

RESOLUTION NO. 19-075

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF THE	)	RESOLUTION CERTIFYING THE FINAL	)
	)	ENVIRONMENTAL IMPACT REPORT FOR)	
UNCLASSIFIED CONDITIONAL USE	)	THE LITTLE BEAR SOLAR PROJECT	)
PERMIT NOS. 3550 – 3553 AND 3577	)	[SCH NO. 2016011008] ADOPTION OF	)
	)	CEQA FINDINGS; ADOPTION OF	)
		MITIGATION MEASURES, AND THE	)
		MITIGATION MONITORING PROGRAM	)

WHEREAS, in order to meet the requirements of the California Environmental Quality Act (CEQA), Fresno County ("County") prepared Environmental Impact Report ("EIR") No. 7225 for Unclassified Conditional Use Permit Nos. 3550-53 and 3577, also known as the Little Bear Solar Project ("Project"); and

WHEREAS, on September 7, 2017, the County distributed the Notice of Preparation ("NOP") for the EIR for the Project for a 30-day review period, commencing on September 7, 2017 and ending on October 9, 2017; and

WHEREAS, on August 31, 2018, a Notice of Availability ("NOA") of the Draft Environmental Impact Report ("Draft EIR") and the requisite number of copies of the Draft EIR were delivered to the State Clearinghouse and mailed to affected public agencies, organizations, and interested parties; and

WHEREAS, the Draft EIR was duly circulated for a 45-day public review period, commencing on August 31, 2018 and ending on October 15, 2018; and

1 WHEREAS, on August 31, 2018, a NOA of the Draft EIR was published in the Fresno Business
2 Journal, a newspaper of general circulation in Fresno County; and

3 WHEREAS, the County accepted comments on the Draft EIR until October 15, 2018; and

4 WHEREAS, on October 2, 2018, a public meeting was held at the Mendota City Council
5 Chambers to receive comments on the document; and

6 WHEREAS, written comments were submitted during the public comment period by members of
7 the public, and after consideration thereof, written responses were prepared for said comments by the
8 Consultant and were reviewed by County staff; and

9
10 WHEREAS, on November 2, 2018, a notice was mailed and published announcing that the
11 Final EIR, which included written responses to the public comments, was available. Upon request, this
12 document was duly sent by mail to commenting public agencies and members of the public in a manner
13 such that public agencies and members of the public received it at least ten (10) days before the action
14 was taken on this date with respect to the Final EIR and the Project; and

15 WHEREAS, the Final EIR for this Project consists of the Draft EIR, the Technical Appendices
16 thereto, the Comments to the Draft EIR and the written Responses to said Comments, of which all
17 documents constitute and shall be collectively referred to herein as the "Final EIR"; and

18
19 WHEREAS, the Final EIR identifies potential impacts relating to Aesthetics; Agriculture and
20 Forestry Resources; Air Quality; Biological Resources; Cultural Resources; Energy Conservation;
21 Geology, Soils, and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous
22 Materials; Hydrology and Water Quality; Noise and Acoustics; Population and Housing; Transportation
23 and Traffic; Tribal Cultural Resources; and Utilities and Service Systems that, with implementation of
24 the Mitigation Measures proposed in the EIR, can be reduced to a less than significant level; and

25 WHEREAS, on December 6, 2018, the Fresno County Planning Commission (Commission)
26 held its public hearing to consider the Project, including the Final EIR; and
27
28

1 WHEREAS, after considering the Planning Commission staff report, Final EIR, late
2 correspondence, and public testimony, the Commission voted five to three, with one Commissioner
3 absent to deny the project; and

4 WHEREAS, in its motion to deny the Commission stated it was unable to make Finding No. 4 as
5 to the loss of farmable agricultural land; and

6 WHEREAS, in the Commission's denial action it did not act to certify the Final EIR; and

7 WHEREAS, on December 18, 2018, the Project Applicant, First Solar, Inc., filed an appeal of
8 the Commission's denial; and

9 WHEREAS, Mitigation Measures and a Mitigation Monitoring Program are proposed for
10 adoption; and

11 WHEREAS, on February 26, 2019, the Fresno County Board of Supervisors ("Board") held its
12 public hearing to consider the Project, including the Planning Commission Staff Report related to the
13 Final EIR, and said documents were independently reviewed and considered by the Board; and

14 WHEREAS, the Board reviewed and considered the information presented in the Final EIR and
15 other relevant evidence to determine compliance with CEQA, State CEQA Guidelines and the County's
16 procedures for implementing CEQA; and

17 WHEREAS, the Board, after considering all of the evidence presented and based on substantial
18 evidence, finds and declares that the foregoing recitals (made a part hereof) are true, and makes
19 further Findings concerning the environmental impacts relating to the Project, as described in the Final
20 EIR. These Findings are set forth more specifically in attached Exhibit "A", which is incorporated herein
21 by reference. The Findings reflect that all potentially significant environmental effects will be
22 substantially lessened and reduced to a less than significant level through the adoption and
23 implementation of feasible Mitigation Measures proposed in the Final EIR.

24 NOW, THEREFORE IT IS HEREBY RESOLVED that the Fresno County Board of Supervisors
25 finds as follows:
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1. The Final EIR has been completed and processed in compliance with CEQA.
2. The Board of Supervisors has been presented the Final EIR and has reviewed and considered the information contained in the Final EIR.
3. The Final EIR reflects the independent judgment of the County.
4. The Mitigation Measures and the Mitigation Monitoring Program attached as Exhibit "B" and incorporated herein by reference is adequate with respect to those Mitigation Measures imposed on the Project.
5. The Mitigation Measures the County has required mitigate and/or substantially lessen all significant effects on the environment to the extent feasible, as noted in the Final EIR.
6. The CEQA related Findings as attached in Exhibit "A" can be made.
7. The Final EIR is thus certified.
8. The Clerk of the Fresno County Board of Supervisors, located at 2281 Tulare Street, is custodian of the document and other materials, which constitute the record of the proceedings upon which the Board's decision is based.

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1 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 26th day of February 2019, to wit:

3
4 AYES: Supervisor Magsig, Mendes, Pacheco, Quintero

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

8 VACANT: District 2
9

10
11 

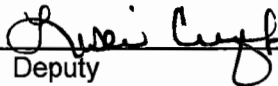
12 Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

13
14 **ATTEST:**

15 BERNICE E. SEIDEL

16 Clerk of the Board of Supervisors

County of Fresno, State of California

17
18 By  _____

19 Deputy

EXHIBIT A

FRESNO COUNTY CEQA FINDINGS OF FACT
FOR
LITTLE BEAR SOLAR PROJECT 1, 3, 4, 5, AND 6

LITTLE BEAR SOLAR PROJECT

CEQA Findings of Fact

Prepared for
County of Fresno Department of
Public Works and Planning

December 2018



7 EISA
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CEQA FINDINGS OF FACT

1. Statement of Findings

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

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

1.1 Introduction

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

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

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

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

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

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

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

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

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

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

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

1.2 Description of the Approved Project

1.2.1 Project Location

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

1.2.2 Project Objectives

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

- Construct a project capable of generating approximately 180 MWac of electricity in order to assist the State of California in achieving the Renewables Portfolio Standards (RPS)³ and SB 350⁴ greenhouse gas (GHG) reduction goals by providing a significant new source of solar energy.
- Produce, store, and transmit electricity at a competitive cost.
- Site the generating facility in a rural portion of western Fresno County in proximity to an available connection to the existing electrical distribution system.
- Benefit local communities through the creation of jobs, demand for local goods and services and increased sales and use tax revenue.

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

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

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

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

1.2.3 Project Description

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

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

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

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

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

2. Record of Proceedings

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

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

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

3. Findings Required Under CEQA

These findings have been prepared in accordance with CEQA and the CEQA Guidelines. Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 goes on to state, "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The principles in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. Pursuant to CEQA Guidelines Section 15091, the approving agency must issue a written finding reaching one or more of three permissible conclusions for each significant environmental effect identified in an EIR for a project:

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

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

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

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

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

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

- Air Quality – Criteria pollutant emissions during Project construction could conflict with the air quality plan adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD). (Less than Significant Impact)
- Air Quality – The Project could expose sensitive receptors to substantial pollutant concentrations during construction and decommissioning, including NO₂. (Less than Significant Impact)
- Air Quality – The Project could generate odor or dust emissions during Project construction and decommissioning. (Less than Significant Impact)
- Air Quality – Project construction and decommissioning activities potentially could expose sensitive receptors to risk of Valley Fever. (Less than Significant Impact)
- Biology – Whether the Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, of by CDFW or USFWS (No Impact)
- Biology – The Project could have a substantial adverse effect on state or federally protected wetlands. (Less than Significant Impact)

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

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

3.1 Findings of Fact

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

3.1.1 Air Quality Impacts

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

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

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

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

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

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

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

- a. A fully-executed Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to fully mitigate Project decommissioning emissions from NO_x; or*
- b. An analysis prepared by an air quality specialist demonstrating that the emissions of NO_x associated with decommissioning would be less than the SJVAPCD threshold of 10 tons per year.*

3.1.2 Biological Resources Impacts

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

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

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

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

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

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

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

Mitigation Measure 3.5-1: Preconstruction Surveys

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

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

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

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

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

- *A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys on the site and immediate vicinity only in areas of the site with suitable burrowing habitat to locate any active breeding or wintering burrowing owl burrows no fewer than 14 days prior to ground-disturbing activities (e.g., vegetation clearance, grading, tilling). Areas that have been plowed within 12 months prior to the start of ground-disturbing activities are not considered suitable habitat. The survey methodology shall be consistent with the methods outlined in the CDFW (2012) Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 23 to 66 feet (7 to 20 meters) apart, noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. Copies of the survey results shall be submitted to CDFW and the Fresno County Public Works and Planning Department. The surveys may be conducted concurrently with San Joaquin kit fox surveys.*
- *If active burrowing owl burrows are detected on-site, no ground-disturbing activities, such as vegetation clearance or grading, shall be permitted within a buffer of 330 feet from an active burrow during the breeding season (February 1 to August 31), unless otherwise authorized by a qualified biologist as described below. During the non-breeding (winter) season (September 1 to January 31), no ground-disturbing work shall be permitted within a buffer of 165 feet from the burrow. Depending on the level of disturbance, a smaller buffer may be*

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

- *If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with the CDFW (2012) Staff Report on Burrowing Owl Mitigation.*
- *If passive relocation is anticipated due to on-site burrowing owl populations, a qualified biologist shall prepare a Burrowing Owl Exclusion Plan in accordance with CDFW (2012) Staff Report on Burrowing Owl Mitigation and for review by CDFW prior to passive relocation activities.*

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

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

- *The operator shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid special-status species where possible. Construction-related activities, vehicles and equipment outside of the impact zone shall be avoided.*
- *These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.*
- *Spoils shall be stockpiled in disturbed areas that lack native vegetation. Best Management Practices (BMPs) shall be employed to prevent erosion in accordance with the Project's approved Stormwater Pollution Prevention Plan (SWPPP). All detected erosion shall be remedied within two (2) days of discovery or as described in the SWPPP.*
- *To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by the approved biological monitor for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a listed species is trapped, the USFWS and/or CDFW shall be contacted immediately.*
- *All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved*

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

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

Mitigation Measure 3.5.3: Nesting Birds and Bats

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

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

3.1.3 Cultural Resources Impacts

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

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

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

Mitigation Measure 3.6-1: Implementation of Accidental Discovery Procedures

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

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

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

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

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

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

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

Mitigation Measure 3.6-2: Accidental Discovery of Human Remains

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

3.1.4 Geology, Soils, and Paleontological Resources

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

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

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

Mitigation Measure 3.8-7: Paleontological Monitoring

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

3.1.5 Hazards and Hazardous Materials Impacts

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

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

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

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

Mitigation Measure 3.10-2: Suspected Asbestos-containing Materials

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

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

3.1.6 Noise Impacts

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

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

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

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

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

3.1.7 Transportation and Traffic Impacts

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

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

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

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

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

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

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

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

Mitigation Measure 3.18-1b: Temporary Traffic Signal

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

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

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

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

Mitigation Measure 3.18-2a: Traffic Management Plan

Implement Mitigation Measure 3.18-1a.

Mitigation Measure 3.18-2b: Temporary Traffic Signal

Implement Mitigation Measure 3.18-1b.

3.1.8 Tribal Cultural Resource Impacts

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

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

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

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

Mitigation Measure 3.19-1:

Implement Mitigation Measures 3.6-1 and 3.6-2.

3.1.9 Cumulative Impacts

Cumulative Transportation and Traffic Impacts

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

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

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

Mitigation Measure 3.1-1:

Implement Mitigation Measure 318-1a.

3.1.10 Growth Inducing Impacts

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

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

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

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

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

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

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

3.2 Mitigation Monitoring Program

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

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

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

3.3 Recirculation of DEIR is Not Required

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

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

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

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

3.4 Findings Regarding Project Alternatives

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

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

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

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

- Increased Habitat/Reduced Acreage Alternative
- No Project Alternative

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

3.4.1 Alternatives Considered and Rejected from Detailed Evaluation

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

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

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

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

No Groundwater Alternative

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

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

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

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

Alternative Sites

Other Potential Candidate Sites Initially Identified by the Applicant

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

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

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

Other Degraded Agricultural Lands

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

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

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

Impaired or Underutilized Lands

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

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

Alternative Solar Technology: Concentrated Solar

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

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

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

Alternative Approaches

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

Conservation and Demand Side Management

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

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

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

Other Distributed Energy Resources

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

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

3.4.2 Alternatives Considered for Detailed Evaluation

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

Increased Habitat/Reduced Acreage Alternative

Description

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

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

Impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Findings

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

No Project Alternative

Description

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

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

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

Impacts

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

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

Findings

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

3.4.3 Conclusions Regarding the Evaluated Alternatives

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

3.4.4 The Environmentally Superior Alternative is the Project

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

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

3.4.5 Finding

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

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

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

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

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

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

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

EXHIBIT B

MITIGATION MEASURES

MITIGATION MONITORING AND REPORTING PROGRAM

FOR

LITTLE BEAR SOLAR PROJECT 1, 3, 4, 5, AND 6

(Including Design Measures, Conditions of Approval and Project Notes)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

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

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

Conditions of Approval	
6.	The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided).
7.	The Reclamation Plan shall be revised to provide for an annual increase in costs at 3%, or tied to the Consumer Price Index (CPI), or other mechanism acceptable to the Fresno County Department of Public Works and Planning.
8.	The project shall comply with the Pest Management Plan, February 2017, in order to control weeds and rodents on the property that may impact adjacent properties.
9.	The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's Mitigation Measures and Conditions of Approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant shall pay all costs associated with the Consultant costs and Mitigation Monitoring.
10	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.
11.	Prior to initiating construction, the Applicant shall be required to contact Underground Service Alert (811) to allow Westlands Water District staff to locate and mark its facilities prior to commencement of grading or construction activities.
12.‡	The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of UCUPS 3550-3553, and 3577 and provide a bond in the amount of \$150,000.00 as security for any such legal costs incurred by the County.
13.‡	The Applicant shall enter into a Reclamation Agreement and shall have the property owner execute a limited easement for the County's benefit.

Conditions of Approval reference required Conditions for the project.

‡Conditions added by the Board of Supervisors, February 26, 2019.

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

Notes	
3.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
5.	A storm water pollution prevention plan (SWPPP) shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.
6.	Because the proposed project includes land disturbances of more than five acres, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.
7.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII – Fugitive Dust Rules. The Applicant also shall adhere to the District's permitting requirements, which include a District-Issued Dust Control Plan and Authority to Construct (ATC). The Applicant shall consider entering into a voluntary emission reduction agreement (VERA) with the District.
8.	The following project notes relate to improvements of the private drives and parking areas: - An Encroachment Permit will be required for any improvements within the County right-of-way prior to commencement of construction. - The driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. - If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. - Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. - A dust palliative shall be required on all parking and circulation areas.
9.	Any proposed septic system shall adhere to the California Plumbing Code and the Fresno Local Agency Management Plan (LAMP).
10.	The Applicant shall comply with the Westlands Water District Backflow Prevention Guidelines.
11.	A dust palliative shall be required on all parking and circulation areas.

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