

Proof of Service by Mail

(Code of Civil Procedure § 1013a)

I, Hana Cesar, declare as follows:

1. I am over 18 years of age and not a party to the matter connected with this proof of service.
2. I am employed by the County of Fresno in the office of the Clerk of the Board of Supervisors, at 2281 Tulare Street, Room 301, in Fresno, California 93721.
3. On January 24, 2025, I served the attached Notice of Hearing before the Board of Supervisors of the County of Fresno for the UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3677 and ENVIRONMENTAL IMPACT REPORT NO. 7869 for the SONRISA SOLAR PROJECT filed by EDP Renewables CA Solar Park VI, LLC.
4. I served the documents by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelopes were addressed and mailed to each of the owners at their addresses, as shown on the current Fresno County Assessment Roll and on the property list compiled from said rolls, as set forth on the attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 24th day of January 2025, in Fresno, California.



Deputy, Clerk of the Board

The original proof of service, including the list of persons and their addresses to whom notice was mailed, is maintained by the Department of Public Works and Planning staff.



For Office Use Only

Date received: 11/27/2024
 Copied to: W. Kettler, C. Motta, D. Randall,
 Date copy sent: 12/2/2024 A. Samarin
 Hearing set for: 2/11/2025

NOTICE OF APPEAL OF PLANNING COMMISSION DECISION

Date: November 26, 2024

Appeal Fee: \$508 – Due when filing appeal

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

Project Site Address

	Sonrisa Solar Project		APNs 028-071-15; 028-071-02;
Number	Street	City	Assessor's Parcel Number

Appellant's Information

Name: Mitchell M. Tsai Law Firm/Carpenters Local 701

Mailing Address: 139 S. Hudson Avenue, Suite 200
Pasadena, CA 91101

Telephone: 626-314-3821

Applicant's Information check if same as Appellant)

Name: EDPR CA Solar Park VI LLC

Mailing Address: 53 SW Yamhill Street
Portland, Oregon 97204

Telephone 503-222-9400

Subject of Appeal

I wish to appeal the Planning Commission's decision to Approve Deny

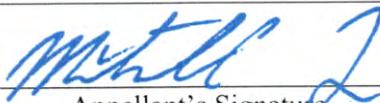
Variance Application No.* _____
 Conditional Use Permit No. 3677
 Director Review and Approval Application No. _____
 Tentative Tract Application No. _____
 Amendment Application No. _____
 Amendment to Text Application No. _____
 Other: Environmental Impact Report No. 7869

RECEIVED
 NOV 27 2024
 CLERK. BOARD OF SUPERVISORS

Date of Planning Commission Action November 14, 2024

Reason(s) for Appeal (Attach additional sheets if necessary)

See attached.


 Appellant's Signature

* Fresno County Zoning Ordinance § 877(c) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works and Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

Please return completed form to Clerk of the Board, 2281 Tulare Street, Room 301, Fresno, CA 93721.



Chairman
Buddy Mendes
District Four

Vice Chairman
Garry Bredefeld
District Two

Brian Pacheco
District One

Luis Chavez
District Three

Nathan Magsig
District Five

Bernice E. Seidel
Clerk

Notice of Land Use Appeal

Notice of hearing before the Board of Supervisors of the County of Fresno on **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3677** and **ENVIRONMENTAL IMPACT REPORT NO. 7869** for the **SONRISA SOLAR PROJECT** filed by **EDP Renewables CA Solar Park VI, LLC**.

Note: On November 14, 2024, the Fresno County Planning Commission approved this application, and on November 27, 2024, an appeal was filed by Mitchell M. Tsai Law Firm/Carpenters Local 701 to the Fresno County Board of Supervisors for consideration.

Notice is hereby given that the Board of Supervisors of the County of Fresno has set this hearing for **Tuesday**, the **11th day of February, 2025**, at the hour of **9:30 A.M. (or as soon thereafter as possible)**, in the **Board of Supervisors Chambers**, Room 301, Hall of Records, 2281 Tulare St., Fresno, California, as the time and place for holding a public hearing on the following matter:

Allow the construction, operation, maintenance, and decommissioning of the Sonrisa Solar Project (Project), of a photovoltaic (PV) solar electricity generating up to 200 megawatts and an energy facility with a capacity of approximately 184 on approximately 2,000 acres.

The Project would connect to the electrical grid via an approximately 0.2-mile gen-tie connection to an existing 3.3 mile long 230 kilovolt (kV) gen-tie through an adjacent energy project which connects to the existing Tranquillity Switching Station, which is operated by Pacific Gas and Electric Company (PG&E). The requested term for the CUP is 35 years.

The approximately 2,000-acre site, is located in western Fresno County, generally is bounded by State Route 33 (SR 33 also known as South Derrick Avenue) to the west, West Manning Avenue to the south, South Merced Avenue to the east, and West Adams Avenue to the north, West South Avenue bisects the site from east to west, approximately 7 miles west of the unincorporated community of Tranquillity, consisting of Assessor Parcel Numbers below: (Sup. Dist. 1)

028-071-15	028-071-41	028-071-02	028-071-33	028-071-45
028-071-40	028-071-20	028-071-43	028-071-44	028-071-16
028-111-17	028-071-06	028-071-07	028-071-17	028-071-13
028-071-21	028-101-72	028-071-01	028-071-04	028-111-07
028-101-74	028-111-13	028-071-39	028-111-01	028-111-16
028-111-10	028-111-19	028-111-14	028-111-15	028-071-47
028-070-33				

Please see the attached map

For information, contact **Jeremy Shaw**, Department of Public Works and Planning, 2220 Tulare Street, (Corner of Tulare & "M" Streets, Suite A), Fresno, CA 93721, telephone **(559) 600-4207**, or email jshaw@fresnocountyca.gov.

The full text of this Land Use Appeal will be available on the Fresno County website <https://fresnocounty.legistar.com/Calendar.aspx> under the February 11, 2025 meeting at the Meeting Details link by Wednesday, February 5, 2025.

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities, and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/ procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at **(559) 600-4230** or at ipothast@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

NOTES:

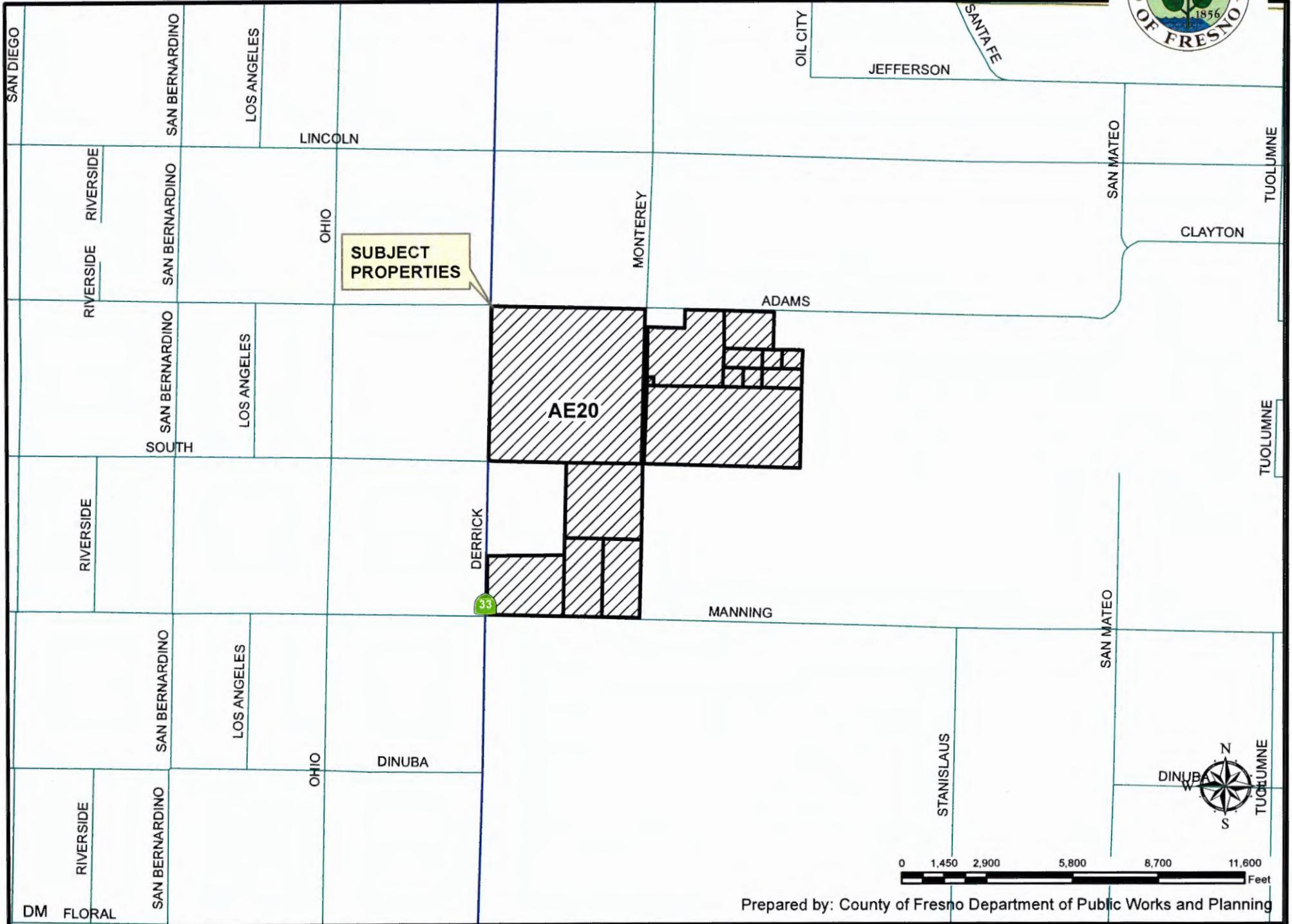
- Anyone may testify, please share this notice with your neighbors or anyone you feel may be interested.
- The Board of Supervisors will also accept written testimony such as letters, petitions, and statements. In order to provide adequate review time for the Board of Supervisors, please submit these documents to the Clerk to Board prior to the hearing date.
- If at some later date you challenge the final action on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

DATED: January 24, 2025

BERNICE E. SEIDEL
Board of Supervisors

By , Deputy

EXISTING ZONING MAP



P.O. Box 126
Fresno, CA 93707
Telephone (559) 490-3400

(Space Below for use of County Clerk only)

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

Notice of Public Hearing

UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION
NO. 3677 and ENVIRONMENTAL IMPACT REPORT NO. 7869

DATE AND TIME OF HEARING:
FEBRUARY 11, 2025 AT 9:30 AM

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

MISC. NOTICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

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

JANUARY 31, 2025

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

JANUARY 31, 2025

ON

Notice of Public Hearing
Notice of hearing before the Board of Supervisors of the County of Fresno on UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3677 and ENVIRONMENTAL IMPACT REPORT NO. 7869 for the SONRISA SOLAR PROJECT filed by EDP Renewables CA Solar Park VI, LLC. On November 14, 2024, the Fresno County Planning Commission approved this application, and on November 27, 2024, an appeal was filed by Mitchell M. Tsai Law Firm/ Carpenters Local 701 to the Fresno County Board of Supervisors for consideration.
Notice is hereby given that the Board of Supervisors of the County of Fresno has set this hearing for Tuesday, the 11th day of February, 2025, at the hour of 9:30 A.M. (or as soon thereafter as possible), in the Board of Supervisors Chambers, Room 301, Hall of Records, 2281 Tulare St., Fresno, California, as the time and place for holding a public hearing on the following matter:
Allow the construction, operation, maintenance, and decommissioning of the Sonrisa Solar Project (Project), of a photovoltaic (PV) solar electricity generating up to 200 megawatts and an energy facility with a capacity of approximately 184 on approximately 2,000 acres.
The Project would connect to the electrical grid via an approximately 0.2-mile gen-tie connection to an existing 3.3 mile long 230 kilovolt (kV) gen-tie through an adjacent energy project which connects to the existing Tranquillity Switching Station, which is operated by Pacific Gas and Electric Company (PG&E). The requested term for the CUP is 35 years.

The approximately 2,000-acre site, is located in western Fresno County, generally is bounded by State Route 33 (SR 33 also known as South Derrick Avenue) to the west, West Manning Avenue to the south, South Merced Avenue to the east, and West Adams Avenue to the north. West South Avenue bisects the site from east to west, approximately 7 miles west of the unincorporated community of Tranquillity, consisting of Assessor Parcel Numbers below: (Sup. Dist. 1)

- 028-071-15
- 028-071-41
- 028-071-02
- 028-071-33
- 028-071-45
- 028-071-40
- 028-071-20
- 028-071-43
- 028-071-44
- 028-071-16
- 028-111-17
- 028-071-06
- 028-071-07
- 028-071-17
- 028-071-13
- 028-071-21
- 028-101-72
- 028-071-01
- 028-071-04
- 028-111-07
- 028-101-74
- 028-111-13
- 028-071-39
- 028-111-01
- 028-111-16
- 028-111-10
- 028-111-19
- 028-111-14
- 028-111-15
- 028-071-47
- 028-070-33

For information, contact Jeremy Shaw, Department of Public Works and Planning, 2220 Tulare Street, (Corner of Tulare & "M" Streets, Suite A), Fresno, CA 93721, telephone (559) 600-4207, or email jshaw@fresnocountyca.gov.

The full text of this Land Use Appeal will be available on the Fresno County website <https://fresnocounty.legistar.com/Calendar.aspx> under the February 11, 2025 meeting at the Meeting Details link by Wednesday, February 5, 2025.

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities, and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/ procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at (559) 600-4230 or at jpothast@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

Ernest Buddy Mendes, Chairman
Board of Supervisors

ATTEST:
BERNICE E. SEIDEL
Clerk, Board of Supervisors
01/31/2025

To: Clerk/BOS
Subject: RE: EDP Renewables Response to Carpenters Union Local #701's Appeal

From: MADISON NOVAK <MADISON.NOVAK@EDP.COM>
Sent: Friday, January 31, 2025 4:09 PM
To: Clerk/BOS <ClerkBOS@fresnocountyca.gov>
Cc: Randall , David A. <drandall@fresnocountyca.gov>; TIMOTHY MULÉ <TIMOTHY.MULE@EDP.COM>
Subject: EDP Renewables Response to Carpenters Union Local #701's Appeal

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Report Suspicious

Good Afternoon,

Attached please find EDP Renewables' response to the Carpenters Union Local #701's appeal. As explained in more detail in the attached, Local 701's appeal appears to reflect a dispute between labor unions as opposed to land use or CEQA concerns. In short, the arguments Local 701 makes on appeal are without merit and have already been addressed by County staff:

- Local 701 devotes much of its appeal to arguing that the County should impose additional hiring requirements. Local 701 made identical arguments in commenting on the Draft EIR, and the Final EIR thoroughly and properly addressed them. Local 701's arguments fail for the same reasons already explained in the Final EIR..
- Local 701 also argues that the County failed to comply with CEQA because the project footprint was reduced by roughly 300 acres between Draft and Final EIR. Quite the opposite is true: the whole purpose of CEQA is to discover refinements like this, which reduce adverse impacts while maintaining project benefits. Contrary to Local 701's contentions, the law is clear that the County was correct to refine the project description in the Final EIR in a way that reduced the Project's overall footprint and impacts while maintaining the Project's generating capacity and the local benefits associated with it.
- Finally, Local 701 argues that the County failed to comply with CEQA because the EIR did not include a copy of the Project's Air Impact Assessment application. Here too, the Final EIR already thoroughly rebutted the identical argument Local 701 made in commenting on the Draft EIR. In any event, the issue is now moot because the Project has since submitted its AIA application and received approval from the San Joaquin Valley Air Pollution Control District.

Please let us know if you have any questions or would like a call to discuss.

Thank you and have a great rest of your day,

Madison



Madison Novak
EDPR
Project Development Manager

710 NW 14th Avenue, Suite 250, Portland, OR 97209, United States
T +1(713)205-7587



CONFIDENTIALITY NOTICE:

This message and the attached files may contain confidential and/or privileged information, which should not be disclosed, copied, saved or distributed, under the terms of current legislation.

If you have received this message in error, we ask that you do not disclose or use this information. Please notify the sender of this error, by email, and delete this message from your device.

AVISO DE CONFIDENCIALIDADE:

Esta mensagem e os ficheiros em anexo podem conter informação confidencial e/ou privilegiada, que não deverá ser divulgada, copiada, gravada ou distribuída, nos termos da lei vigente.

Se recebeu esta mensagem por engano, pedimos que não divulgue nem faça uso desta informação. Agradecemos que avise o remetente da mesma, por correio eletrónico, e apague este e-mail do seu sistema.

AVISO DE CONFIDENCIALIDAD:

Este mensaje y los archivos adjuntos pueden contener información confidencial y/o privilegiada, que no deberá ser divulgada, copiada, guardada o distribuida de acuerdo al cumplimiento de la ley vigente.

Si ha recibido este mensaje por error, le pedimos que no divulgue o haga uso de esta información. Le agradecemos que notifique el error al remitente enviándole un correo electrónico y elimine este email de su dispositivo.



January 31, 2025

Members of the Board:

As you are aware, EDPR CA Solar Park VI, LLC has proposed to construct, operate, and maintain the Sonrisa Solar Project (the “Project”) on unincorporated lands in Fresno County. On November 14, 2024 the Planning Commission unanimously certified the Project’s environmental impact report (“EIR”) and approved Conditional Use Permit No. 3677.

We were surprised to see the Carpenters Union Local #701 (“Local 701”) appeal the Planning Commission’s decision to your Board, given that EDP Renewables’ construction contractor for the Project has already signed onto and implemented a longstanding multi-trade project labor agreement for the Project.

Local 701’s appeal is without merit. Please find a detailed explanation below, addressing the topics raised in Local 701’s appeal. We continue to discuss the Project’s labor needs with Local 701, however any disputes between Local 701 and its fellow building trade unions are ultimately not for EDP Renewables or the County to resolve.

Local 701’s Request that the County Impose Hiring Requirements is Misplaced

Local 701 devotes the first half of its appeal not to an attempt to establish that the Planning Commission erred in approving the Project under applicable law, but rather to asking the County to “require the Project to be built by contractors who participate in a Joint Labor-Management Apprenticeship Program . . . and make a commitment to hiring a local workforce.” Appeal Justification pp. 2-4. Local 701 asserts that requiring “a certain percentage of workers to reside within 10 miles or less of the Project site” would bring environmental benefits in the form of mitigating greenhouse gas emissions, improving air quality, and reducing transportation impacts. *Id.*

Local 701 raised identical points in its comments on the Draft EIR. See Final EIR, pp. 2-48 to 2-50. The County thoroughly responded to these comments in the Final EIR, finding County-imposed hiring requirements unwarranted. Final EIR, pp. 2-57 to 2-58. As the Final EIR notes, for example, “consistent with the County of Fresno Solar Facility Guidelines, the applicant has committed to recruiting and hiring from the local workforce to the extent reasonable.” *Id.* The Final EIR also explains that the Project would not result in significant



air emissions or vehicle miles traveled impacts that would justify additional mitigation. *Id.* Local 701 ignores these detailed responses in its appeal.

Here, as before, Local 701 makes no showing that applicable law requires or even allows the result it seeks. And the Final EIR has already addressed its request in detail. Local 701's request is therefore misplaced, and the Board should reject it for the same reasons the County has already articulated in the Final EIR.

The Planning Commission's Unanimous Approval of the Project Complied with the California Environmental Quality Act ("CEQA")

Local 701 raises just two legal arguments on appeal, claiming: (1) the project description is unstable and a revised EIR should have been recirculated for public comment because the Final EIR modifies the EIR's project description to remove three parcels (totaling approximately 300 acres) from the Project site; and (2) an Air Impact Assessment ("AIA") application submitted consistent with San Joaquin Valley Air Pollution Control District ("SJVAPCD") rules should have been made available for public comment as part of the EIR. Both arguments lack merit.

A. The EIR's Project Description Complies with CEQA

The Draft EIR provides a detailed description of the proposed Project, thoroughly and consistently describing a photovoltaic solar generating facility with a "generating capacity of up to 200 megawatts . . . and a battery storage capacity of 184 MW" along with associated infrastructure on "approximately 2,000 acres of land in Fresno County." See Draft EIR, pp. 2-1 to 2-22. The Draft EIR also identifies alternatives to the proposed Project, including Alternative 1, the Reduced Acreage Alternative. Under that alternative, the applicant would develop a 160 MW solar, 147 MW storage project on approximately 1,600 acres. *Id.* at 3-7. Local 701's comments on the Draft EIR ignored the Reduced Acreage Alternative.

The Final EIR revises the Project's description to remove three parcels, totaling approximately 300 acres, from the Project footprint. See Final EIR, pp. 3-2 to 3-3, 3-7. The remainder of the 21-page project description – including the Project's up to 200 MW solar and 184 MW storage capacity (and the labor demand they create) – remained unchanged. See *id.* at 1-2.

Local 701 argues that this reduction of the proposed Project's footprint represents "significant new information" that "deprives the public of a meaningful opportunity to



comment upon a substantial adverse environmental effect of the project” and therefore required recirculation of the EIR before the Planning Commission certified it. Appeal Justification pp. 5-7. The union does not identify what this “substantial adverse environmental effect” might be, because no such effect exists. Instead, Local 701 asserts (without evidence) that this change “reduces the likely benefits of the Project by reducing total area for solar production.” *Id.* at 7.

Recirculation of an EIR after the close of the public comment period is warranted only where the lead agency adds “significant new information” to the document before certifying it. Pub Res. Code 21092.1. Significant new information requiring recirculation includes information showing (i) a new or more severe significant environmental impact beyond those analyzed in a draft EIR, (ii) a new feasible alternative or mitigation measure that would clearly lessen significant impacts but the project proponent declines to adopt it, or (iii) the draft EIR was so fundamentally inadequate and conclusory that meaningful public review and comment were precluded. CEQA Guidelines 15088.5(a). “Recirculation is thus not required simply because new information is added. The final EIR will almost always contain information not included in the draft EIR given the CEQA statutory requirements of circulation of the draft EIR, public comment, and response to these comments prior to certification of the final EIR. Recirculation was intended to be an exception, not the general rule.” *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154, 1184.

Local 701’s argument fails under this rule for at least three independent reasons:

First, Local 701 is mistaken that the reduction of the Project footprint reflected a reduction in the Project’s solar generating capacity. As the Final EIR makes clear, the Project retains the same up to 200 MW generating and 184 MW storage capacity identified in the Draft EIR. See Final EIR, p. 1-2. In other words, although Local 701 complains of a supposed reduction in Project labor benefits stemming from diminished solar energy generation, no such reduction exists.¹

Second, even if the Project’s generating capacity *had* been reduced, this would not amount to a change that “deprives the public of a meaningful opportunity to comment upon a substantial adverse effect” triggering recirculation under Guidelines Section 15088.5. Because the Project would still result in a major net offset of greenhouse gas emissions, for

¹ A recent design for the project is attached for reference. As shown there, the full project capacity continues to fit within the Project footprint.



example, there would be no new “substantial adverse effect” associated with the Project’s greenhouse gas emissions even if the Project generated less energy. Indeed, as the EIR makes clear, the Project will not result in significant and unavoidable impacts of any kind. Furthermore, the reduction in size of the Project footprint actually reduces rather than increases its adverse impacts and therefore does not result in a new or more intense significant impact beyond those already identified in the Draft EIR. In any event, because the Draft EIR identified the Reduced Acreage Alternative, the public had ample opportunity to comment on a version of the Project with less generating capacity; Local 701 simply chose not to.

Finally, case law makes clear that reducing the size of the proposed Project between the Draft and Final EIR did not create an unstable project description requiring recirculation of the EIR before the Planning Commission certified it.

CEQA allows lead agencies the flexibility to approve projects smaller than those described in their EIRs. For example, in *Dusek v. Redevelopment Agency* (1985) 173 Cal.App.3d 1029, the EIR at issue described a project involving demolition of a historic property and construction of up to 350,000 square feet of new building space. *Id.* at 1037. The lead agency ultimately approved only the demolition but not the new construction; the petitioners argued that this violated the principle articulated in *Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d that “[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *Id.* at 1040. The Court of Appeal disagreed, holding that “CEQA does not handcuff decision-makers in the manner proposed by the [petitioners]. The action approved need not be a blanket approval of the entire project initially described in the EIR. If that were the case, the informational value of the document would be sacrificed. Decision-makers should have the flexibility to implement that portion of a project which satisfies their environmental concerns.” *Id.* at 1041.

A more recent decision underscores the rule that projects can be refined throughout the CEQA process without triggering recirculation; after all, this is exactly what the CEQA process is designed to achieve. In *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154, the lead agency approved a mixed use residential and commercial development despite changes to the ratio of residential and commercial units and the size and number of the buildings that would house them between draft EIR, final EIR, and project approval. There, the project was initially described as consisting of 200,000 square feet of commercial space and 422 residential units within a total of seven buildings. *Id.* at 1179. Alternatives in the Draft EIR presented various permutations



modifying the balance of commercial and residential space along with the number and size of buildings. *Id.* at 1179-80. The Final EIR added yet another alternative, and the City ultimately approved still a different layout, which was never publicly vetted: 60,000 square feet of commercial space and 623 residential units in four buildings. *Id.* at 1180. The Court of Appeal surveyed the caselaw and rejected the petitioner’s arguments that these changes rendered the project description unstable such that recirculation was required under Section 15088.5 of the CEQA Guidelines, emphasizing that the various permutations of the project all described a mix of residential and commercial units and did not exceed the same project footprint. *Id.* at 1179-81.

The Sonrisa project description is comparable to the project descriptions upheld in *Dusek* and *Southwest Regional Council of Carpenters*, although the changes at issue here are considerably smaller: the EIR here consistently described a solar project with the same components, the same capacity, and the same location – and even identified an alternative that would not just occupy a smaller footprint, but generate and store less energy than the project approved by the Planning Commission.

By contrast, the sole case on which Local 701 relies, *Inyo*, is not relevant. The project description at issue in *Inyo* was inconsistent within the EIR itself, at one point describing the project as an increase in groundwater withdrawals (at varying and conflicting levels), at another point as an extensive infrastructure project, and at yet another point as a groundwater export project. In the words of the court, these “incessant shifts among different project descriptions [within the same EIR] vitiat[e] the City’s EIR process as a vehicle for intelligent public participation.” *Id.* at 190, 197. Here, by contrast, the Project’s description remained stable within the Draft EIR and within the Final EIR, the only change being a reduction in size of the proposed Project footprint between the Draft and Final EIR, which decreased rather than increased the Project’s impacts and therefore did not require recirculation under 15088.5 of the CEQA Guidelines.

B. The Final EIR Was Not Required to Attach the Project’s AIA Application

Local 701 also argues that the Final EIR failed to include information requested by the union because it did not include a copy of the AIA application required by SJVAPCD Rule 9510. According to the Local 701, “the Planning Commission’s approval of the Project without compliance with this rule limits SJVAPCD’s ability to ensure proper mitigation and clean air design.” Appeal Justification pp. 7-8. This re-asserts the position Local 701 took in its comments on the Draft EIR that a copy of the AIA application is necessary to



substantiate the EIR’s conclusions that the Project will not result in significant air quality impacts. See Final EIR pp. 2-53 to 2-54.

Here again, the County has already comprehensively rejected these claims in responding to Local 701’s comments on the Draft EIR. As the Final EIR explains, compliance with Rule 9510 is not a mitigation measure imposed by the County. Final EIR p. 2-59. Instead, “compliance with Rule 9510 is an independently enforceable regulatory requirement,” and the courts have made clear that “[c]ompliance with relevant regulatory standards can provide a basis for determining that the project will not have a significant environmental impact.” *Id.* pp. 2-59, 2-61 (citing *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912). As the County also rightly observed, CEQA “does not require an EIR to include copies of permit applications Members of the public are welcome to review the AIA application and any associated mitigation measures or permit conditions as part of SJVAPCD’s permit process.” *Id.* at 2-60 to 2-61. This process has recently been completed, with EDP Renewables having received an approved AIA from SJVAPCD on January 17, 2025, such that the question raised by Local 701 is now moot. Please find this approval letter attached.

Regardless, contrary to Local 701’s claim, the EIR does not merely assert that compliance with Rule 9510 will ensure Project impacts are less than significant. As explained in the County’s response to Local 701’s comments on the Draft EIR, the EIR goes above and beyond by providing extensive calculations supporting its conclusion. Because the EIR already includes more than “enough detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project,” Local 701’s claim that a copy of the AIA application must also be included with the EIR fails. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516.

Conclusion

Local 701’s appeal to the Board of Supervisors is devoid of merit, suggesting that it is not a CEQA or land use permitting concern. We respectfully request that the Board reject this appeal and approve the Project just as the Planning Commission did unanimously.

January 16, 2025

Madison Novak
EDPR CA Solar Park IV LLC And Sonrisa BESS LLC
1501 McKinney Street, Suite 1300
Houston, TX 77010

Re: Air Impact Assessment (AIA) Application Approval
ISR Project Number: C-20240533
Land Use Agency: County of Fresno
Land Use Agency ID Number: CUP 3677

Dear Ms. Novak:

The San Joaquin Valley Air Pollution Control District (District) has approved your Air Impact Assessment (AIA) for the Sonrisa Solar Project, located at 30750 Manning Avenue in Cantua creek, California. The project consists of a 200-megawatt solar photovoltaic energy generation facility and energy storage infrastructure. The District has determined that the mitigated baseline emissions for construction and operation will be less than two tons NOx per year and two tons PM10 per year. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. As such, the District has determined that this project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site fees. The determination is based on the project construction details provided with the application. Changes in the construction details may result in increased project related emissions and loss of this exemption.

Pursuant to District Rule 9510, Section 8.4, the District is providing you with the following information:

- A notification of AIA approval (this letter)
- A statement of tentative rule compliance (this letter)
- An approved Monitoring and Reporting Schedule

In addition, to maintain this exemption you must comply with all mitigation measures identified in the enclosed Monitoring and Reporting Schedule. Please notify the District of any changes to the project as identified in the approved Air Impact Assessment for this project.

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

Change in Developer Form

If all or a portion of the project changes ownership, a completed Change in Developer form must be submitted to the District within thirty (30) days following the date of transfer.

Additional Requirements

- Dust Control Plan. Please be aware that you may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.
- Asbestos Requirements for Demolitions. If demolition is involved, a Certified Asbestos Consultant will need to perform an asbestos survey prior to the demolition of a regulated facility. Following the completion of an asbestos survey; the asbestos survey, Asbestos Notification, Demolition Permit Release, and the proper fees are to be submitted to the District 10 working days prior to the removal of the Regulated Asbestos Containing Material and/or the demolition when no asbestos is present.
- Permits. Per District Rule 2010 (Permits Required), you may be required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal combustion engines, boilers, and baghouses.

To identify other District rules or regulations that apply to this project or to obtain information about District rules and permit requirements, the applicant is strongly encouraged to visit www.valleyair.org or contact the District's Small Business Assistance office nearest you:

Fresno office: (559) 230-5888
Modesto office: (209) 557-6446
Bakersfield office: (661) 392-5665

Ms. Novak
Page 3

Thank you for your cooperation in this matter. Please note the District also issued a letter to the land-use agency notifying the agency of this AIA approval. If you have any questions, please contact Mr. Eric S McLaughlin by telephone at (559) 230-5808 or by email at eric.mclaughlin@valleyair.org.

Sincerely,

Tom Jordan
Director of Policy and Government Affairs

A handwritten signature in blue ink, appearing to read 'Tom Jordan', with a stylized flourish at the end.

For: Mark Montelongo
Program Manager

Enclosures

Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

Project Name:	SONRISA SOLAR PROJECT
Applicant Name:	EDPR CA SOLAR PARK LLC
Project Location:	30750 MANNING AVENUE APN(s): 028-071-15, 028-071-02, 028-071-33, 028-071-40, 028-071-41, 028-071-43, 028-071-44, 028-071-45, 028-071-20, 028-071-07, 028-071-17, 16, 21, 028-071-06, 028-071-01, 028-071-04, 028-071-13
Project Description:	LAND USE: Other - 2000 Acres - Other Other - 2000 Acres - Other Other - 2000 Acres - Other ACREAGE: 1708.13
ISR Project ID Number:	C-20240533
Applicant ID Number:	C-303582
Permitting Public Agency:	COUNTY OF FRESNO
Public Agency Permit No.	CUP 3677

Existing Emission Reduction Measures

Enforcing Agency Measure	Quantification	Notes
There are no Existing Measures for this project.		

Non-District Enforced Emission Reduction Measures

Enforcing Agency Measure	Specific Implementation	Source Of Requirements
There are no Non-District Enforced Measures for this project.		

District Enforced Emission Reduction Measures

Enforcing Agency Measure	Specific Implementation	Measure For Compliance	District Review
SJVAPCD Construction and Operation - Exempt from Off-site Fee	For each project phase, within 30-days of issuance of the first certificate of occupancy, if applicable, submit to the District a summary report of the construction start, and end dates, and the date of issuance of the first certificate of occupancy. Otherwise, submit to the District a summary report of the construction start and end dates within 30-days of the end of each phase of construction.	(Compliance Dept. Review)	

Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

(District Enforced Emission Reduction Measures Continued)

Enforcing Agency	Measure	Specific Implementation	Measure For Compliance	District Review
SJVAPCD	Construction and Operation - Recordkeeping	For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request.	(Compliance Dept. Review)	
SJVAPCD	Construction and Operational Dates	For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable.	(Compliance Dept. Review)	

Number of District Enforced Measures: 3

ITEM #10
02/11/2025



P: (626) 314-3821
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Law Firm

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

February 10, 2025

Fresno Board of Supervisors
2281 Tulare Street, Room 301
Fresno, CA 93721
Em: ClerkBOS@fresnocountyca.gov

RE: County of Fresno Board of Supervisors Appeal Hearing - Sonrisa Solar Project (SCH# 2020110008)(Agenda Item 10).

Dear Honorable Supervisors,

On behalf of the Carpenters Union Local #701 (“**Local 701**”), my Office is submitting further comments for the County of Fresno’s (“**County**”) Board of Supervisors Appeal Hearing regarding the Sonrisa Solar Project (“**Project**”).

Local 701 represents thousands of union carpenters in Fresno County and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects.

Individual members of Local 701 live, work, and recreate in the County and surrounding communities and would be directly affected by the Project’s environmental impacts.

Local 701 expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

Local 701 incorporates by reference all comments related to the Project or its CEQA review, including the Environmental Impact Report. See *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project’s environmental documentation may assert any issue timely raised by other parties).

I. THE COUNTY ZONING ORDINANCE STATES THAT THE APPEAL HEARING SHALL BE DE NOVO

County Zoning Ordinance Section 876.6.050.E.1 notes that the appeal hearing will be de novo. The Board may “consider any issue(s) associated with the appeal, in addition to the specific grounds for the appeal.” As such, the hearing for this appeal shall be considered a new hearing.

II. THE COUNTY SHOULD REQUIRE THE USE OF A LOCAL WORKFORCE TO BENEFIT THE COMMUNITY’S ECONOMIC DEVELOPMENT AND ENVIRONMENT

The County should require the Project to be built by contractors who participate in a Joint Labor-Management Apprenticeship Program approved by the State of California and make a commitment to hiring a local workforce.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the University of California, Berkeley Center for Labor Research and Education concluded:

[L]abor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words,

well-trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Furthermore, workforce policies have significant environmental benefits given that they improve an area’s jobs-housing balance, decreasing the amount and length of job commutes and the associated greenhouse gas (GHG) emissions. In fact, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program” can result in air pollutant reductions.²

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.³

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (VMT). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.⁴ Some municipalities have even tied local hire and

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁴ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

Recently, the State of California verified its commitment towards workforce development through the Affordable Housing and High Road Jobs Act of 2022, otherwise known as Assembly Bill No. 2011 (“**AB2011**”). AB2011 amended the Planning and Zoning Law to allow ministerial, by-right approval for projects being built alongside commercial corridors that meet affordability and labor requirements.

The County should consider utilizing local workforce policies and requirements to benefit the local area economically and to mitigate greenhouse gas, improve air quality, and reduce transportation impacts.

III. **THE PROJECT WAS APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

The California Environmental Quality Act is a California statute designed to inform decision-makers and the public about the potential significant environmental effects of a project. 14 California Code of Regulations (“**CEQA Guidelines**”), § 15002, subd. (a)(1).⁵ At its core, its purpose is to “inform the public and its responsible

⁵ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 et seq., are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. Cal. Pub. Res. Code, § 21083. The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 217.

officials of the environmental consequences of their decisions *before* they are made.” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

1. *The Project Description in Inconsistent and Unstable*

The Project description is inadequate in that the project size remains an estimated 2,000 acres despite the removal of 300 acres from the site. Regardless of claims that the reduced size would not result in a reduction of estimated energy production, the FEIR fails to establish exactly how the previously estimated energy production could be produced on the reduced footprint. No updated project site plan was included in the FEIR. Further, the map included in the Project Applicant’s response is incomplete and fails to clarify any of the questions raised by Local 701.

One of the cornerstones of CEQA is the informational value an EIR provides to both the public and public agencies prior to any decision on a project. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553, 576.564.) Here, the EIR was fundamentally and basically inadequate and conclusory in nature as the Project’s size necessarily relates to the available space for solar racks, meaning any reduction in space results in a reduction of solar panels. The EIR’s own reduced space alternative notes that a 20% reduction in site space would reduce the facility’s production capabilities from 200 MW with 184 MW battery storage to 160 MW with 147 MW of battery storage. As the FEIR only notes the reduction of the Project’s size without an updated estimate on the expected production levels, the FEIR has essentially rendered the public comment on the draft EIR meaningless. The new information thus triggers recirculation under Public Resources Code Section 21092.1. At the very least, an addendum to the EIR should be prepared to provide the public and the public agencies considering the Project the necessary information on the Project relating to the change in size.

2. *CEQA Requires Subsequent or Supplemental Environmental Review When Substantial Changes or New Information Comes to Light*

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in

order to give the public a chance to review and comment upon the information. (CEQA Guidelines § 15088.5.)

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” 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 (including a feasible project alternative).” (CEQA Guidelines § 15088.5(a).) Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (*Id.*)

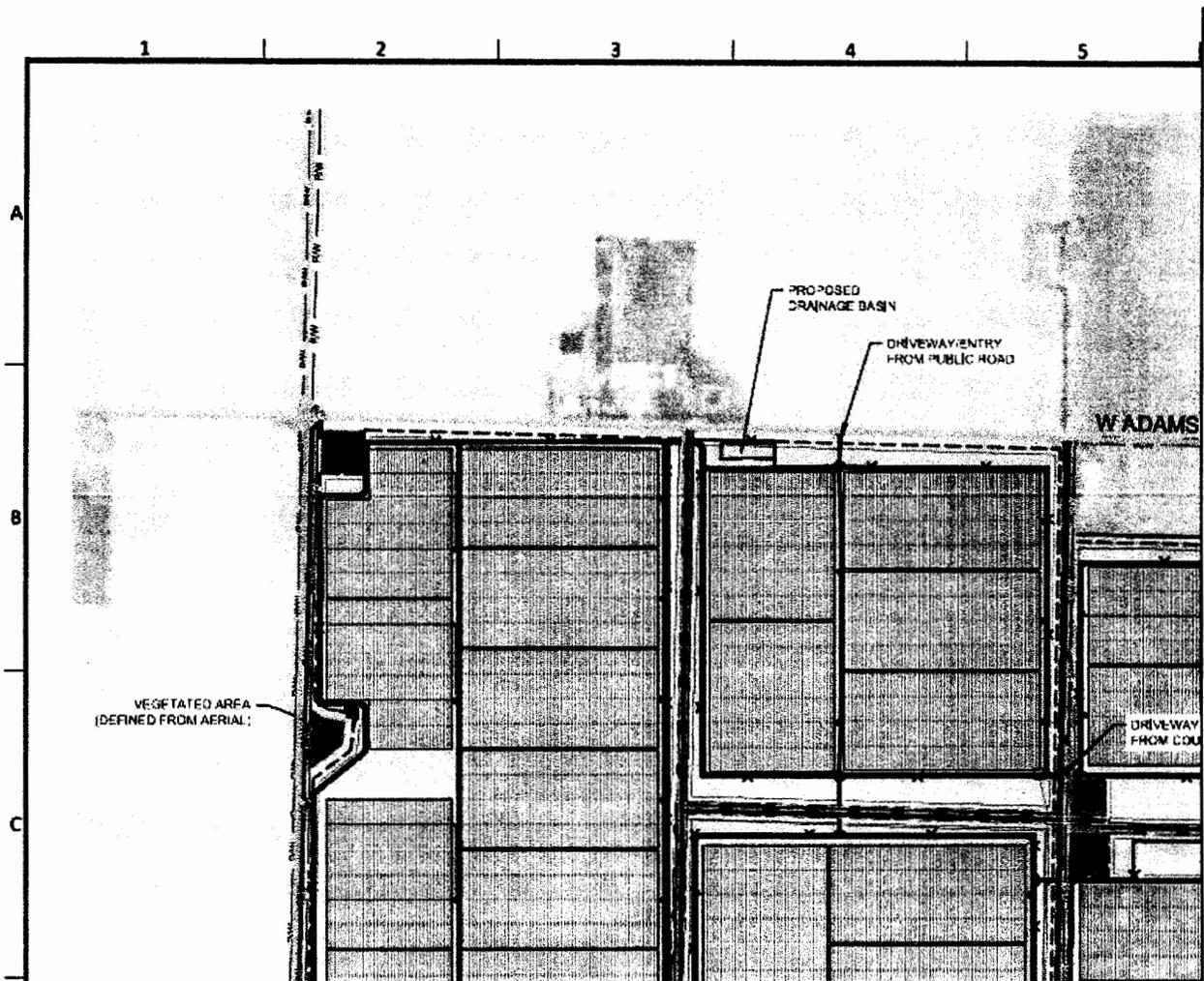
An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. (*Cadix Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”].) If significant new information was brought to the attention of an agency prior to certification, ***an agency is required to revise and recirculate that information as part of the environmental impact report***

The FEIR includes changes that disrupt the existing Project Description, as outlined in the preceding paragraph. Here, the smaller Project size has not fully established how it avoids the pitfalls associated with Project Alternative 1, which proposed a 20% size reduction as compared to the changed Project’s 15% size reduction.

Significant new information includes changes in the project 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. (CEQA Guidelines § 15088.5(a).) In this case, the removal of these parcels results in a significant change to the project site that changes the applicability of the previously prepared analysis and reduces ***the likely benefits*** of the Project by reducing total area

for solar production. Project Alternative 1 noted that “a smaller project would *offset less greenhouse gas emissions* from construction and decommissioning than the proposed Project, such that Alternative 1’s greenhouse gas emissions impacts may be greater.” (DEIR, p. 3-7.) (Emphasis added.)

Despite the Project Applicant’s response that the same amount of solar energy production would be produced on the smaller site, nothing in the environmental review performed for the Project supports that conclusion. The updated site design included in the Applicant’s response is incomplete and does not include the information necessary to provide the context Local 701 is requesting, as shown below.



(Project Applicant Response, p. 9.)

Local 701 requests the Board grant this appeal and require the EIR to be updated with new figures outlining how the Project will meet the established solar energy

production levels or, if no longer feasible, update the greenhouse gas emissions analysis to account for the reduction in benefits associated with the smaller production size.

3. *The FEIR Fails to Include Mitigations Identified by the SJVAPCD.*

Local 701's concerns surrounding the Project's compliance with SJVAPCD Rule 9510 stem from the Rule's requirement for application submission prior to final discretionary approval.

Specifically, Rule 9510 states that:

[a]ny applicant subject to this rule shall submit an Air Impact Assessment (AIA) application ***no later than applying for a final discretionary approval with the public agency.*** Nothing in this rule shall preclude an applicant from submitting an AIA application prior to filing an application for a final discretionary approval with the public agency. It is preferable for the applicant to submit an AIA application as early as possible in the process for that final discretionary approval.

(SJVAPCD Rule 9510, Section 5.0 Application Requirements.) (Emphasis added.)

As noted in the Project Applicant's response, the AIA was not submitted until mid-January 2025, well after the Planning Commission approved the Project and Local 701 filed this appeal. Since the AIA was submitted late, the three mitigation measures identified by the District were not included in the documents approved by the Planning Commission.

The purpose of the timing section of Rule 9510 allows SJVAPCD the ability to ensure proper mitigation and clean air design. As such, Local 701 requests that three mitigation measures included in the District's Source Review be added to the Project's Mitigation Monitoring and Reporting Program.

IV. CONCLUSION

Based on the foregoing, Local 701 requests that the Board of Supervisors grant this appeal and require revision and recirculation of the FEIR to address the areas of concern including the changing project size and the non-compliance with the SJVAPCD's Rule 9510. If the County has any questions, please reach out to my office.

County of Fresno – Sonrisa Solar Project
February 10, 2025
Page 9 of 9

Sincerely,

A handwritten signature in blue ink, appearing to read "Grace Holbrook", is written over a solid black horizontal line.

Grace Holbrook
Attorneys for Carpenters Local Union #701