified biologist approved by DFG verifies through noninvasive methods that either (1) the birds have not begun egg-laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.
  - c. During the nonbreeding (winter) season (September 1–January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 160 feet from the burrow and the site is not directly affected by the project activity. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows. A qualified wildlife biologist will install one-way doors at the entrance to the active burrow and other potentially active burrows within 150 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed.
- \* MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

## EXHIBIT 9



Solar Frontier Americas Development, LLC  
50 California St., Ste 820,  
San Francisco, CA 94111

October 19th, 2016

Via E-mail

**County of Fresno**  
**Development Services Division**  
**c/o Ejaz Ahmad**  
2220 Tulare Street, 6th floor  
Fresno, CA 93721

**RE: Conditional Use Permit Application # 3531**

Dear Mr. Ahmad:

Due to recent comments received by the County and Solar Frontier related to our project, we respectfully request that you postpone the presentation of our CUP #3531 and continue to a date certain, which would be the next Planning Commission hearing date on November 10, 2016. This postponement will hopefully provide us adequate time to review and respond to the comments.

Thank you,

A handwritten signature in black ink, appearing to read "Lance Mobley", written over a horizontal line.

Lance Mobley  
Senior Project Manager  
Phone: 415-814-5254

# EXHIBIT 10

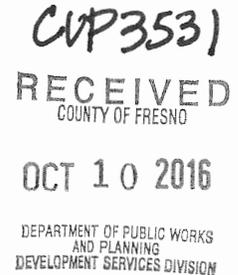


11109 River Run Boulevard  
Bakersfield, CA 93311  
Telephone (661) 412-5000  
Fax (661) 412-5378

## VIA FEDEX DELIVERY

October 5, 2016

Mr. Alan Weaver, Director  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, California 93721



Re: GASNA 6P, LLC  
Initial Study Application No. 7146 and  
Unclassified Conditional Use Permit Application No. 3531  
16S-R17E, Section 19, APN: 040-080-41S  
Fresno County, California  
CRC File Number: 10386600

Dear Mr. Weaver:

California Resources Corporation (CRC), successor in interest to OXY Resources California, LLC, recently received a Notice of Public Hearing from Fresno County Planning Commission pertaining to the subject project. CRC and California Resources Production Corporation, a subsidiary of CRC, owns the minerals underlying GASNA 6P's (GASNA) proposed project referenced above. Attached are copies of recorded documents evidencing our ownership for your reference.

CRC would like to make you aware that it is concerned about access to its minerals and looks forward to hearing from GASNA and reaching an accommodation that would include drill island reservations along with mineral access waiver for the balance of this project.

CRC appreciates your communication in this matter including any future hearings, meetings, actions, etc.

Notices may be directed to:

California Resources Corporation  
11109 River Run Boulevard  
Bakersfield, CA 93311  
Attention: Minerals Manager

Very truly yours,

  
Jordan D. Scott  
Minerals Manager

Enclosures  
cc: GASNA 6P, LLC  
PG&E

REGORDING REQUESTED BY:

And

WHEN RECORDED MAIL TO  
AND UNLESS OTHERWISE STATED BELOW,  
MAIL TAX STATEMENTS TO:

California Resources Production Corporation  
10800 Stockdale Highway  
Bakersfield, California 93311  
Attn Minerals Manager



FRESNO County Recorder  
Paul Dictos, C.P.A.  
**DOC- 2014-0100403**

Check Number 2721  
Wednesday, SEP 10, 2014 14:59:43  
Ttl Pd \$37.00 Rcpt # 0004171539  
RGR/R4/1-7

Space above this line for Recorder's use only

This page has been added to provide adequate space for recording information  
(Additional recording fees apply)

DOCUMENT TITLE(S): Certificate of Conversion of a Delaware Limited Liability Company Under  
the Name of Vintage Production California LLC to a Delaware Corporation,  
Changing its Name From Vintage Production California LLC to  
California Resources Production Corporation

(IF APPLICABLE—DEEDS, ETC.)

DOCUMENTARY TRANSFER TAX: \$ N/A



COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR  
COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES  
REMAINING THEREON AT TIME OF SALE.

SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX, FIRM NAME

MAIL TAX STATEMENTS TO: California Resources Production Corporation, 9600 Ming Avenue, Bakersfield, CA 93311

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE LIMITED LIABILITY COMPANY UNDER THE NAME OF "VINTAGE PRODUCTION CALIFORNIA LLC" TO A DELAWARE CORPORATION, CHANGING ITS NAME FROM "VINTAGE PRODUCTION CALIFORNIA LLC" TO "CALIFORNIA RESOURCES PRODUCTION CORPORATION", FILED IN THIS OFFICE ON THE SECOND DAY OF SEPTEMBER, A.D. 2014, AT 6:46 O'CLOCK P.M.



3151393 81007

141138183

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 1667742

DATE: 09-03-14

2

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 06:52 PM 09/02/2014  
FILED 06:46 PM 09/02/2014  
SRV 141133207 - 3151393 FILE

STATE OF DELAWARE  
CERTIFICATE OF CONVERSION  
FROM A LIMITED LIABILITY COMPANY TO A  
CORPORATION PURSUANT TO SECTION 265 OF  
THE DELAWARE GENERAL CORPORATION LAW

- 1.) The jurisdiction where the Limited Liability Company first formed is Delaware.
- 2.) The jurisdiction immediately prior to filing this Certificate is Delaware.
3. The date the Limited Liability Company first formed is December 29, 1999.
4. The name of the Limited Liability Company immediately prior to filing this Certificate is Vintage Production California LLC.
- 5.) The name of the Corporation as set forth in the Certificate of Incorporation is California Resources Production Corporation.

IN WITNESS WHEREOF, the undersigned being duly authorized to sign on behalf of the converting Limited Liability Company have executed this Certificate on the 2nd day of September, A.D. 2014.

By: Jennifer Kirk

Name: Jennifer Kirk

Title: Accounting Official

# Delaware

PAGE 2

*The First State*

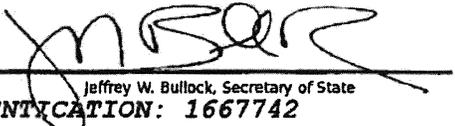
I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF CERTIFICATE OF INCORPORATION OF "CALIFORNIA RESOURCES PRODUCTION CORPORATION" FILED IN THIS OFFICE ON THE SECOND DAY OF SEPTEMBER, A.D. 2014, AT 6:46 O'CLOCK P.M.



3151393 81004

141138183

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 1667742

DATE: 09-03-14

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 06:52 PM 09/02/2014  
FILED 06:46 PM 09/02/2014  
SRV 141133207 - 3151393 FILE

**CERTIFICATE OF INCORPORATION  
OF  
CALIFORNIA RESOURCES PRODUCTION CORPORATION**

**ARTICLE I**

The name of the corporation is **California Resources Production Corporation**

**ARTICLE II**

The address of the registered office of the corporation in the State of Delaware is Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801. The name of its registered agent at that address is The Corporation Trust Company.

**ARTICLE III**

The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of the State of Delaware as set forth in Title 8 of the Delaware Code.

**ARTICLE IV**

The total number of shares of stock which the corporation shall have authority to issue is 2,000 shares of Common Stock, par value \$0.01 per share.

**ARTICLE V**

The name and mailing address of the sole incorporator is as follows:

<u>Name</u>	<u>Mailing Address</u>
Jennifer Kirk	5 Greenway Plaza Suite 110 Houston, Texas 77046

**ARTICLE VI**

The corporation is to have perpetual existence.

**ARTICLE VII**

In furtherance and not in limitation of the powers conferred by statute, the Board of Directors of the corporation is expressly authorized to make, amend, alter or repeal the By-laws of the corporation.

#### ARTICLE VIII

Elections of directors need not be by written ballot except and to the extent provided by the By-laws of the corporation.

#### ARTICLE IX

Meetings of stockholders may be held within or without the State of Delaware, as the By-laws of the corporation may provide. The books of the corporation may be kept (subject to any provision contained in applicable law) outside the State of Delaware at such place or places as may be designated from time to time by the Board of Directors of the corporation or in the By-laws of the corporation.

#### ARTICLE X

A director of the corporation shall not be personally liable to the corporation or its stockholders for monetary damages for any breach of fiduciary duty as a director, except to the extent such exemption from liability or limitation thereof is not permitted under the General Corporation Law of the State of Delaware ("DGCL") as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment further limits the liability of a director). No amendment to or repeal of this Article X shall apply to or have any effect on the liability or alleged liability of any director of the corporation for or with respect to any acts or omissions of such director occurring prior to such amendment or repeal.

#### ARTICLE XI

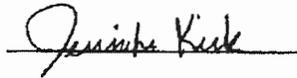
Unless the corporation consents in writing to the selection of an alternative forum, the Court of Chancery of the State of Delaware shall, to the fullest extent permitted by law, be the sole and exclusive forum for (i) any derivative action or proceeding brought on behalf of the corporation, (ii) any action asserting a claim for breach of a fiduciary duty owed by any director, officer, employee or agent of the corporation to the corporation or the corporation's stockholders, (iii) any action asserting a claim arising pursuant to any provision of the DGCL, the Certificate of Incorporation or the By-laws or (iv) any action asserting a claim governed by the internal affairs doctrine, in each case subject to said Court of Chancery having personal jurisdiction over the indispensable parties named as defendants therein.

#### ARTICLE XII

The corporation reserves, subject to any express provisions or restrictions contained in this Certificate of Incorporation, the right to amend, alter, change or repeal any provision contained in the Certificate of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon the directors, stockholders or any other persons herein are granted subject to this reservation.

*{Signature Page Follows}*

I, THE UNDERSIGNED, being the sole incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of the State of Delaware, do make this Certificate, hereby declaring and certifying that this is my act and deed and the facts herein stated are true, and accordingly have hereunto set my hand this 2nd day of September, 2014

A handwritten signature in cursive script, reading "Jennifer Kirk", is written over a horizontal line.

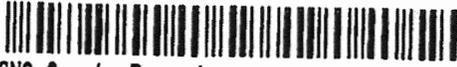
Jennifer Kirk

Sole Incorporator

RECORDING REQUESTED BY  
AND  
WHEN RECORDED MAIL TO:

2

Vintage Production California LLC  
Attn: California Minerals Manager  
10800 Stockdale Highway  
Bakersfield, CA 93311



FRESNO County Recorder  
Paul Dictos, C.P.A.  
**DOC- 2014-0002798**

Check Number 6455  
Friday, JAN 10, 2014 09:10:20  
Ttl Pd \$22.00 Rcpt # 0004035773  
APR/R7/1-2

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

**NOTICE OF INTENT TO PRESERVE MINERAL RIGHTS**

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section 880.020) of Part 2 of Division 2 of the Civil Code (Marketable Record Title), and to secure notice pursuant to Government Code Section 65091(a)(2).

Claimant: VINTAGE PRODUCTION CALIFORNIA LLC  
Mailing Address: 9600 Ming Avenue, Suite 300  
Bakersfield, California 93311  
Interest: All of Claimant's rights in the oil, gas, hydrocarbon substances and minerals of every kind, owned by Claimant in, under or that may be produced from any real property located in the County of Fresno, State of California.

The undersigned, authorized signatory for Claimant, asserts under penalty of perjury that this Notice is not recorded for the purpose of slandering title to real property and is informed and believes that the information contained in this Notice is true. The undersigned, authorized signatory for Claimant, further asserts under penalty of perjury that he is authorized to act on behalf of Claimant.

Dated: 01/07, 2014

VINTAGE PRODUCTION CALIFORNIA LLC

Russell P. Ledbetter  
Attorney-in-Fact

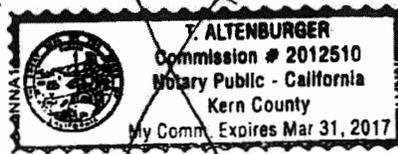
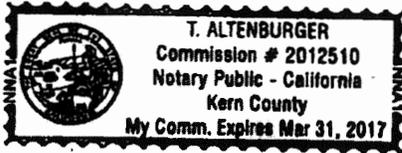
STATE OF CALIFORNIA        )  
  ) SS  
COUNTY OF KERN            )

On January 7, 2014 before me, T. Altenburger, Notary Public personally appeared Russell P. Ledbetter, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature T. Altenburger (Seal)  
(Seal)



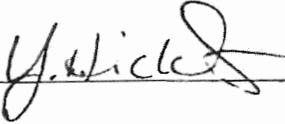
2

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Maverick Petroleum, Inc.  
1401 Commercial Way #200  
Bakersfield, California 93309

DOCUMENTARY TRANSFER TAX \$ None  
 Computed on full value of property conveyed  
 or computed on full value less liens and  
encumbrances remaining at time of sale

By



FRESNO County Recorder  
Robert C. Werner  
**DOC- 2006-0049978**

Check Number 18085  
Thursday, MAR 09, 2006 14:22:51  
Ttl Pd \$24.00 Nbr-0002119593  
APR/R1/1-6

THIS SPACE FOR RECORDER'S USE ONLY

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(Additional recording fee applies)

TITLE OF DOCUMENT

CERTIFICATE OF AMENDMENT TO CERTIFICATE OF FORMATION

# Delaware

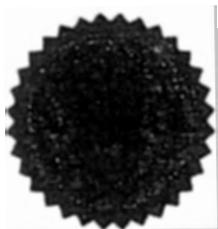
PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "OXY RESOURCES CALIFORNIA LLC", CHANGING ITS NAME FROM "OXY RESOURCES CALIFORNIA LLC" TO "VINTAGE PRODUCTION CALIFORNIA LLC", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF JANUARY, A.D. 2006, AT 6:17 O'CLOCK P.M.

3151393 8100

060088643



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 4487351

DATE: 01-30-06

CERTIFICATE OF AMENDMENT  
TO  
CERTIFICATE OF FORMATION  
OF  
OXY RESOURCES CALIFORNIA LLC

Pursuant to Section 18-202 of the Delaware Limited Liability Company Act, the undersigned limited liability company desires to amend its Certificate of Formation and for that purpose submits the following Certificate of Amendment.

1. The name of the limited liability company is OXY Resources California LLC.
2. The Certificate of Formation of the limited liability company is hereby amended by striking out article 1. thereof and by substituting in lieu of said article the following new article 1.:

"1. The name of the limited liability company (hereinafter called the "limited liability company") is Vintage Production California LLC."

Executed on January 30, 2006.

By: S. P. Paris  
S. P. Paris  
Assistant Secretary and  
Authorized Person

22

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

MELVIN L. EHRLICH, ESQ.  
KLEIN, DeNATALE, et al.  
4550 California Ave, 2nd Floor  
P. O. Box 11172  
Bakersfield, CA 93389-1172



Fresno County Recorder  
William C. Greenwood  
**DOC- 2001-0004233**

Check Number 30143  
Thursday, JAN 11, 2001 10:00:24  
TCF \$21.00 MOD \$22.00 MIC \$1.00  
DRF \$26.00  
Ttl Pd \$70.00 Nbr-0000470218  
Jzg/R3/1-22

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THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING  
INFORMATION  
(Additional recording fee applies)

FIRST CORRECTION OF  
CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS

FIRST CORRECTION CONVEYANCE - FINAL

**FIRST CORRECTION OF  
CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS**

This First Correction of Conveyance and Assignment of Oil and Gas Assets ("First Correction Conveyance") dated and effective as of October 1, 1999 at 7:00 a.m. local time ("Effective Time"), by and between EOG RESOURCES, INC., a Delaware corporation, whose address is Two Allen Center, 1200 Smith, Suite 300, Houston, Texas 77002 ("Assignor"), and OXY RESOURCES CALIFORNIA, LLC, a Delaware limited liability company (formerly EOG RESOURCES CALIFORNIA, LLC, a Delaware limited liability company), whose address is 28950 Highway 119, Tupman, CA 93276 ("Assignee").

**RECITALS**

A. By that certain Conveyance and Assignment of Oil and Gas Assets ("the Conveyance") dated December 30, 1999, and recorded in the Official Records of Kern County, California on January 28, 2000 as Document No. 0200010970, Assignor conveyed and delivered to EOG Resources California, LLC, certain oil and gas properties as described on Exhibit "A", (Part I Leases and Part II Minerals) attached to and made a part of the Conveyance. Counterparts of the Conveyance containing only those portions of Exhibit "A" that describe property located in a particular county are recorded in counties as described in Schedule I attached to this First Correction Conveyance.

B. OXY USA Inc. acquired all the membership interest in EOG Resources California, LLC, and, as the sole member, changed the name of EOG Resources California, LLC, to OXY Resources California, LLC, by a Certificate of Amendment to Certificate of Formation from the Office of the Secretary of State, State of Delaware, on January 26, 2000.

C. Assignor and Assignee desire to clarify and correct the Conveyance as the Conveyance contained certain errors or omissions in the contents of Exhibit "A" Part II Minerals, attached to and made a part of the Conveyance.

D. Assignor and Assignee desire to add four (4) oil and gas leases to the Conveyance which leases were inadvertently omitted from Exhibit A Part I – Leases; three (3) leases in the County of Kern and one (1) lease in the County of Tulare.

E. The following Exhibits were inadvertently omitted from the Conveyance that was recorded in the Official Records of Kern County (Document No.0200010970) but the Exhibits were incorporated and made a part of the counterpart conveyances that were recorded in the counties listed on Schedule I:

Exhibit A-1:	Schedule of Interests in Wells and Units
Exhibit A-2:	Excluded Surface Rights
Exhibit A-3:	Description of Excluded Equipment, Machinery, Fixtures,

FIRST CORRECTION CONVEYANCE - FINAL.DOC

	Inventory, and Other Tangible Personal Property
Exhibit A-4:	Description of Excluded Vehicles
Exhibit A-5:	North Shafter Properties
Schedule 2.1(b):	Conestrama Leases
Schedule 2.3(c):	Contracts

## CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS

In consideration of the mutual benefits and premises contained herein, and in order to correct certain errors and omissions contained in the Conveyance, Assignor and Assignee hereby agree as follows:

1. Any capitalized terms used in this First Correction Conveyance but not defined herein shall have the meaning ascribed to such terms in the Conveyance.

2. The pages of Exhibit "A" Part II Minerals that are attached to the Conveyance, and that describe the Mineral Fee Interests in the counties of Fresno, Kern, Kings, Monterey, San Luis Obispo and Tulare, are deleted and removed from the Conveyance for all purposes, and the pages attached to this First Correction Conveyance as First Corrected Exhibit "A" Part II Minerals are substituted in place thereof, and shall become a part of the Conveyance as if originally incorporated therein.

3. "Addendum To Exhibit A Part I – Leases" describing four (4) oil and gas leases that were inadvertently omitted from the Conveyance is attached to this First Correction Conveyance and shall become a part of the Conveyance as if originally incorporated therein.

4. The pages attached to this First Correction Conveyance as:

Exhibit A-1:	Schedule of Interests in Wells and Units
Exhibit A-2:	Excluded Surface Rights
Exhibit A-3:	Description of Excluded Equipment, Machinery, Fixtures, Inventory, and Other Tangible Personal Property
Exhibit A-4:	Description of Excluded Vehicles
Exhibit A-5:	North Shafter Properties
Schedule 2.1(b):	Conestrama Leases
Schedule 2.3(c):	Contracts

which Exhibits were intended to be attached to the Conveyance but were omitted, are added and shall become a part of the Conveyance as if originally incorporated therein.

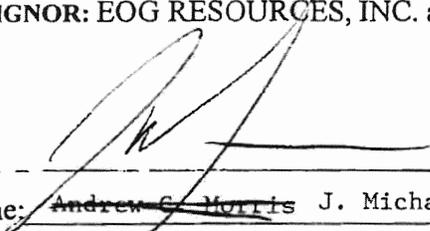
5. To facilitate recording or filing of this First Correction Conveyance, the counterparts to be recorded in a given county may contain only those portions of the Exhibits that describe property located in that county. Assignor and Assignee have each retained a counterpart of this

First Correction Conveyance with complete Exhibits. Another counterpart of this First Correction Conveyance with complete Exhibits is to be filed in the Official Records of Kern County, California.

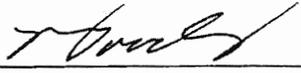
6. Assignor and Assignee hereby adopt, ratify and confirm the Conveyance, as amended and corrected by this First Correction Conveyance, according to their terms, provisions, covenants and conditions. All other terms and conditions of the Conveyance shall remain unchanged and shall remain in full force and effect for all purposes.

EXECUTED on the dates set forth below, but effective as of the Effective Time.

ASSIGNOR: EOG RESOURCES, INC. a Delaware corporation

By:   
Name: ~~Andrew G. Morris~~ J. Michael Schweer  
Title: Agent and Attorney-in-Fact  
Date: December ~~H~~ 2000  
13

ASSIGNEE: OXY RESOURCES CALIFORNIA, LLC, a Delaware limited liability company

By:   
Name: Michael D. Gooding  
Attorney-in-Fact  
Title: ~~Business Development Leader~~  
Date: October 18, 2000



ACKNOWLEDGMENT

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Denver )

On Dec 13, 2000, before me, the undersigned Notary Public, personally appeared J. Michael Schwen

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Debbie Spears  
NOTARY PUBLIC

My commission expires 3-27-2001

ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF KERN )

On October 18, 2000, before me, Judi Petersen the undersigned Notary Public, personally appeared Michael D. Gooding

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Judi Petersen  
NOTARY PUBLIC

(S)

**SCHEDULE I**

Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, LLC, a Delaware Limited Liability Company, dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time).

**RECORDING OF COUNTERPART CONVEYANCES**

COUNTY	BOOK	PAGE	DOCUMENT NO.	DATE
Alameda			2000043476	02/08/00
Contra Costa			00-0026061-00	02/08/00
Colusa			2000 000 530	02/09/00
Fresno			2000-0016876	02/11/00
Glenn			2000-0862	02/15/00
Kings			0002584	02/10/00
Los Angeles			00-0318641	03/02/00
Monterey			2000009649	02/14/00
Orange			20000085601	02/16/00
Sacramento	20000216	1291		02/16/00
San Joaquin			00018748	02/23/00
			00019495	02/24/00
			00019496	02/24/00
			00019497	02/24/00
			00019498	02/24/00
			00019499	02/24/00
			00019500	02/24/00
			00020863	02/28/00
			00020864	02/28/00
			00020865	02/28/00
			00020866	02/28/00
			00020867	02/28/00
			00020868	02/28/00
			00020869	02/28/00
			00020870	02/28/00
			00020871	02/28/00
San Luis Obispo			2000-006679	02/08/00
Solano			2000-0046321	06/08/00
Sutter			2000-000 1740	02/09/00
Tehama	1933	513		03/09/00
Tulare			2000-0008630	02/11/00

Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, LLC, a Delaware Limited Liability Company, dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time:).

# First Corrected Exhibit A

## Part II – Minerals

State : CA  
County : FRESNO

<u>File Number</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Deed Date</u>	<u>Recording</u>
0061234-000	VINTAGE PETROLEUM, INC	(EOG)ENRON OIL & GAS COMPANY	03-01-1994	94109746

T15S-R15E  
SEC 23: S2NE, S2SW, SE  
SEC 25: ALL  
SEC 27: NE, S2, S2NW  
SEC 33: NE  
SEC 35: ALL

T15S-R16E  
SEC 31: NE, AS RESERVED IN DEED TO O. O. ALLEN DTD  
3-12-03, RECORDED IN BK 290, PG 402, SE, W2

T16S-R15E  
SEC 1: ALL  
SEC 3: 161.05 ACRES BEING THE E2NE, NESE SESE  
SEC 9: NE  
SEC 11: E2NW, N2SE, NE, NESW, SESE  
SEC 13: SWSW

T16S-R16E  
SEC 3: SW  
SEC 5: ALL  
SEC 7: W2  
SEC 9: ALL  
SEC 11: ALL  
SEC 13: ALL  
SEC 15: NE, NW, S2  
SEC 17: ALL  
SEC 19: ALL

Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS  
 BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, LLC, a Delaware Limited Liability Company,  
 dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time).

9

## First Corrected Exhibit A

### Part II – Minerals

State : CA  
 County : FRESNO  
File Number                      Grantor

<u>Grantee</u>	<u>Deed Date</u>	<u>Recording</u>
SEC 21: ALL		
SEC 23: E2, W2		
SEC 25: ALL		
SEC 27: ALL		
SEC 29: ALL		
SEC 31: E2, E2W2		
SEC 33: ALL		
SEC 35: ALL		
 T16S-R17E		
SEC 19: ALL		
SEC 29: ALL		
SEC 31: ALL		
SEC 33: ALL, LESS & EXCEPT THE ACREAGE IN THAT CERTAIN OGL DATED 5-24-40 BETWEEN SOUTHERN PACIFIC CO AS LESSOR AND GENERAL PETROLEUM AS LESSEE, RECORDED IN BK 1854, PG 9		
 T17S-R16E		
SEC 1: ALL		
SEC 3: S2		
SEC 9: N2, S2		
SEC 11: N2NE, N2SWNE, NW		
SEC 17: N2, SW		
 T17S-17E		
SEC 3: ALL		
SEC 5: ALL		
SEC 7: ALL		
SEC 9: ALL		



Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS  
 BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, LLC, a Delaware Limited Liability Company,  
 dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time).

## First Corrected Exhibit A

### Part II – Minerals

State : CA  
 County : FRESNO  
File Number      Grantor

Grantee      Deed Date      Recording

T15S-R17E  
 SEC 25: N2, N2S2

T15S-R18E  
 SEC 21: ALL, LESS A 0.07 ACRE TRACT, TRACT OUT OF NWNW

T16S-R19E  
 SEC 9: NWNE, NWNW, S2NW, S2SE, SW  
 SEC 11: E2SENE, N2NW, S2SW, SENENE, W2NWSW  
 SEC 13: E2SENE, E2SW, N2NWSE, S2NWSE AS RESERVED IN  
 DEED TO CARUTHERS COMM. SERVICES DIST. DATED  
 5-20-63, REC. BK 5005, PG 68, & W2SWNE

FRESNO COUNTY, CA

0061237-000      VINTAGE PETROLEUM,INC      (EOG)ENRON OIL & GAS COMPANY      03-01-1994      94109746

T17S-R14E  
 SEC 1: ALL  
 SEC 13: ALL  
 SEC 25: ALL

T17S-R15E  
 SEC 1: ALL  
 SEC 3: ALL, LESS A 38.62 AC TRACT; TRACT OUT OF LOTS 1  
 & 2 OF NE AND LOT 2 OF NW  
 SEC 5: ALL  
 SEC 7: ALL (LESS 12.43 ACRE RR ROW)  
 SEC 9: ALL

21

Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS  
 BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, LLC, a Delaware Limited Liability Company,  
 dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time)

## First Corrected Exhibit A

### Part II – Minerals

State : CA  
 County : FRESNO  
File Number                      Grantor

<u>Grantee</u>	<u>Deed Date</u>	<u>Recording</u>
SEC 11: ALL, LESS A 75.75 AC TRACT; TRACT OUT OF W2NE, SENE, E2NW, S2SW AND SE		
SEC 13: ALL		
SEC 15: ALL		
SEC 17: ALL		
SEC 19: ALL		
SEC 21: ALL		
SEC 23: ALL		
SEC 25: ALL, LESS A 61.03 AC TRACT; TRACT OUT OF W2NE, N2NW, SENW AND SE		
SEC 27: E2		
SEC 29: ALL		
SEC 31: ALL		
SEC 33: 620.00 ACRES BEING E2, SW, N2NW, SENW & S2SWNW, N2SWNW		
SEC 35: ALL		
 T17S-R16E		
SEC 19: E2, W2		
SEC 21: ALL		
SEC 29: ALL		
SEC 31: E2, NW, SW		
SEC 33: ALL		
 T18S-R14E		
SEC 1: E2, NW		
 T18S-R15E		
SEC 1: ALL, LESS A 1.01 AC TRACT; TRACT OUT OF LOT 2 OF NE		

3

Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS  
 BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, LLC, a Delaware Limited Liability Company,  
 dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time).

## First Corrected Exhibit A

### Part II – Minerals

State : CA  
 County : FRESNO  
File Number      Grantor

<u>Grantor</u>	<u>Deed Date</u>	<u>Recording</u>
	SEC 3: ALL	
	SEC 5: ALL	
	SEC 9: ALL	
	SEC 11: ALL	
	SEC 13: ALL	
	SEC 15: ALL	
	SEC 23: ALL	
	SEC 25: N2, SE	
	T18S-R16E	
	SEC 3: ALL	
	SEC 5: ALL	
	SEC 7: 37.97 ACRES OUT OF THE E2, E2, LESS A 37.97 AC TRACT, W2	
	SEC 9: ALL	
	SEC 11: ALL	
	SEC 13: ALL	
	SEC 15: ALL	
	SEC 17: ALL, LESS A 72.59 AC TRACT; TRACT OUT OF W2NE, N2NW, SENW, SE	
	SEC 19: NE, NW, S2	
	SEC 21: ALL, LESS A 18.06 AC TRACT; TRACT OUT OF W2SW	
	SEC 23: ALL	
	SEC 25: ALL	
	SEC 27: ALL, LESS A 0.70 AC TRACT IN THE SWSW; TRACT OUT OF SWSW	
	SEC 29: ALL, LESS A 0.36 AC TRACT IN THE NENE; TRACT OUT OF NENE	
	SEC 31: ALL	







Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, LLC, a Delaware Limited Liability Company, dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time).

## First Corrected Exhibit A

### Part II – Minerals

State : CA  
 County : FRESNO  
File Number      Grantor

<u>Grantee</u>	<u>Deed Date</u>	<u>Recording</u>
SEC 3: E2SW, 403.28 ACRES BEING THE N2, W2SW, SE		
SEC 5: ALL, LESS A 1.38 AC TRACT; TRACT OUT OF SWSW		
SEC 7: ALL, LESS A 3.86 AC TRACT; TRACT OUT OF NENE		
SEC 9: ALL, LESS A 45.3 AC TRACT; TRACT OUT OF S2NW, SW AND SWSE		
SEC 11:E2, W2		
SEC 13:NE, S2		
SEC 15:E2, LESS 2.88 ACRE TRACT; PARCEL OUT OF SWSE, AS RESERVED IN DEED TO USA DATED 8/30/65; TRACT OUT OF SW; W2, LESS A 39.21 AC TRACT.		
SEC 17:ALL		
SEC 19:ALL		
SEC 21:N2, S2		
SEC 23:ALL, LESS A 64.81 AC TRACT; TRACT OUT OF NWNW, S2NW, N2SW, W2SE, AND SESE		
SEC 25:ALL		
SEC 27:ALL, LESS A 1.01 AC TRACT; TRACT OUT OF NENE		
SEC 29:E2, W2		
SEC 31:ALL		
SEC 33:ALL		
SEC 35:N2, S2SW, SE		
T19S-R18E		
SEC 19:ALL, AS RESEVED IN DEED TO GRIFFIN, INC. DATED 12-23-64, RECORDED IN BK 5120, PG 353, 354, RECORDS OF FRESNO COUNTY.		
SEC 29:ALL, AS RESERVED IN DEED TO GRIFFIN, INC. DATED 12-23-64, RECORDED IN BK 5120, PG 353, 354, RECORDS OF FRESNO COUNTY.		
SEC 31:ALL, LESS A 13.43 AC TRACT; TRACT OUT OF W2SW		



Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS  
 BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, LLC, a Delaware Limited Liability Company,  
 dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time).

## First Corrected Exhibit A

### Part II – Minerals

State : CA  
 County : FRESNO  
File Number                      Grantor

<u>Grantee</u>	<u>Deed Date</u>	<u>Recording</u>
SEC 32:NWNW		
T20S-R14E SEC 27: ALL		
T20S-R16E SEC 1: ALL SEC 3: ALL, LESS A 30.44 AC TRACT; TRACT OUT OF N2NW, SEW, NESW AND W2SE SEC 11: ALL SEC 13: ALL		
T20S-R17E SEC 3: 510.82 ACRES BEING THE NE & S2 SEC 5: 512.10 ACRES BEING THE NE & S2 SEC 7: E2, W2, AS RESERVED IN DEED TO SOUTHERN PACIFIC LAND CO. DATED 5-12-59, RECORDED IN BK 4226, PG 49, RECORDS OF FRESNO COUNTY. SEC 9: ALL, LESS A .09 ACRE SOUTHERN PACIFIC RR ROW. SEC 11: E2, S2SW, LESS CERTAIN PARCELS OF LAND COVERING 39.029 ACS, MORE FULLY DESCRIBED IN DEED. SEC 13: E2, AS RESERVED IN DEED TO ANDERSON, CLAYTON CO., DATED 12-23-64, BK 5120, PG 351-352, RECORDS OF FRESNO COUNTY; W/2. SEC 15: ALL, LESS 2 PARCELS OF LAND COVERING 2.741 ACRES MORE FULLY DESCRIBED IN DEED; TRACT OF LAND 330' X 350' LYING IN THE SE, AS RESERVED IN DEED RECORDED BK 3504, PG 54. SEC 17: ALL, LESS A 27.16 ACRE SOUTHERN PACIFIC RR ROW SEC 19: 434.92 ACRE BEING LOTS 1-6, LESS A 8.68 ACRE		



Attached to and made a part of that FIRST CORRECTION OF CONVEYANCE AND ASSIGNMENT OF OIL AND GAS ASSETS  
 BY AND BETWEEN EOG RESOURCES, INC., a Delaware corporation, and OXY RESOURCES CALIFORNIA, L.L.C, a Delaware Limited Liability Company,  
 dated effective as of October 1, 1999, A.D. at 7:00 a.m. (Effective time).

## First Corrected Exhibit A

### Part II – Minerals

State : CA  
 County : FRESNO  
File Number                      Grantor

<u>Grantee</u>	<u>Deed Date</u>	<u>Recording</u>
SOUTHERN PACIFIC RR ROW ACROSS LOTS 2 & 3, E2		
SEC 21:ALL		
SEC 23:ALL, AS RESERVED IN DEED TO ANDERSON, CLAYTON & CO., DATED 12-23-64, BK 5120, PG 351-352, RECORDS OF FRESNO COUNTY.		
SEC 25:ALL		
SEC 27:ALL		
SEC 29:ALL		
SEC 33:ALL, LESS 82.64 AC TRACT, A TRACT 1800' X 2000' IN SE/4, AS RESERVED IN DEED RECORDED BK 3504, PG 54.		
SEC 35:ALL		
T20S-R18E		
SEC 5: ALL, LESS A 8.98 ACRE STRIP OF LAND 200' WIDE OCCUPIED BY SOUTHERN PACIFIC RR ROW.		
SEC 7: ALL		
SEC 9: ALL		
SEC 17:E2, W2		
SEC 19:E2, W2, AS RESERVED IN DEED TO ANDERSON, CLAYTON & CO., DATED 12-23-64, BK 5120, PG 351-352, RECORDS OF FRESNO COUNTY.		
SEC 21:ALL		
SEC 29:ALL		
SEC 31:ALL, LESS A 67.52 AC TRACT; PARCEL OUT OF NENE, S2NE, S2SW, AND SE, AS RESERVED IN DEED TO USA DATED 11-5-65.		
SEC 33:ALL		
T21S-R17E		
SEC 1: TAKEN BY CONDEMNATION BY USA DATED 2-24-43,		







**Ahmad, Ejaz**

---

**From:** lance.mobley@solar-frontier.com  
**Sent:** Tuesday, October 25, 2016 12:22 PM  
**To:** Ahmad, Ejaz  
**Subject:** Fw: Initial Study Application No. 7146  
**Attachments:** SJV Minerals Acquisitions.pdf  
  
**Sensitivity:** Confidential

## County of Fresno

### Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

#### CAUTION!!!

This email has been flagged as containing one or more attachments from an outside source.

Please check the senders email address carefully.

If you were not expecting to receive an email with attachments, please DO NOT open the file.

Forward the email to SPAM "[SPAM@co.fresno.ca.us](mailto:SPAM@co.fresno.ca.us)" and delete it.

Hi Ejaz,

See the note below from CRC, the mineral rights holder who wrote a letter of concern to the County about our gen-tie CUP. They have agreed to allow the project w/out an agreement from us.

-Lance

---

**From:** Altenburger, Teresa A. <Teresa.Altenburger@crc.com>  
**Sent:** Monday, October 24, 2016 11:24 AM  
**To:** Mobley, Lance SOLARAMR-IBH; Terry, Latasha SOLARAMR-IBH  
**Cc:** Scott, Jordan D; Shepard, Danny C  
**Subject:** FW: Initial Study Application No. 7146

Good morning Lance and Latasha,

It was good to talk to you the other day regarding your proposed facilities overlying our minerals in Section 19, T16S-R17E. Thank you for providing the additional information. After review and consideration of this specific, proposed project, including but not limited to its expected footprint, we've decided to allow it to proceed as planned without an accommodation agreement; although we do reserve the right to review any subsequent modifications/revisions.

As discussed in our conversation, we would appreciate being notified of future projects that could affect our ownership. For your information, I have attached a map showing our mineral ownership in the San Joaquin Basin. We do hold minerals in Sacramento, Ventura, Salinas, and Los Angeles Basins as well. Please contact us if you should have any questions or need anything further.

Sincerely,

**TERI ALTENBURGER**

Landman Advisor



P: 661.412.5460

M: 661.633.4814

[teresa.altenburger@crc.com](mailto:teresa.altenburger@crc.com)

---

**From:** Altenburger, Teresa A.

**Sent:** Tuesday, October 18, 2016 10:37 AM

**To:** 'lance.mobley@solar-frontier.com'

**Cc:** Scott, Jordan D; [latasha.terry@solar-frontier.com](mailto:latasha.terry@solar-frontier.com); Shepard, Danny C

**Subject:** RE: Initial Study Application No. 7146

**Sensitivity:** Confidential

Good morning Lance,

Thank you for sending the attached and the link below to your website. I left you a voicemail message. In reviewing the information provided I have some questions, please:

- Where is/are the solar plant(s) located that these facilities will service? Looks like there may be one in Section 20, T16S-R17E?
- Are you proposing to install any solar panels in Section 19 or just facilities? Please describe the (E) Solar Buffer Area (29.64 Acres).
- Your website shows a few solar projects in California. Could you please send us maps containing Township, Range, and Section depicting your California solar projects? We own minerals in most of the counties in California.

Thank you for your help,

**TERI ALTENBURGER**

Landman Advisor



P: 661.412.5460

M: 661.633.4814

[teresa.altenburger@crc.com](mailto:teresa.altenburger@crc.com)

---

**From:** [lance.mobley@solar-frontier.com](mailto:lance.mobley@solar-frontier.com) [<mailto:lance.mobley@solar-frontier.com>]

**Sent:** Monday, October 17, 2016 5:24 PM

**To:** Altenburger, Teresa A.

**Cc:** Scott, Jordan D; [latasha.terry@solar-frontier.com](mailto:latasha.terry@solar-frontier.com); Shepard, Danny C

**Subject:** Re: Initial Study Application No. 7146

**Sensitivity:** Confidential

Hi Terri,

Do you have time for a follow up call tomorrow to continue the discussion that Danny and I started about confirming the location of your mineral rights and working on towards an agreement?

Thank you,

Lance

---

**From:** Mobley, Lance SOLARAMR-IBH  
**Sent:** Friday, October 14, 2016 2:14:29 PM  
**To:** Shepard, Danny C  
**Cc:** Scott, Jordan D; Altenburger, Teresa A.; Terry, Latasha SOLARAMR-IBH  
**Subject:** Re: Initial Study Application No. 7146

Hi Terri,

I have assembled some materials for you that depict our project gen-tie and PG&E's switching station. These docs are also included in the IS/MND that was routed for public review by Fresno County, but the original maps are much easier to read.

WRT background info about our company, I will refer you to our company website:

<http://www.solar-frontier.com/eng/>

Let me know if you would like to schedule some time to discuss next week.

Thank you,

**Lance Mobley**  
Senior Project Manager



**Solar Frontier Americas Development**

50 California St., Ste. 820, San Francisco, CA 94111 | (510)734-5095 mobile

\*\*\*\*\*

**CONFIDENTIALITY WARNING:**

The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) may contain confidential and/or privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.

---

**From:** Shepard, Danny C <[Danny.Shepard@crc.com](mailto:Danny.Shepard@crc.com)>  
**Sent:** Monday, October 10, 2016 3:20:29 PM  
**To:** Mobley, Lance SOLARAMR-IBH  
**Cc:** Scott, Jordan D; Altenburger, Teresa A.  
**Subject:** RE: Initial Study Application No. 7146

Thank you Lance. Pleasure speaking with you. I've cc'd Teri Altenburger who works with me, also my Manager Jordan Scott. As I mentioned I'll be out for a medical leave, they will be your initial points of contact until I'm able to step back in. Please copy them on any materials you send.

Also, if you have any materials about your company, that will be helpful as well.

Thanks,

**Dan Shepard**  
Office: (661) 412-5103 | Cell: (661) 599-7611

---

**From:** [lance.mobley@solar-frontier.com](mailto:lance.mobley@solar-frontier.com) [mailto:[lance.mobley@solar-frontier.com](mailto:lance.mobley@solar-frontier.com)]

**Sent:** Monday, October 10, 2016 3:15 PM

**To:** Shepard, Danny C <[Danny.Shepard@crc.com](mailto:Danny.Shepard@crc.com)>

**Subject:** Initial Study Application No. 7146

Danny,

Thanks again for speaking to me about CRC's mineral rights on the property we plan to build a generation tie line on. I will assemble some materials for you to review and send them your way by tomorrow morning.

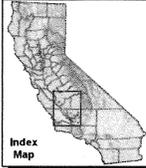
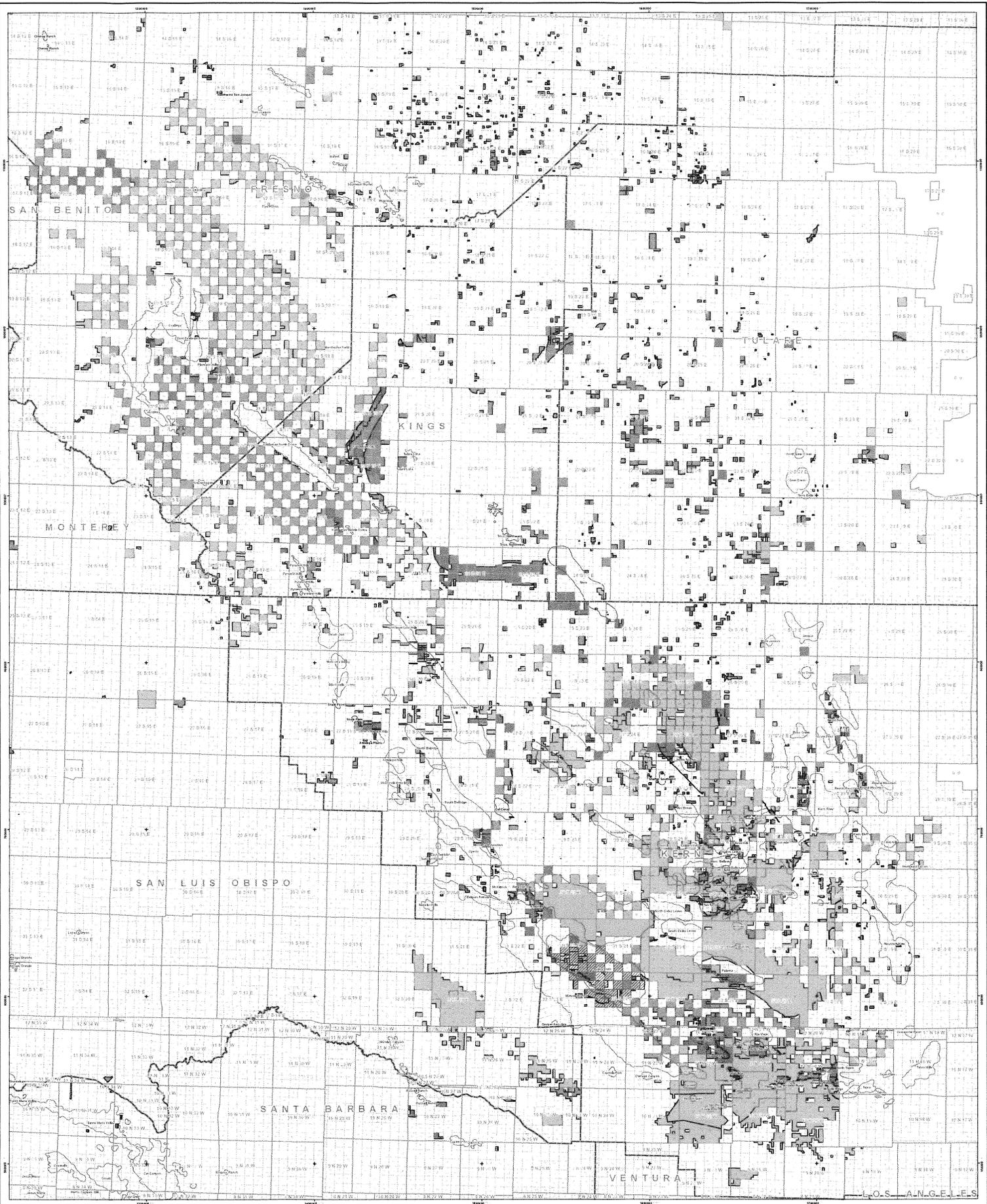
Thank you,

**Lance Mobley**  
Senior Project Manager



**Solar Frontier Americas Development**

50 California St., Ste. 820, San Francisco, CA 94111 | (510)734-5095 mobile



- Oxy Acquisitions**
- 200-140
  - 200-200
  - 200-200/200-200
  - 200-200/200-200
  - 200-200
  - 200-200
  - 200-200
  - 200-200

**Disclaimer Information**  
 1040\_200\_200/200\_200\_200\_200\_200\_200  
 Project Name: 1040\_200\_200\_200\_200\_200\_200  
 File Name: 1040\_200\_200\_200\_200\_200\_200  
 File # 1040\_200\_200\_200\_200\_200\_200  
 Date: 10/13/2010



**Exhibit 10 - Page 40**

**DRAFT**

1:200,000  
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 Feet

**VINTAGE PRODUCTION CALIFORNIA LLC**  
**San Joaquin Basin**  
 Kern, Kings, Tulare, and Fresno Counties, California  
**Acquisitions**  
 March 13, 2013

October 19, 2016

CUP 3531

RECEIVED  
COUNTY OF FRESNO

OCT 19 2016

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

VIA E-MAIL - cmotta@co.fresno.ca.us

Planning Commissioners  
Fresno County Planning Dept.  
2220 Tulare Street, 6th Floor  
Fresno, CA 93721

Re: **Initial Study Application No. 7146**  
**Unclassified Conditional Use Permit Application No. 3531**

Dear Commissioners:

This letter is submitted on behalf of my client True Organic Products, Inc. ("True Organic"), which operates an organic fertilizer facility ("Fertilizer Plant") at 20225 West Kamm Ave, Fresno County ("County"), California, with regard to the solar facility, Gen-Tie Line, & Switching Station ("Project") proposed by GASNA 6P LLC ("Applicant"). The Fertilizer Plant has been operating at its current location since 1990, and has been operated by True Organic since 2005. True Organic started with 9 employees in 2005, but now employs nearly 100 people in Fresno County, not including indirect employment such as trucking jobs related to fertilizer production.

The applicants proposed essentially the same project in the Spring of 2013<sup>1</sup>, except now rather than being south and west of the Fertilizer plant it now lies immediately to the west, and in addition proposes 110 foot high utility poles that will significantly interfere with True Organic's use of its property and interfere more generally with farming operations in the area by making crop dusting and flying impossible for a large area around the proposed towers.

True Organic submitted extensive objections in the Spring of 2013, and the applications were withdrawn on the day of the hearing.

---

<sup>1</sup> Initial Study Application No. 6318; Unclassified Conditional Use Permit Application No. 3309.

By this letter True Organic restates its objections, and addresses the addition of the 70 kV Power Lines with its 110 foot towers and a 150 foot microwave tower.

The power lines proposed will loom over the Fertilizer plant, and effectively create a large “no-fly” zone for crop dusting and the use of adjoining property for aircraft operations. True Organic has been planning an airstrip to ferry in and out customers and employees, and these towers make that use of True Organic’s property impossible. In addition there is crop dusting in the area, and there is a crop dusting operation with airstrip close by, all of which will be disrupted by the proposed utility towers.

If approved, the Fertilizer Plant would be bounded on the West & South by the power poles for the Project. Operations at the Fertilizer Plant will be adversely impacted if the Project is approved and the Fertilizer Plant is essentially surrounded by solar panels due to traffic, glare and other impacts discussed herein. True Organic reached out to the Applicant on several occasions in 2013 to discuss cooperation toward a Project design that would not impact the Fertilizer Plant, however the Applicant had not been willing to discuss any Project modifications. In November 2015 the applicant’s solar supplier did discuss with us the overhead lines, and we made clear at that time that the overhead lines would significantly interfere with our business. We believe there are other options, particularly undergrounding the lines, that should be considered.

As set forth below, the Project will create significant environmental impacts, despite the anemic mitigation proposed in the mitigated negative declaration (“MND”). As such, an MND is insufficient for the Project and the California Environmental Quality Act (“CEQA”) demands that an Environmental Impact Report (“EIR”) be prepared. (See *Laurel Heights Improvement Assoc. v. U.C. Regents* (1993) 47 Cal.4th 376). In addition to the deficiencies in the CEQA analysis, the Project is inconsistent with the General Plan, Zoning Ordinance and other County policies such that the required CUP findings cannot be made. Further, pursuant to SB 610 codified at California Water Code Section 10910, a water supply assessment must be performed for the Project – yet no water supply assessment was prepared. For these reasons, and as set forth in greater detail below, True Organic respectfully requests that the Planning Commission deny the Project application and instruct County Staff to prepare an EIR to fully evaluate the significant environmental impacts posed by the Project and consider reasonable alternatives, and incorporate meaningful mitigation that would mitigate the Project impacts.

**A MITIGATED NEGATIVE DECLARATION IS INADEQUATE UNDER CEQA AND AN EIR IS REQUIRED**

A Mitigated Negative Declaration is only appropriate where no “fair argument” exists that a project could result in significant adverse impacts to the environment. (See *Laurel Heights Improvement Assoc. v. U.C. Regents* (1993) 47 Cal.4th 376). As discussed below, more than a “fair argument” exists that the Project will result in significant adverse environmental impacts

with respect to aesthetic impacts, agricultural impacts, traffic impacts, water supply, health and safety, and land use. Conversely, if a fair argument can be raised on the basis of “substantial evidence” in the record that the Project may have a significant adverse environmental impact, even if evidence also exists to the contrary, then an EIR is required. (14 CCR § 15064(f)(1).)

### **Aesthetic Impacts**

While the MND states that no lighting or glare impact would result from the Project because the panels will be dark in color and ‘highly absorptive,’ it acknowledges that the panels will be covered by a glass pane. (MND p. 3.) As anyone who has walked by a large glass-covered building knows, at the correct angle, the sun’s reflection off of the glass can be blinding. The MND contains no analysis of the glare impact that the Project will have on the Fertilizer Plant’s workers who may be blinded, distracted by glare while operating heavy machinery, or otherwise impacted or annoyed by working for 8 to 10 hours while surrounded on 3 sides by glaring reflective panels. Instead of analyzing the problem, the County simply parroted the Applicant’s statement that the panels would be dark colored and light absorptive, so no actual analysis of glare impacts was necessary. However, bare conclusions without supporting analysis and evidence are inadequate under CEQA. (See *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831 [the environmental analysis “...must contain facts and analysis, not just the bare conclusions of a public agency ....” *What is needed is some information about how adverse the adverse impact will be.*” Emphasis added].) Further, no setbacks, berms or landscape screening has been incorporated into the Project, and is never proposed to address this impact, since the impact is not even discussed let alone analyzed. This constitutes not only a potential significant aesthetic impact, but due to roadways or heavy machinery in the vicinity, a hazard impact that requires analysis in an EIR.

### **Agricultural Impacts**

The MND also downplays the impact to agricultural resources and incorrectly concludes that no significant impact would result from implementation of the Project. The development of the Project site is characterized as “temporary” because the permit has a term of minimum 20 years; however, compared to the length of a typical land use permit, 20 years is an extremely long term and should therefore be considered a permanent loss of agricultural land. Condition of Approval No. 2 even recognizes that the loss of agricultural land is likely to be permanent, stating “[i]f the solar lease is extended or the initial life of the project extends beyond this approval, approval of a new land use permit will need to be obtained.” In this way, the Applicant and the Staff Report mischaracterizes the Project’s agricultural impact as “temporary” but as demonstrated by the conditions of approval referenced above, County Staff recognizes this to be a permanent conversion of agricultural land. Since this is a permanent or at best long-term loss of agricultural land, the County cannot blithely dismiss this impact as less than significant. An EIR is required to address this significant impact. (14 CCR § 15064(f)(1).)

In considering Agricultural Zoning or Williamson Act Conflicts, the MND predictably concludes that the impact is less than significant. (MND, pp. 3-4.) This conclusion is made despite the fact that the Project does conflict with a Williamson Act contract, and the contract covering the entire Project area will have to be cancelled. The thresholds of significance typically used by the County state that there is always a significant impact on agricultural resources if the Project would ... [c]onflict with existing agricultural zoning, or Williamson Act contracts.” The Project conflicts with a Williamson Act contract and the County’s own thresholds of significance require the conclusion that this impact is significant. The County relies on the fact that a Williamson Act Contract cancellation is proposed; however, further analysis is required to show that the Project complies with each of the specific findings required for cancellation. Additionally, the County must exercise its independent judgment using its own analysis when making this conclusion and not substituting that of another agency or the Applicant for its own. That analysis has not been included in the MND, therefore the County has inappropriately concluded that no agricultural impact exists relating to the existing Williamson Act Contract.

The proposed 110 foot utility poles and the 150 foot microwave tower also significantly interfere with agricultural flying operations, particularly crop dusting and the use, existing and proposed, of nearby air strips that enable True Organic and others to bring in customers and employees to this otherwise remote site.

### **Traffic Impacts**

The County dismisses the 120 one way daily trips associated with construction of the Project as less than significant because they will supposedly only last for 12 months. If these impacts occurred over a week or even a month, the County’s impact conclusion might be supportable, but a full year of triple-digit traffic trips on rural roads cannot be considered less than significant just because that specific level of traffic will not continue indefinitely. By this same misguided logic, the County could have concluded that the entire Project has no impact because it is “temporary” and will be completed in 20 years. The 120 daily trips associated with construction of the Project will create serious congestion at nearby intersections and dangerous conditions at True Organic’s driveway, likely reducing level of service below acceptable levels, which will impact deliveries to and from the Fertilizer Plant, and impact the safety of the Fertilizer Plant’s 100 employees. The Project should be responsible for installing a turn lane or road-widening near the Project site to mitigate for their traffic impacts. The County cannot approve the Project without conducting a full Traffic Impact Study to identify the full traffic impacts associated with the Project.

### **Land Use and Planning**

See the discussion in the section “Finding No. 4” below, regarding the Project’s inconsistency with the General Plan. The MND incorrectly states that no land use impact would result from implementation of the Project. As discussed below, the Project is inconsistent with the General

Plan and therefore will result in a significant land use impact, requiring preparation of and EIR. (14 CCR § 15064(f)(1).)

### **Health & Safety**

The MND dismisses health risks associated with electromagnetic fields that will, with approval of this project, completely surround my client's facility, as less than significant without citing to any studies that prove or disprove a risk. The GA Solar facility has already been approved to the east of the Fertilizer Plant, and this Project will surround the Fertilizer Plant on the south and west sides, subjecting the workers to unknown health risks. The MND does not even attempt to quantify the level of electromagnetic radiation that the workers at the Fertilizer Plant will be subjected to five days a week because of the adjacent Project and the GA Solar project on the other side of the Fertilizer Plant. The County should not dismiss True Organic's serious concerns about its worker's health without providing any quantification or analysis of the associated risk.

### **Biological Resources**

As noted in the comment letter sent by the Defenders of Wildlife on March 5, 2013, the Project does not incorporate adequate buffer zones for protection of burrowing owls and Swainson's Hawk. Moreover, since the Project area is a prime location for burrowing owl habitat, further analysis should be performed to determine whether permanently developing more than 200 acres of burrowing owl habitat will have a significant impact on the species.

Notably when Defenders of Wildlife submitted their comments there was no reference to the 110 foot utility towers or the 150 foot microwave tower. It is well known that these kinds of installations can pose hazards to birds. And yet there is no discussion of those hazards or their mitigation.

### **Cumulative Impacts**

Since the Fertilizer Plant is adjacent to not only the Project, but a separate recently-approved solar array, the cumulative light and glare, traffic, water, land use, agricultural, and biological impacts will be exacerbated. The cumulative impacts "analysis" in the MND simply concludes that no cumulative impacts exist. This is not adequate under CEQA. Moreover, the accelerating development of solar arrays in the Project vicinity is obviously converting this once agricultural area into a power-generation zone. The MND ignores the cumulative impacts associated with changing the fundamental land use for the Project area, and with the dwindling supply of agricultural land in that same area. With respect to cumulative biological impacts, it is well known that the Project area is one of the prime locations for burrowing owls in Fresno County. Developing the Project site, and all the other proposed or recently approved Solar project sites will certainly result in cumulative biological impacts; however these impacts were not disclosed by the MND.

**Failure to Address Detrimental Impacts on Use and Management of Surrounding Properties**

General Plan Policy LU–A. 3. c) allows the county to grant discretionary permit uses that *shall not have a detrimental impact on the use or management of surrounding properties within a 1/4-mile radius*. The True Organics site is within ¼ mile of the proposed solar field.

Such required findings cannot be determined based on the inadequate environmental analysis prepared by county staff that fail to adequately address potentially significant environmental impacts of the proposed project. Said county evaluation did not include an evaluation of electromagnetic fields (EMF) impacts on human health. Hundred-foot-tall powerlines create a sense of danger and apprehension to a prospective workforce. Independent international research indicates such EMF's also have an adverse impact to adjacent electronic equipment and telephones. Such impacts are not consistent with the requirement that the proposed use shall not be detrimental to the use or management of surrounding properties. Impacts that reduce the ability to provide a work force due to the proximity of said power lines was not evaluated. Impacts known to exist to the power grid in times of maintenance and other issues was not evaluated. A secure, uninterrupted electrical power source is critical to the agricultural business and particularly True Organics who use electrical power to formulate product.

As discussed herein, the aforementioned 100-foot power poles and 150-foot-tall cellular tower have the potential to cause significant adverse impacts on the ability to transport goods, services and clients to surrounding agricultural uses. The adverse effect of the proposed facility also extends to crop dusting and related private use airports that are provide critical services to the agricultural community of Fresno County.

The cumulative effects of such uses was not evaluated as required by state planning law. Clearly, the proposed request is one in a series of solar plants as other similar uses have been proposed near the True Organics site.

**CUP FINDINGS CANNOT BE MADE**

Pursuant to Zoning Ordinance Section 873-F, the County must make four specific findings before an unclassified conditional use permit (“CUP”) can be approved. Three of the four required findings cannot be made.

**Finding No. 2**

Finding no. 2 is “[t]hat the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.” The staff report for the Project (“Staff Report”) acknowledges that Kamm Avenue is designated as an arterial road, which requires a minimum right-of-way of 106 feet; however the existing

right-of-way is only 80 feet. The Project should be required to dedicate additional right-of-way sufficient to allow full buildout of Kamm Avenue. The width of Kamm Avenue is apparently inadequate according to County standards. Without providing a right-of-way sufficient for the minimum right of way for Kamm Avenue, the County cannot make the finding that the Project “relates to streets and highways adequate in width and pavement type.” Moreover, without preparation of a traffic impact analysis, the County has no evidence of how the Project will impact level of service at the nearby intersections and no information regarding what traffic improvements would be required due to the Project’s traffic contribution. Without preparation of a traffic impact analysis, this finding cannot be made.

### **Finding No. 3**

Finding no. 3 is “[t]hat the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.” As discussed above, the Project will adversely affect the Fertilizer Plant and the surrounding area.

#### **Adverse Traffic Effects**

The Project will generate significant construction related traffic for at least one year, and then will place numerous heavy water trucks on local roads since the Project site has no other water supply. This operational traffic has likely been underestimated since the Applicant underestimated their need for water.

#### **Adverse Impacts on Agricultural Aircraft**

Utility related towers of 110 to 150 feet create exceptional hazards for agricultural aircraft. This is an area where crop dusting is common, and in fact a crop dusting company is nearby the proposed towers. In addition farm operators and agricultural related operators such as True Organic commonly use aircraft in their business. True Organic in fact intends to develop an air strip on its property to ferry clients and employees to and from Helm and the company’s other offices and facilities.

#### **Adverse Aesthetics Effects**

110 to 150 utility towers are an eyesore that is unlike anything else in the area, and cannot be mitigated.

#### **Adverse Health Effects**

The health impacts associated with surrounding a workplace with high energy magnetic fields was not disclosed or analyzed in the MND.

### **Adverse Agricultural Effects**

Moreover, placement of a dust-sensitive use such as a solar array next to dust-producing uses such as agriculture and compost facilities creates an obvious incompatibility that constitutes an adverse effect. Despite the Applicant's required acknowledgement of a "right to farm" there is nothing preventing the Applicant from complaining to the County about adjacent farming operations or the Fertilizer Plant, once the solar panels are installed and the Applicant realizes that it has located the Project in a dusty area, especially during windy periods.

In addition the proposed 110 foot utility towers and the 150 foot microwave tower will interfere with crop dusting and other flying operations in the area. This is alarming for crop dusters, and for those using existing and planned air strips.

#### **Finding No. 4**

Finding no. 4 is that "[t]he proposed development is consistent with the General Plan." The Staff Report includes a matrix that analyzes the Project's consistency with several applicable General Plan policies; however, the "consistency" discussion included in the matrix never actually addresses the requirement of the various policies nor provides any real analysis, but somehow still concludes that the Project comports with the General Plan.

For example, General Plan Policy LU-A.3 provides as follows:

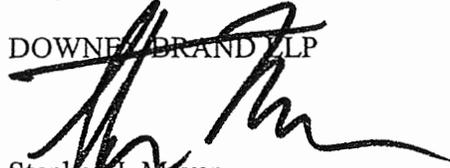
"County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to following Criteria: a) Use shall provide a needed service to surrounding agricultural area, which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a quarter-mile radius; d) Probable workforce located nearby or readily available."

For the General Plan Policy LU-A.3(a), "[u]se shall provide a needed service to surrounding agricultural area, which cannot be provided within urban areas," it would be expected that the County would provide some evidence that power generation is in short supply in the agricultural area and is needed by agricultural uses. However, the County simply concludes that agricultural land is the most convenient place to locate solar projects because of the availability of "undeveloped land." In fact, the power will be fed into the grid, not used for agricultural purposes or to otherwise support agriculture in the Project area. The County's analysis does satisfy the requirements of LU-A.3(a), since no need related to the agricultural area has been demonstrated.

Likewise, LU-A.3(b) requires that the use shall not be sited on productive agricultural lands if less productive lands are available. It would be expected that the County would provide some evidence that there are no less-productive lands available, in order to comply with this land use policy. However, the County concludes consistency with this policy by discussing the reclamation plan for the Project, while ignoring the requirement of LU-A.3(b) completely. The County has not provided any evidence to support consistency with this General Plan policy, therefore Finding No. 4 cannot be made.

The other applicable General Plan policies that are discussed in the Staff Report are similarly brushed aside without any meaningful analysis, or even acknowledgement of the actual requirements of the polices. As such Finding No. 4 cannot be made.

Very truly yours,

DOWNEY BRAND LLP  
  
Stephen J. Meyer

SJM:sr

cc: William Kettler (Via E-Mail)  
Arthur Wille (Via E-Mail)



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

October 24, 2016

RECEIVED  
OCT 26 2016

Ejaz Ahmad  
Fresno County  
2220 Tulare Street, 6th Floor  
Fresno, CA 93721

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

Subject: IS Application No. 7146 (GASNA,6P LLC)  
SCH#: 2016091052

Dear Ejaz Ahmad:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 19, 2016. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2016091052) when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

## NATIVE AMERICAN HERITAGE COMMISSION

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 West Sacramento, CA 95691  
 Phone (916) 373-3710  
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Governor's Office of Planning &amp; Research

OCT 21 2016

STATE CLEARINGHOUSE

October 18, 2016

Ejaz Ahmed  
 Fresno County Department of Public Works and Planning  
 2220 Tulare Street, 6<sup>th</sup> Floor  
 Fresno, CA 93720

sent via e-mail:  
 eahmad@co.fresno.ca.us

Re: SCH#2016091052, IS Application No. 7146 (GASNA 6P LLC) Project, City of San Joaquin, Fresno County, California

Dear Mr. Ahmed:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the project referenced above. The review included the Project Description, the Initial Study Environmental Checklist Form, and the Cultural Resources Section (V) of the Initial Study, from the document prepared by Fresno County Department of Public Works and Planning. We have the following concerns:

- There is no information in the documents of any contact or consultation with traditionally, culturally affiliated California Native American Tribes from the NAHC's contact list pursuant to SB-18 or AB-52.
- There is no evidence that possible mitigation measures were developed in consultation with the traditionally, culturally affiliated California Native American Tribes. Mitigation measures do not take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring.
- Section V. Cultural Resources does not document any Cultural Resources assessments, studies, surveys, or inventories, including Sacred Lands File search results or discussion of potential sites with Native American tribes in the Project area.
- There are no mitigation measures addressing Tribal Cultural Resources. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring.

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3710 if you have any questions.

Sincerely,

Gayle Totton, B.S., M.A., Ph.D  
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

**Pertinent Statutory Information:**

**Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>11</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program,** if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified,** nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subs. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>  
***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

**Under SB 18:**

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

**NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

<sup>22</sup> (Tribal Consultation Guidelines, Governor's Office of Planning

**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>23</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

<sup>23</sup> (Civ. Code § 815.3 (c)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guideline

## EXHIBIT 3



BURKE, WILLIAMS & SORENSEN, LLP

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Oakland, California 94612-3501  
voice 510.273.8780 - fax 510.839.9104  
www.bwslaw.com

Direct No.: 510.903.8817  
svelyvis@bwslaw.com

November 8, 2016

VIA EMAIL ([knovak@co.fresno.ca.us](mailto:knovak@co.fresno.ca.us))

County of Fresno  
Planning Commission  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

**Re: Initial Study Application No. 7146 and Unclassified Conditional Use Permit  
Application No. 3531 (Generation Tie Line & Switching Station)  
November 10, 2016 Agenda (Item # 3)**

Dear Honorable Members of the Planning Commission:

This firm represents and submits this letter on behalf of Solar Frontier Americas Development, LLC and its subsidiary GASNA 6P, LLC ("Solar Frontier"), the applicant for the above referenced Conditional Use Permit No. 3531 ("CUP"). We provided a letter yesterday containing detailed responses to the comments raised in the October 19<sup>th</sup> letter from True Organics' legal counsel Stephen Meyer of the law firm Downey Brand. In that letter, we explained why True Organics' opposition to the project is misplaced and without merit, and demonstrated that the Initial Study/MND fully complies with CEQA and the requisite CUP findings not only can be made, but are supported by uncontroverted substantial evidence in the record.

Late yesterday, we were informed that True Organics' attorney Mr. Meyer submitted a subsequent letter dated November 7, 2016, withdrawing True Organics' prior concerns about and opposition to the Initial Study/MND and substantially limiting their sole remaining concern to the CUP finding required by Fresno County Zoning Code Section 873-F.3 (*i.e.*, project will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof) on the basis of the "location and height of the proposed utility line and the microwave relay poles." Thus, all concerns raised previously related to the sufficiency of the Initial Study/MND have been withdrawn.

Specifically, True Organics continues to baldly assert that the proposed project's transmission/utility lines and poles will interfere with its use of its fertilizer plant property and generally with farming operations in the area, going so far as to claim that the project will make "crop dusting and flying impossible for a large area around the proposed [poles]." Like before,

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however, True Organics' claims are pure speculation devoid of any facts or supporting evidence. To the contrary, both our prior letter and your staff report conclusively demonstrate that Solar Frontier's project will not adversely affect farming on the True Organics land. Indeed, the project's generation tie lines and poles will be largely consistent with the *existing* transmission lines and poles along West Kamm Avenue and will be located a minimum of 900 feet and a maximum of 1,751 feet from True Organics' facility. (*See also* Exhibit A, illustrating: (1) what the typical gen-tie pole will look like; and (2) the general distribution of poles color-coded by pole height.) More importantly, to the best of our knowledge, True Organics does not currently farm or conduct crop dusting operations on its property and True Organics has not asserted, let alone proven, otherwise. As noted in the staff report, most of the land in the immediate vicinity contains *unfarmed* agricultural lands and the County Agricultural Commissioner's office confirmed that the limited crop dusting that does occur well south and west of the project site will not be hindered by the proposed transmission lines/poles. Indeed, the proposed transmission lines/poles will not even hinder crop dusting on the project site itself, should it be desired in the future. (*See* Exhibit B, email from Ryan Boucher, of Blair Aviation, providing bid and confirming crop dusting at the project site will remain feasible after project construction.) In sum, the record is replete with ample, uncontroverted evidence that the proposed project will not adversely impact the abutting properties or the surrounding neighborhood, and True Organics' contrary assertions are wholly unsupported and without merit.

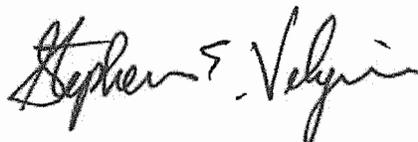
Finally, contrary to True Organics' implication, Solar Frontier has met in person and has discussed the project and its proposed transmission line/poles in detail with True Organics, with nary a word of concern raised by True Organics until the submission of its October 19<sup>th</sup> letter at the eleventh hour. Given the fact that the project was carefully designed to cover only 15% of the project site and that there is no evidence that it will harm farming activities, we continue to respectfully request that you adopt the Initial Study/MND and approve the CUP as recommended by your staff.

Thank you in advance for your consideration of our letters and proposed project. Solar Frontier looks forward to your November 10<sup>th</sup> meeting and to moving forward with the project and to a more sustainable energy future.

Fresno County Planning Commissioners  
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Page 3

Sincerely,

Burke, Williams & Sorensen, LLP



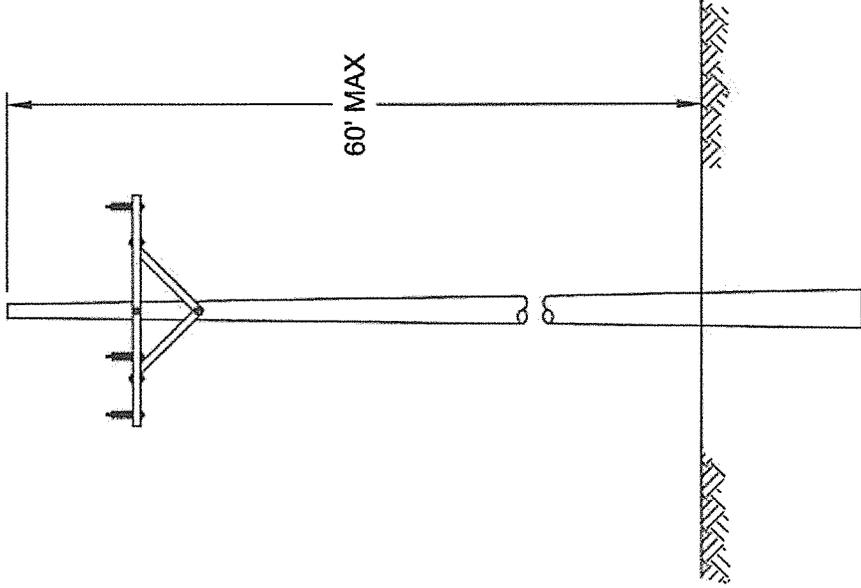
Anna C. Shimko  
Stephen E. Velyvis

SEV:mg  
Enclosures

cc: Ejaz Ahmad, Planner III (via email [EAhmad@co.fresno.ca.us](mailto:EAhmad@co.fresno.ca.us))  
Chris Motta, Principal Planner (via email [CMotta@co.fresno.ca.us](mailto:CMotta@co.fresno.ca.us))

# **EXHIBIT A**

# 70 KV GEN-TIE POLE DIAGRAM





# **EXHIBIT B**

## Velyvis, Stephen E.

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**From:** lance.mobley@solar-frontier.com  
**Sent:** Monday, November 07, 2016 4:26 PM  
**To:** Velyvis, Stephen E.  
**Cc:** Shimko, Anna C.  
**Subject:** FW: Fresno County Bid Request 2

See quote below from Ryan Boucher @ Blair Aviation for aerial crop dusting on the Britz property and around our gen-tie.

-Lance

**From:** Ryan Boucher [mailto:RBoucher21@hotmail.com]  
**Sent:** Monday, November 7, 2016 4:02 PM  
**To:** Mobley, Lance SOLARAMR-IBH <lance.mobley@solar-frontier.com>  
**Subject:** Re: Fresno County Bid Request 2

Hi Lance

Looking at the map we would prefer to use a helicopter. The south triangle needs to be flown east and west because we cant fly over the facility north of it. By flying in that direction there would be a loss in coverage on the north pole line since we wouldn't be able to fly over it. As far as the north triangle we would fly it north and south. The only loss in coverage would be potentially on the west corner depending on the exact location of the tower. An airplane could fly the fields but a helicopter would do a better job getting closer the pole lines and the tower. Our price for an airplane is 13.50/ac for 5 gallons per acre and 15.00/ac for 10 gallons per acre. The helicopter price is 15.00/ac for 5 gallons per acre and 18.00/ac for 10 gallons per acre. We would also have to add a flat rate of 450.00 for the helicopter crew to travel up there since its over an hour away from our normal operating area. Please call if you have any other questions.

Thank You  
Ryan Boucher

---

**From:** lance.mobley@solar-frontier.com <lance.mobley@solar-frontier.com>  
**Sent:** Monday, November 7, 2016 3:14 PM  
**To:** rboucher21@hotmail.com  
**Subject:** RE: Fresno County Bid Request 2

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**From:** Mobley, Lance SOLARAMR-IBH  
**Sent:** Friday, November 4, 2016 2:19 PM  
**To:** 'rboucher21@hotmail.com' <rboucher21@hotmail.com>  
**Subject:** Fresno County Bid Request

Hi Ryan,

As discussed yesterday, here is a map and Google Earth file depicting the location of the field to be flown and the proposed pole line (gen-tie) route. The poles within the pole line will be 50' and the PG&E area will have a +/- 150ft

microwave tower will be located approximately 70' off of W Kamm Ave within the upper middle of the area highlighted in the attached APN map.

Let me know if you can put together a bid for spraying this property, ground crews if needed and coverage area.

Thanks Ryan, let me know if you would like to discuss further,

Lance Mobley  
Senior Project Manager



**Solar Frontier Americas Development**  
50 California St., Ste. 820, San Francisco, CA 94111 | (510)734-5095

\*\*\*\*\*

**CONFIDENTIALITY WARNING:**

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November 7, 2016

VIA EMAIL ([knovak@co.fresno.ca.us](mailto:knovak@co.fresno.ca.us))<sup>1</sup>

County of Fresno  
Planning Commission  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

**Re: Initial Study Application No. 7146 and Unclassified Conditional Use Permit  
Application No. 3531 (Generation Tie Line & Switching Station)  
November 10, 2016 Agenda (Item # 3)**

Dear Honorable Members of the Planning Commission:

This firm represents and submits this letter on behalf of Solar Frontier Americas Development, LLC and its subsidiary GASNA 6P, LLC ("Solar Frontier"), the applicant for the above referenced Conditional Use Permit No. 3531 ("CUP"). We write to provide responses to comments raised by legal counsel for True Organics Products, Inc. ("True Organics")<sup>2</sup> and to respectfully request that you adopt the Mitigated Negative Declaration ("MND") and approve the CUP as recommended by your planning staff.

## I. INTRODUCTION.

As discussed in more detail below, True Organics' comments and criticisms of the MND are premised on several critical misconceptions that fatally undermine its claims that an Environmental Impact Report ("EIR") is required and that the requisite CUP findings cannot be made. As demonstrated herein, the Initial Study/MND fully complies with the California Environmental Quality Act ("CEQA") and all of the required CUP findings can be made and are fully supported by substantial evidence in the record.

<sup>1</sup> Ms. Novak, Planning Commission clerk, informed us that the Planning Commissioners' email addresses are not available to the public, but that she would forward this letter to them via email as soon as she received it.

<sup>2</sup> Specifically, this letter responds to the comments made by attorney Stephen Meyer from the law firm Downey Brand in his October 19, 2016 letter submitted on behalf of True Organic Products, Inc. ("Downey Brand Letter"). Because that letter was submitted the day before the October 20<sup>th</sup> Planning Commission meeting where this project was scheduled to be heard and in order to allow more time for the applicant and County staff to review and respond to the letter, Solar Frontier respectfully requested that the Planning Commission continue the item to its November 10, 2016 meeting.

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**II. TRUE ORGANICS' COMMENTS ARE PREMISED ON CRITICAL MISCONCEPTIONS THAT FATALY UNDERMINE ITS POSITION.**

**A. The Subject Project Is Limited To A Generation Tie Line and Switching Station.**

In an unpersuasive attempt to criticize the adequacy of the MND, True Organics repeatedly refers to alleged impacts associated with two different and unrelated solar power generation (not mere poles and wires) projects: a proposal formerly contemplated by a different entity on the subject property and another approved under a separate CEQA document and CUP for Solar Frontier's solar power generation project on different lands. But, as correctly noted in the Initial Study and staff report, the instant CUP is limited to Solar Frontier's proposal to develop a generation tie line on and PG&E's proposal to relocate a nearby 70kV switching station to a small portion of the approximately 182.7 acre parcel identified as APN 040-080-41S ("Proposed Project" or "Project"). Contrary to True Organics' repeated and misguided claims, the Proposed Project does not include any photovoltaic solar panels or solar power generation on the project site. Rather, the project will simply transmit electricity from the adjacent photovoltaic solar power generation facility project approved in 2011 by way of CUP No. 3291. That solar generation project was analyzed in a separate MND (Initial Study Application No. 6261) that was adopted in 2011 along with the approval of CUP No. 3291. Simply put, the time to raise concerns regarding the potential impacts of *that* solar project, or challenge the adequacy of *that* MND, has long since passed.

**B. This CUP Application Entails Solar Frontier's First Project Proposed At The Project Site.**

True Organics incorrectly asserts that Solar Frontier "proposed essentially the same project in the Spring of 2013,"<sup>3</sup> and reiterates prior concerns raised regarding alleged impacts associated with that prior, unrelated project. Not true. Solar Frontier only recently secured easement rights over the project site for the proposed generation tie line project and did not submit an application for any approvals on the site until submitting the CUP application at issue here. True Organics' comment regarding the Spring 2013 project refers to a prior photovoltaic solar generating project proposed by Recurrent Energy (Initial Study Application No. 6318 and CUP Application No. 3309), which was denied by the Planning Commission at its April 11, 2013 meeting. In sum, the Proposed Project is limited to a short generation tie line and switching station and does not include a solar generation facility on site. As such, references to the prior Recurrent Energy project and comments concerning its potential impacts are not relevant to Solar Frontier's current project. Contrary to the 2013 Recurrent Energy project, which proposed solar panels across the

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<sup>3</sup> Downy Brand Letter, p. 1.

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entirety of the site, Solar Frontier's Proposed Project is limited to a generation tie line and switching station covering only 15% of the project site.

**C. The Project's Generation Tie Line Transmission Poles Will Likely Not Exceed 80 Feet In Height, And All But Two Of The Poles Will Likely Be Approximately 50 Feet In Height And Thus Consistent With The Existing Transmission Poles and Lines Along West Kamm Avenue.**

True Organics repeatedly refers to the Project's supposed 110-foot high generation tie line transmission poles in support of claims that the Project will interfere with its fertilizer plant operations and result in impacts to agricultural and biological resources. Notwithstanding the fact that those claims are both unpersuasive and unsupported, they are also incorrect. While the Initial Study analyzed the Project's impacts based on a worst-case scenario involving transmission poles *up to* 110-feet high, in reality the latest project design documents demonstrate that none of the approximately 25 poles to be installed will likely exceed 80-feet in height, and all but two of the poles will likely only be approximately 50-feet high, the same height of the existing transmission poles/lines along West Kamm Avenue.

**III. THE INITIAL STUDY/MND COMPLIES WITH CEQA AND TRUE ORGANICS' CLAIMS ASSERTING OTHERWISE ARE WITHOUT MERIT AND WHOLLY UNSUPPORTED BY ANY SUBSTANTIAL EVIDENCE.**

In an effort to delay and derail the Project, True Organics raises a number of claims asserting that the Initial Study did not properly analyze the Project's potential impacts concerning aesthetics, agricultural resources, traffic, land use and planning, health and safety, biological resources and water supply.<sup>4</sup>

As a starting point, we note that CEQA *requires* a lead agency to adopt an MND in lieu of an EIR if there is no substantial evidence that the Project, as modified, may have a significant effect on the environment. (CEQA Guidelines § 15070(b).) True Organics contends that there is sufficient evidence supporting a fair argument that the Project will result in significant adverse environmental impacts, thereby requiring the preparation of an EIR. There is no such evidence to support these unfounded allegations.

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<sup>4</sup> Aside from the fact that True Organics' opposition is based on unmeritorious legal (CEQA) claims, we also question and are puzzled by True Organics' opposition as a practical matter as it defies a contractual promise it made when it recently purchased additional land from the Project Site's landowner, David Britz. Indeed, when True Organics purchased additional land adjacent to its existing facility and the Proposed Project from Mr. Britz, it expressly acknowledged Mr. Britz's intention to lease the project site to a solar energy company and agreed not to object to the solar company's use of the adjoining parcel, including an express agreement not to object to the issuance of a CUP by Fresno County.

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In support of its obfuscatory mission, True Organics provides a list of impacts that it asserts might occur as a result of the Project, but fails to provide or cite to any facts or other evidence to support its assertions. This lack of evidence supporting True Organics' claims is significant because the law is settled that the burden rests with the Project's opponent to demonstrate that its claims are supported by *substantial evidence* in the record. (*San Bernardino Valley Audubon Soc'y v. Metro. Water Dist.* (1999) 71 Cal.App.4th 382, 390.) Pursuant to CEQA, substantial evidence "include[s] facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts," but "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts . . . does not constitute substantial evidence." (CEQA Guidelines § 15384.) As discussed in more detail below, each of True Organics' claims, which primarily rest upon the above-referenced misconceptions, are meritless and unsupported by substantial evidence.

#### A. There Is No Evidence Of Aesthetic Impacts

True Organics contends that the Initial Study does not adequately consider lighting or glare impacts associated with the Project's solar panels.<sup>5</sup> As noted above, however, the Proposed Project is limited to a generation tie line and switching station and does not propose the installation of any solar panels. It is not clear whether True Organics' concerns regarding potential aesthetic impacts caused by the solar panels are associated with the solar power generation facility project approved in CUP No. 3291 in 2011 or the solar power generation facility formerly proposed, and never approved, on the subject property. Either way, such concerns could and should have been raised when *those* facilities were being considered for approval and they are wholly irrelevant to the Proposed Project and its CEQA document. They are untimely and misplaced now.

Moreover, as the Initial Study makes clear, the Proposed Project is sited in a sparsely populated agricultural area, is not located along any designated scenic highways and no scenic vistas or scenic resources exist in the vicinity of the Project site. Moreover, the proposed generation tie lines and poles will not include any lighting sources and will look similar to the existing transmission lines/poles in the area. Finally, the record demonstrates that the limited number of exterior lights that may be needed for the relocated switching station will use downcast LED lights. In sum, True Organics' concerns regarding aesthetics are misplaced and otherwise unsupported by substantial evidence and the Initial Study adequately analyzes and correctly concludes that the Proposed Project will not result in any significant adverse aesthetic impacts

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<sup>5</sup> Downey Brand Letter, p. 3.

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**B. There Is No Evidence Of Impacts To Agricultural Resources**

The Initial Study correctly concluded that the Proposed Project would have a less than significant impact as it relates to agricultural resources. True Organics' assertions to the contrary are unpersuasive, unsupported and without merit.

First, True Organics claims that the Proposed Project will result in a permanent loss of agricultural land. This is patently untrue. Simply put, the Proposed Project's generation tie line and switching station will collectively cover a mere 15% of the Project site, and any future efforts to reintroduce active agricultural growing operations (due to poor soil and inadequate water resources, the landowner has not actively farmed the project site for at least 10 years) will not be hindered by the overhead generation tie lines or limited number of support poles. Moreover, Solar Frontier has submitted, and proposed condition of approval number 1 will require execution of, the reclamation plan (which will restore the site to its previous condition) at the end of the Proposed Project's useful life. In sum, 85% or more of the Project site will remain available right now for agricultural purposes.

Second, True Organics claims that the Proposed Project conflicts with the site's Williamson Act contract. Again, this is not so. State law authorizes cities and counties to permit compatible land uses on contracted lands so long as they do not significantly compromise the long-term productive agricultural capability of or significantly displace or impair current or reasonably foreseeable agricultural operations on the site or result in the significant removal of adjacent contracted land from agricultural or open-space use. (See Gov't Code § 51238.1.) As noted above, due to poor soil conditions (clay/silt/sand) and inadequate water resources at the Project site, the subject site has not been actively farmed for more than 10 years. Nonetheless, the Proposed Project will only impact 15% of the site and if/when future farming on the site becomes feasible, it can proceed under and around the limited areas associated with the generation tie lines and poles during the project's useful life and throughout the whole site once the Project ends and its facilities removed. Indeed, consistent with Government Code Section 51231, Fresno County has deemed numerous uses to be compatible with Williamson Act contracts, including uses like the Proposed Project involving the development of natural resources with necessary appurtenances when the site is to be reclaimed to agricultural use.<sup>6</sup> In sum, the Proposed Project is compatible with the site's Williamson Act contract as it will not significantly compromise, displace or impair agricultural operations on or off the Project site.

Finally, True Organics claims that the Project will significantly interfere with agricultural flying operations, particularly at nearby air strips and on crop dusting activities, as well as with its

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<sup>6</sup> See February 21, 2013 Fresno County Board of Supervisors Briefing Report re administration of the Williamson Act Program and Exhibit A thereto, found at <http://www.co.fresno.ca.us/WorkArea/DownloadAsset.aspx?id=54183>.

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purported plan to develop an airstrip at its fertilizer manufacturing facility sometime in the future. Once again, this argument fails on law and fact. First and foremost, True Organics does not provide any evidence whatsoever that any such agricultural air strips exist or that crop dusting operations regularly occur in the vicinity of the Project site. To the contrary, consistent with aerial photos available on Google Maps, the Initial Study correctly notes: (1) that the Project site and most of the land in the immediate vicinity contains *unfarmed* agricultural lands; and (2) that the Project site is not located within an Airport Land Use Plan area, within two miles of a public use airport or in the vicinity of a private airstrip (as the nearest airport, the San Joaquin Airport, is approximately 5.5 miles northwest of the Project site). (Initial Study, pp. 2, 15.) Even *assuming arguendo* that airplanes do or will conduct crop dusting operations in the vicinity, those operations would already be adept at avoiding the existing transmission lines along West Kamm Avenue and would have ample space south and west of the Project site to safely crop dust on adjacent parcels. True Organics' claim that the Project will interfere with its plans to develop an airstrip or begin farming (and crop dusting) on its property *in the future* is irrelevant for purposes of the instant Initial Study as no application has been submitted for such an air strip and CEQA only requires analysis of a project's changes to/impacts on the existing environmental setting. Indeed, CEQA states that the existing environmental setting, or baseline, entails the physical environmental conditions in the vicinity of the project as they exist at the time CEQA review commences and that this environmental setting constitutes the baseline physical conditions by which the lead agency shall determine whether the project's impacts are significant. (CEQA Guidelines § 15125.) True Organics currently operates its adjacent facility strictly for industrial/manufacturing purposes, and to the best of our knowledge does not farm or ferry customers and employees by plane to/from the site. Thus, any claims concerning effects on possible future, speculative plans of True Organics have no place in the CEQA equation.

In sum, the record adequately supports and the Initial Study correctly concludes that the Proposed Project will not result in any significant adverse agricultural impacts.

**C. There Is No Evidence Of Traffic Impacts**

The Initial Study accurately concludes that the Proposed Project will not result in any significant transportation/traffic impacts. As noted in the Initial Study, the project area roadways, including the rural arterial West Kamm Avenue adjacent to the Project site, are in excellent condition, and the Project will not generate any traffic whatsoever once constructed because it will be unmanned. In many instances, construction effects are automatically considered to be less than significant because they are temporary in nature. During the Project's construction phase, up to 60 daily round trips will be required, which will join the existing 400 average daily traffic on West Kamm Avenue. Three divisions within the Fresno County Department of Public Works (Design, Road Maintenance and Operations, and Development Engineering divisions) reviewed the Project, considered its potential transportation/traffic impacts and determined that no impacts

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would result and that a traffic impact study was not required given the excellent roadway condition and sparse vehicle traffic on West Kamm Avenue. That determination is consistent with guidelines published by Caltrans which indicate that detailed traffic impact studies are not required for projects generating less than 100 peak hour trips (unless affected facilities are experiencing noticeable delay and unstable traffic flow under current conditions, which is not the case here).<sup>7</sup> Pursuant to the County's General Plan, Policy TR-A.2, all rural county roadways should maintain a level of service of C or better. Based on County Public Works staff's review of the Project, the Project's temporary construction traffic is not a concern and does not warrant preparation of a traffic impact study. This is clear evidence that the Project's traffic will not cause the level of service on West Kamm Avenue or at nearby intersections to change significantly or result in an unacceptable level of service.

In contrast to County staff's expertise stemming from its years of study and practice, True Organics asserts, without any evidence whatsoever, that the Project will create serious congestion at nearby intersections, cause dangerous conditions at the entrance to its fertilizer plant, and likely reduce the level of service below acceptable levels. Notably, True Organics does not base these speculative claims on any first-hand accounts or evidence that traffic conditions on West Kamm Avenue or at nearby intersections are currently unacceptable or dangerous. As such, True Organics' claims are purely speculative and do not in any way qualify as substantial evidence, and thus do not contradict the evidence and expert opinions of the County's Public Works staff.

In sum, there is no evidence that the Project will create any significant adverse traffic impacts, and the evidence in the record demonstrates that the roadway and traffic conditions on West Kamm Avenue are so excellent and free-flowing that a traffic impact study was not even necessary here.

**D. There Is No Evidence Of Any Health Or Safety Impacts**

Without providing any supporting evidence, True Organics faults the Initial Study for failing to address the Proposed Project's health risks associated with the transmission line's electric and magnetic fields ("EMF") and baldly implies that the Project will subject its workers to unknown health risks. These claims are not only unsupported, they are without merit. First, True Organics fails to mention that CEQA does not specifically require any analysis of potential impacts associated with EMFs within the Hazards and Hazardous Materials section of the Initial Study checklist. Second, there is good reason for this as both the World Health Organization ("WHO") and the National Institute of Environmental Health Studies ("NIEHS") have both reviewed

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<sup>7</sup> See Caltrans Guide for the Preparation of Traffic Impact Studies, p. 2, found at [http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf).

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decades of research in the area of EMFs and health hazards and reached similar conclusions. Indeed, in a 2002 report, the NIEHS concluded, based on its review of all major governmental and scientific research, that the EMF-cancer link is weak, that the probability that EMF exposure is truly a health hazard is currently small, and that the weak epidemiological associations and lack of any laboratory support for these associations provide only marginal scientific support that exposure to EMFs is causing any degree of harm.<sup>8</sup> Similarly, in a 2007 report, the WHO concluded that evidence of a link between EMF and childhood leukemia is not strong enough to be considered causal because virtually all of the laboratory and mechanistic evidence fail to support the reported association and that, for all other diseases, there is inadequate or no evidence of health effects from EMFs at low exposure levels.<sup>9</sup>

Further, it has been scientifically proven that the strength of both the electric and magnetic fields associated with power transmission lines dissipate quickly the further one moves away from the lines and that, at a distance between 200 to 300 feet from a transmission line, the EMF levels can be similar to typical background levels found in most homes.<sup>10</sup>

In sum, True Organics' concerns regarding potential health impacts associated with EMFs are unfounded, and given the fact that at its closest point the proposed generation tie line will be 600 feet from the fertilizer plant's useful boundary and more than 900 feet from the manufacturing building (*see Exhibit 1*), the strength of any EMFs reaching True Organics' employees will be negligible and consistent with background levels found in most homes and businesses.

#### **E. There Is No Evidence Of Any Biological Impacts**

Ignoring the Initial Study's detailed analysis and recommended mitigation measures to alleviate the Project's potential impacts to biological resources, True Organics claims that the Project does not incorporate adequate buffer zones (for sensitive species) and that further analysis is needed to assess the Project's permanent development of more than 200 acres of burrowing owl habitat. Once again, True Organic's misplaced comments are not germane to *this* Proposed Project and appear to be directed at either the solar project on the adjacent parcel approved in 2011 or Recurrent Energy's solar project that was proposed on the Project site and denied in 2013 as the Proposed Project does not seek to install solar panels either on the Project site or any nearby site like those projects did.

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<sup>8</sup> See NIEHS report entitled *EMF – Electric and Magnetic Fields Associated With The Use Of Electric Power*, found at [http://www.niehs.nih.gov/health/materials/electric\\_and\\_magnetic\\_fields\\_associated\\_with\\_the\\_use\\_of\\_electric\\_power\\_questions\\_and\\_answers\\_english\\_508.pdf](http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf).

<sup>9</sup> See WHO report known as the *Extremely Low Frequency Fields, Environmental Health Criteria Monograph No. 238*, found at [http://www.who.int/peh-emf/publications/Comple DEC\\_2007.pdf?ua=1](http://www.who.int/peh-emf/publications/Comple DEC_2007.pdf?ua=1).

<sup>10</sup> See NIEHS report, pp. 37-38.

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Contrary to True Organics' inapplicable and unsupported claims, the Initial Study correctly relies on the Project's habitat assessment report (which reported biological conditions learned during a site survey and research of special status species databases) to conclude that impacts to special-status/sensitive species are not likely, but respectfully defers to comments presented by the California Department of Fish and Wildlife ("CDFW") and imposes a host of mitigation measures recommended by CDFW to ensure that the Project's potential impacts to special-status/sensitive and bird species are reduced to insignificance.

In sum, True Organics has not presented any (let alone substantial) evidence that the Proposed Project will result in significant, unmitigated biological impacts. The Initial Study's biological resource impact analysis is adequate and the MND fully complies with CEQA.

**F. No Water Supply Assessment Is Required For The Proposed Project.**

Ignoring the negligible amount of water required during construction and the fact that no water will be required whatsoever for operation of the Project, True Organics cites Water Code Section 10910 in support of its claim that a formal Water Supply Assessment is required before the Project can be approved. However, while Water Code Section 10910 does indeed impose a duty on cities and counties to acquire or prepare a Water Supply Assessment as part of its CEQA analysis, that duty only applies to larger "projects" as defined in Water Code Section 10912 with much greater water demand than the Proposed Project.

Section 10912(a) limits projects subject to Section 10910's Water Supply Assessment requirement to those involving: (1) residential development of more than 500 dwelling units; (2) a shopping center or business establishment employing more than 1,000 people or having more than 500,000 square feet of floor space; (3) a commercial office building employing more than 1,000 people or having more than 250,000 square feet of floor space; (4) a hotel or motel having more than 500 rooms; (5) an industrial/manufacturing/processing plant or industrial park planned to house more than 1,000 people, occupy more than 40 acres of land or have more than 650,000 square feet of floor area; (6) a mixed use project including one or more of the above-referenced projects; and (7) any other type of project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project.

Clearly, the legislature expressly limited Section 10910's Water Supply Assessment requirement to projects that are much larger and require significantly more water than the Proposed Project. In sum, contrary to True Organics' claim, no Water Supply Assessment is legally required or practically necessary here given the Project's small scale and very limited water demand associated with its temporary construction phase.

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**IV. THE REQUIRED CUP FINDINGS CAN BE MADE AND THOSE FINDINGS ARE SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE RECORD**

In addition to its unfounded criticisms of the Initial Study/MND addressed above, True Organics also asserts that the Planning Commission cannot make the CUP findings required by Section 873 of the Fresno County Zoning Code. Specifically, True Organics claims that the findings required by Section 873, subsections F.2 (streets with adequate width/pavement for project traffic), F.3 (no adverse impacts to adjacent property/surrounding neighborhood) and F.4 (consistency with General Plan) cannot be made. As demonstrated below, those claims are also without merit.

**A. The CUP Finding Required By Zoning Code Section 873-F.2 Can Be Made And Is Supported By The Record.**

In approving the CUP, Zoning Code Section 873-F.2 requires the Planning Commission to find “[t]hat the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.” True Organics asserts that this finding cannot be made, that the project should be required to dedicate additional right-of-way to allow full buildout of Kamm Avenue and that a traffic impact study is required in order to make this finding.<sup>11</sup> Again, True Organics’ assertions are not true.

As demonstrated in the staff report and Initial study, and as discussed above, the project area roadways, including the rural arterial West Kamm Avenue adjacent to the Project site, are in excellent condition, and the Project will not generate any traffic whatsoever once constructed because it will be unmanned. Given this, and County staff’s determination that the Project’s temporary construction traffic will not add significant new traffic or adversely affect the level of service on West Kamm or at nearby intersections, no traffic study was even necessary in County Public Works staff’s expert opinion. As such, it follows that no traffic improvements (such as the widening of West Kamm Avenue) are required to facilitate the project. Moreover, the project does not propose any work within and was designed to be outside of all existing and planned right-of-way and easement areas adjacent to West Kamm Avenue, so no additional right-of-way needs to be dedicated as a result of this project. In sum, the streets and highways related to the Project are more than adequate in width and pavement to carry the project’s temporary construction traffic, at the conclusion of which there will be no project traffic at all.

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<sup>11</sup> Downey Brand Letter, pp. 6-7.

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**B. The CUP Finding Required By Zoning Code Section 873-F.3 Can Be Made And Is Supported By The Record.**

In approving the CUP, Zoning Code Section 873-F.3 requires the Planning Commission to also find “[t]hat the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof.” In asserting that this finding cannot be made, True Organics relies on and repeats the same alleged traffic, agricultural, aesthetic, and health impacts it claims were inadequately addressed in the Initial Study. As demonstrated above, however, all of those alleged impacts are speculative and unsupported, and the Initial Study’s analysis and conclusions are proper and fully supported by the uncontroverted evidence in the record. In sum, upon adoption of the staff recommended Mitigation Monitoring and Reporting Program and imposition of the conditions of approval, the Project will not result in any significant adverse impacts and this finding can also be made and is supported by the record.

**C. The CUP Finding Required By Zoning Code Section 873-F.4 Can Be Made And Is Supported By The Record.**

Finally, in approving the CUP, Zoning Code Section 873-F.4 requires the Planning Commission to also find “[t]hat the proposed development is consistent with the General Plan.” As demonstrated in the staff report, and consistent with the project site’s AE-20 zoning district, non-agricultural uses such as electrical power transmission facilities are permitted by means of a discretionary permit such as the requested CUP. (*See also* Fresno County Zoning Ordinance, § 816.2-D.) Further, as discussed above and stated in the staff report, the County acknowledges that the Project is compatible with the site’s Williamson Act contract.

Nonetheless, True Organics asserts, without any evidence, that the project does not comply with the General Plan, namely General Plan Policy LU-A.3. As demonstrated in the staff report, the Project complies with all applicable General Plan Policies and zoning requirements, including Policy LU-A.3, given that it will enable the distribution of renewable solar energy to the grid in a sparsely populated area and on a site that has not been productively farmed for at least 10 years due to poor soil and inadequate water resources; is compatible with and will allow the continued use of the project site and surrounding area for agricultural purposes without interruption or adverse impacts, will need only limited water during construction and none during operation; and will provide work opportunities for nearby unincorporated communities. Determinations by agency staff and decisionmakers regarding a project’s compliance with discretionary General Plan policies are justly afforded significant deference given that agency staff and decisionmakers are the ones who develop and implement such land use policies on a daily basis.

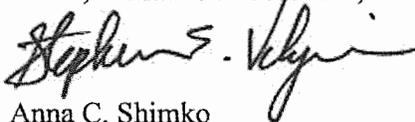
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**V. CONCLUSION**

As demonstrated herein, True Organics' opposition to the Project is misplaced and without merit, and the Initial Study/MND fully complies with CEQA and the requisite CUP findings not only can be made, but are supported by uncontroverted substantial evidence in the record. Accordingly, on behalf of Solar Frontier, we respectfully request that you adopt the MND and approve the CUP as recommended by staff.

Sincerely,

Burke, Williams & Sorensen, LLP



Anna C. Shimko  
Stephen E. Velyvis

SEV:mg

Enclosure

cc: Ejaz Ahmad, Planner III (via email [EAhmad@co.fresno.ca.us](mailto:EAhmad@co.fresno.ca.us))  
Chris Motta, Principal Planner (via email [CMotta@co.fresno.ca.us](mailto:CMotta@co.fresno.ca.us))  
Steven White, Director of Public Works & Planning (via email [SWhite@co.fresno.ca.us](mailto:SWhite@co.fresno.ca.us))

**EXHIBIT 1**

# Untitled Map

Write a description for your map.



Legend  
Gen-Tie

1000 ft  
N

W Stroud

San Joaquin

S Butte Ave

Wilkamir Ave

800ft

900ft

1.2518

Google earth

© 2013 Google

November 7, 2016

VIA E-MAIL - [cmotta@co.fresno.ca.us](mailto:cmotta@co.fresno.ca.us)

Planning Commissioners  
Fresno County Planning Dept.  
2220 Tulare Street, 6th Floor  
Fresno, CA 93721

**Re: Initial Study Application No. 7146**  
**Unclassified Conditional Use Permit Application No. 3531**

Dear Commissioners:

This letter is submitted on behalf of my client True Organic Products, Inc. ("True Organic"), which operates an organic fertilizer facility ("Fertilizer Plant") at 20225 West Kamm Ave, Fresno County ("County"), California, with regard to the solar facility, Gen-Tie Line, & Switching Station ("Project") proposed by GASNA 6P LLC ("Applicant"). The Fertilizer Plant has been operating at its current location since 1990, and has been operated by True Organic since 2005. True Organic started with 9 employees in 2005, but now employs nearly 100 people in Fresno County, not including indirect employment such as trucking jobs related to fertilizer production.

The applicants proposed essentially the same project in the Spring of 2013<sup>1</sup>, except now rather than being south and west of the Fertilizer plant it now lies immediately to the west, and in addition proposes 110 foot high utility poles that will significantly interfere with True Organic's use of its property and interfere more generally with farming operations in the area by making crop dusting and flying impossible for a large area around the proposed towers.

The purpose of this letter is to supplement and amend our letter of October 19 to clarify that True Organic has no objection to the installation of the solar facility which the proposed power lines serve, and by this letter withdraws its objections to the extent they might be understood as addressing the solar facility generally. True Organic's concerns pertain only to Conditional Use

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<sup>1</sup> Initial Study Application No. 6318; Unclassified Conditional Use Permit Application No. 3309.

Permit finding number three requiring that there be no adverse impacts to surrounding properties and due to the location and height of the proposed utility line and microwave relay poles said finding cannot be made and by this letter we confirm those continuing concerns.

True Organic remains willing to sit down and discuss alternative designs regarding the utility poles, including undergrounding, but to date there have been no discussions initiated by the applicant.

Very truly yours,

~~DOWNEY BRAND LLC~~

A handwritten signature in black ink, appearing to read "Stephen J. Meyer", written over the company name "DOWNEY BRAND LLC". The signature is fluid and cursive, extending to the right.

Stephen J. Meyer

SJM:sr

cc: William Kettler (Via E-Mail)  
Arthur Wille (Via E-Mail)

**EXHIBIT 4**

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00			
Agency File No: IS 7146		<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County		Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor		City: Zip Code: Fresno 93721	
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner			Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): GASNA 6P LLC			Project Title: Unclassified Conditional Use Permit Application No. 3531		
Project Description: The project for purposes of review under the California Environmental Quality Act (CEQA) consists of two components: a 70 kV Generation Tie Line that is the subject of Unclassified Conditional Use Permit (CUP) Application No. 3531, and a 70 kV Switching Station. The 70 kV Generation Tie Line will connect a photovoltaic solar power generation facility that was authorized by CUP No. 3291 in accordance with a Mitigated Negative Declaration that was adopted by the Fresno County Planning Commission on November 3, 2011, to the new 70 kV Switching Station, which will be the relocation of the existing PG&E Stroud Switching Station located approximately 800 feet northwest of the new switching station. The 70 kV Generation Tie Line will be constructed, owned and operated by GASNA 6P LLC, while the 70 kV Switching Station will be constructed by Pacific Gas and Electric (PG&E) under California Public Utilities Commission (CPUC) jurisdiction and will also be owned and operated by the PG&E. The Generation Tie Line will occupy approximately 15.5-acre and Switching Station will occupy 13-acre portion of a 182.7-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property is located on the south side of W. Kamm Avenue approximately 3.3 miles west of the intersection of W. Kamm Avenue and S. Lassen Avenue (State Route 145) and 4.8 miles south of the nearest city limits of the City of San Joaquin (SUP. DIST. 1) (APN 040-080-41S).					
Justification for Mitigated Negative Declaration: Initial Study Application No. 7146 indicates that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to mineral resources, population and housing, or recreation.  Potential impacts related to aesthetics, agriculture and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous material, hydrology & water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant. Potential impacts to biological resources and cultural resources have been determined to be less than significant with the identified Mitigation Measures.  The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.					
FINDING: The proposed project will not have a significant impact on the environment.					
Newspaper and Date of Publication: Fresno Business Journal – September 19 , 2016			Review Date Deadline: Board of Supervisors – January 10, 2017		
Date: January 10, 2017	Type or Print Name: Chris Motta, Principal Planner		Submitted by (Signature):		

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**