

Appendix A

Scoping Report

HEARTLAND HYDROGEN PROJECT

Scoping Report

EIR No. 7564

CUP Nos. 3630 and 3631 and Variance Application No. 4122

State Clearinghouse No. 2022100609

Prepared for
County of Fresno Department of Public
Works and Planning, Development
Services and Capital Projects Division

December 2022



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Development Services and Capital
Projects Division

December 2022

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201900482

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SCOPING REPORT

Heartland Hydrogen Project

1. Introduction

This report provides an overview of the comments received by the County of Fresno Department of Public Works and Planning, Development Services and Capital Projects Division (County) during the public scoping period for the Environmental Impact Report (EIR) that the County is preparing for the Heartland Hydrogen Project (Project), EIR No. 7564.¹

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15083, a “Lead Agency may...consult directly with any person...it believes will be concerned with the environmental effects of the project.” Scoping is the process of early consultation with affected agencies and the public prior to completion of a Draft EIR. Section 15083(a) states that scoping can be “helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.” Scoping is an effective way to bring together and consider the concerns of affected State, regional, and local agencies, the Project proponent, and other interested stakeholders (CEQA Guidelines §15083(b)). Scoping is not conducted to resolve differences concerning the merits of a project or to anticipate the ultimate decision on a proposal. Rather, the purpose of scoping is to determine the scope of information and analysis to be included in an EIR and, thereby, to ensure that an appropriately comprehensive and focused EIR will be prepared that provides a firm basis for informed decision-making. Comments outside of the scope of CEQA will not be addressed through the CEQA process.

This report is intended for use by the County in preparing the EIR as formal documentation of initial input received from governmental agencies, the public, and other stakeholders regarding the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the EIR. It also provides access for other agencies and members of the public to comments received during the scoping period.

¹ The County of Fresno Department of Public Works and Planning is the lead agency for the preparation of an EIR for the Project pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations (the CEQA Guidelines).

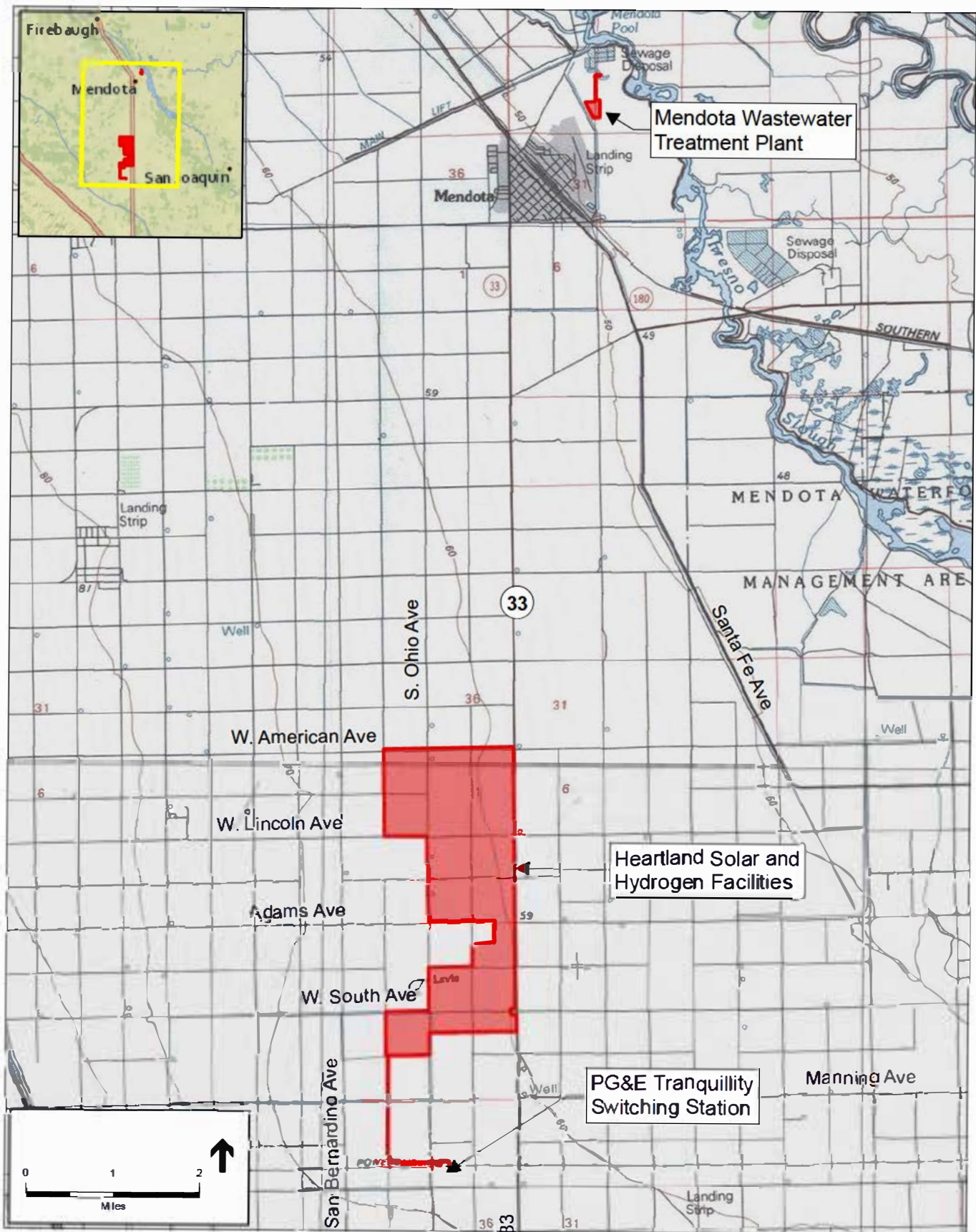
2. Description of the Project

Project Summary

Heartland Hydrogen, LLC and Heartland Solar 1, LLC (the Applicants) have submitted applications to the County for two Unclassified Conditional Use Permits (CUPs) and a variance to construct, operate, and ultimately decommission facilities to generate hydrogen fuel from renewable sources using photovoltaic (PV) solar energy and treated wastewater in western Fresno County. The Project consists of three main components: hydrogen fuel generation, solar energy generation, and tertiary wastewater treatment. Hydrogen fuel production and solar energy generation would occur on land currently owned by the Westlands Water District (WWD) in western Fresno County. As part of the Project, a tertiary wastewater treatment facility would be constructed in the City of Mendota at the existing Mendota Wastewater Treatment Plant (MWTP). The tertiary treated wastewater would be trucked from the MWTP to a site located approximately 6.5 miles south of the City of Mendota, and immediately west of State Route 33 (SR 33, also called S. Derrick Avenue). At this site, supplemental water treatment, PV solar energy generation, and hydrogen generation would occur through electrolysis process. An electrical interconnection service line would connect the proposed solar facility to the existing Tranquillity Switching Station, which is located approximately 1.25 miles to the south.

Project Location

The “Project site” includes two locations: one in unincorporated Fresno County (currently owned by WWD) and the City of Mendota-owned property within the MWTP in the City of Mendota. Together the sites proposed for Project development and use total approximately 2,371 acres. The tertiary wastewater treatment facility would occupy approximately 0.5-acres of a 14-acre parcel within the fence line of the existing wastewater treatment plant located at 3699 Bass Avenue in the City of Mendota. The proposed hydrogen and solar facilities site would be located approximately 6.5 miles southwest of the City of Mendota, 10 miles east of Interstate 5 (I-5), to the east of S. San Bernardino and Los Angeles avenues, south of W. American Avenue, west of SR 33, 0.5 mile north of Manning Avenue, and 1.25 miles north of the Tranquillity Switching Station. The site would also be located across SR 33 from the existing Adams East Solar facility and immediately north of the existing Luna Valley Solar facility. Site access would be via W. Adams Avenue at one of two property entry points. See **Figure 1**, *Heartland Hydrogen Project Site Location*.



SOURCE: USGS 7.5' Topographic Quadrangle (Coit Ranch, CA; Lewis, CA; Mendota Dam, CA)

Heartland Hydrogen Project. 201900482

Figure 1
Project Location

3. Opportunities for Public Comment

Notification

On October 24, 2022, the County published and distributed a Notice of Preparation (NOP) to advise interested local, regional, state, and federal agencies, as well as the public, that an EIR would be prepared for the Project. The NOP was sent to a mailing list that included Tribes; local, state, and federal agencies; 185 property owners within an area that included the properties within 1 mile of the Project site; other interested parties; and the Governor's Office of Planning and Research, State Clearinghouse. The NOP also was emailed to all on the distribution list for whom the County had an email address and posted with the Fresno County Clerk. The NOP, NOP mailing list, and a copy of the e-mail notification are provided in **Exhibit A, Notice of Preparation**. The NOP solicited comments on the scope, content, and format of the EIR. Agencies and members of the public were encouraged to submit their comments to the County by U.S. mail, e-mail, or orally at the public scoping meeting. An electronic copy of the NOP and information about a public scoping meeting for the Project also were posted on the County's website at: www.co.fresno.ca.us/EIR (see **Exhibit B, Electronic Access**).

In addition to the NOP, the County notified the public about the public scoping meeting, scheduled for November 8, 2022, through a newspaper legal advertisement published in The Fresno Business Journal on October 24, 2022 (see **Exhibit C, Newspaper Notification**). The notification provided basic Project information, the date, time, and participation information for a virtual public scoping meeting, and a brief explanation of the public scoping process.

Public Scoping Meeting

The County conducted a virtual public scoping meeting on Tuesday, November 8, 2022 from 10 a.m. to 10:30 a.m. The meeting presentation included an overview of the Project, the County's land use and permitting process, and the CEQA process. Under County policy, the Department of Public Works and Planning is responsible for the preparation of environmental documents prior to granting discretionary approval of private projects and is serving as Lead Agency for the purposes of CEQA. The scoping meeting participants included: Jeremy Shaw and Raymond Martin of the Fresno County Department of Public Works and Planning; and Janna Scott, Maria Hensel, Steven Johnson, and Natasha Kabala of ESA. Five members of the public attended the scoping meeting. No comments, oral or written, were received during the meeting. The scoping meeting presentation and transcript of the presentation are provided in **Exhibit D**.

4. Summary of Scoping Comments

All scoping comments received on or before end of the scoping period are documented in this Scoping Report and will be considered in the preparation of the EIR. Seven comment letters were received during the scoping period. **Table 1** lists the names of commenting parties in the order in which the comments were received. The County has reviewed and relied upon the full text of the comment letters in preparing the EIR; summaries of the environmental issues raised are provided below for ease in review by other agencies and members of the public. The letters are provided in **Exhibit E, Scoping Input Received**.

TABLE 1
PARTIES SUBMITTING COMMENTS DURING THE
HEARTLAND HYDROGEN PROJECT EIR SCOPING PROCESS

Name	Organization/Affiliation	Letter ID	Date
Written Comments			
Nicholas Isla, Transportation Planner	California Department of Transportation	A	November 8, 2022
Olu Oladimeji for Chris Jones, Acting District Deputy	California Department of Conservation, Geologic Energy Management Division	B	November 11, 2022
	California Department of Conservation, WellSTAR	C	November 11, 2022
Brian Clements for Mark Montelongo, Program Manager	San Joaquin Valley Air Pollution Control District	D	November 17, 2022
Samantha McCarty, Cultural Specialist	Santa Rosa Rancheria Tachi-Yokut Tribe	E	November 17, 2022
Julia A. Vance, Regional Manager	California Department of Fish and Wildlife	F	November 22, 2022
Russ Freeman, P.E. Deputy General Manager of Resources	Westland Water District	G	November 22, 2022

Scoping input received by the County identifies potential impacts in the areas summarized below.

Air Quality

Concerns regarding the Project's potential impact on air quality were raised in Letter D by the San Joaquin Valley Air Pollution Control District (SJVAPCD). Letter D states, based on an initial review, that emissions resulting from construction and/or operation of the Project may exceed the air quality thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts. SJVAPCD recommends that a more detailed review be conducted for the Project that considers construction emissions separately from operational emissions. To mitigate operational emissions, SJVAPCD recommends the incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. SJVAPCD further recommends that the County consider use of the cleanest reasonably available off-road construction equipment to reduce impacts from construction related diesel exhaust emissions. Letter D recommends that criteria pollutant emissions from construction and operational sources be quantified, and that emissions analysis be performed using CalEEMod. If the Project is expected to have a significant impact, SJVAPCD recommends the EIR include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for the Project.

The District recommends the Project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction toxic air contaminant (TAC) emissions, including from diesel exhaust. The SJVAPCD recommends conducting a "Prioritization" using the California Air Pollution Control Officers Association's (CAPCOA) methodology determine if it is necessary to conduct a health risk assessment (HRA).

If the Prioritization score is determined to be 10 or greater, then an HRA is recommended. The SJVAPCD recommends contacting the district to review the proposed modeling protocol prior to performing an HRA. If the emissions exceed 100 pounds per day of any pollutant, then the SJVAPCD recommends that an ambient air quality analysis (AAQA) be performed.

Letter D also identifies SJVAPCD rules and regulations applicable to the Project including: District Rules 2010 and 2201 (Authority to Construct [ATC] and Permit to Operate [PTO]), District Rule 9510 (to submit an Air Impact Assessment [AIA] application), District Rule 4601 (Architectural Coatings), District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Biological Resources

Letter F, from the California Department of Fish and Wildlife (CDFW), suggests that several special status species have the potential to be impacted by Project activities. The letter also discusses the artificial ponds within the Mendota Wastewater Treatment Plant (MWTP) that may have suitable habitat for special status species. The Swanson's Hawk (SWHA) has been documented on the Project site and its surrounding area. CDFW recommends that a qualified biologist perform a survey for nesting SWHA using the methodology developed by the SWHA Technical Advisory Committee. Letter F recommends that the following SWHA mitigation measures be considered in the Draft EIR: SWHA Surveys Prior to Construction, SWHA Avoidance Buffer, SWHA Take Authorization, and SWHA Foraging Habitat Mitigation.

Letter F indicates that state special status species including giant garter snake and western pond turtle have been documented adjacent to the MWTP. CDFW recommends that a qualified biologist conduct a habitat assessment within and around the MWTP. If suitable special status reptile and amphibian habitats are found, Letter F recommends the coordination with CDFW for guidance on mitigation measures.

Letter F also identifies CDFW rules and regulations that may be applicable to the Project. Fish and Game Code section 1600 et seq. (including Fish and Game Code section 1602) outline rules and regulations related to land and streambed alteration. Special status species detected during project surveys should be reported to CNDDB. The EIR should evaluate potential impacts to lakes or streams to avoid need of a subsequent CEQA analysis to support a Lake and Streambed Alteration Agreement.

Letter E, by the Santa Rosa Rancheria Tachi-Yokut Tribe, requests that revegetation occur using native plant species only, and that revegetation species include salt grass (*Distichlis spicata*).

Cultural Resources

Letter E, by the Santa Rosa Rancheria Tachi-Yokut Tribe, discusses tribal land and discovery. It requests: 1) an archaeological record search, 2) an archeological survey, 3) a Sacred Lands File search through the Native American Heritage Commission, and 4) that all construction staff be present for a pre-construction cultural presentation. To mitigate anticipated impacts to cultural

resources, Letter E also requests that an archaeological monitor and native American monitor be present for all ground disturbing activities and (as noted above in the context of Biological resources) that revegetation efforts be limited to native plant species including salt grass.

Utilities and Service Systems

Letter G, from WWD, confirms that the Project lands are not furnished with water and would not receive an allocation of groundwater pursuant to the Regulations for the Groundwater Allocation Program and Use of Groundwater within the Westside Subbasin. Letter G stated that the applicant may be eligible to receive water through the District's Municipal and Industrial (M&I) water services. If the M&I application is approved, then the land would have access to WWD's distribution system and would be subject to WWD's Regulations, Terms and Conditions for M&I use, including the District's ability to provide up to 5 acre-feet annually per 160 acres, for solar developments. If the Project requires additional water, then the applicant would be responsible for acquiring it. The applicant would be responsible for connection to the District's distribution system if there is not an existing delivery turnout, and would need to comply with WWD's backflow prevention guidelines. Since the Project site is located near the District's distribution system Laterals 6L, 7L, and 8L, WWD recommends that Underground Service Alert (811) be contacted prior to construction. District lateral easement(s) would be needed before Project features could cross WWD's distribution system laterals. Also included with Letter G are the District rules and regulations that may be applicable to the Project, specifically: Article 19. Regulations Regarding the Application for and use of Municipal and Industrial Water within Westlands Water District, and Terms and Conditions for Municipal and Industrial Water Service.

Hazards and Hazardous Materials

Letter B, from the California Department of Conservation, Geologic Energy Management Division (CalGEM), indicates there is one known oil or gas well located within the Project boundary. CalGEM advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. CalGEM recommends if any wells are encountered during development activities that were not part of this review, the property owner should take specified further action. In addition to CalGEM's authority pursuant to Public Resources Code Section 3106, it has the authority to order work on wells pursuant to Public Resources Code Sections 3208.1 and 3224.

Letter C notified the County that a construction site well review report has been completed and provided a California Department of Conservation WellSTAR link to the County to access the report.

Exhibit A

Notice of Preparation

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
AND PUBLIC SCOPING MEETING FOR THE HEARTLAND HYDROGEN PROJECT**

TO: Responsible and Trustee Agencies, other interested agencies, and members of the public

FROM: County of Fresno, Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

SUBJECT: Notice of Preparation of Draft Environmental Impact Report (EIR) No. 7564 for the Heartland Hydrogen Project

Date: October 24, 2022

Action: The County of Fresno (County) will be the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and responsible for preparing an EIR pursuant to CEQA and the CEQA Guidelines that analyzes potential impacts of the requested Conditional Use Permits and Variance Application.

Project Title: Heartland Hydrogen Project, Unclassified Conditional Use Permit Application Nos. 3630 and 3631 and Variance Application No. 4122

Project Applicants: Plug Project Holding Co., LLC and Heartland Solar 1, LLC

Project Summary and Location

The Applicants propose to construct, operate, maintain, and eventually decommission facilities to generate hydrogen fuel from renewable sources (photovoltaic solar energy and treated wastewater) on approximately 2,371 acres in western Fresno County. The Project would rely on the proposed solar facility to convert sunlight into electricity, which would be used to power the hydrogen facility that would split the recycled water into hydrogen and oxygen (electrolysis). The hydrogen, solar, and tertiary wastewater treatment facilities together constitute the Heartland Hydrogen Project (Project). The Project also includes an approximate 1.25-mile electrical interconnection service line to the existing Tranquillity Switching Station, a second transmission line internal to the solar/hydrogen site to provide power from the solar facility to the hydrogen facility, and other associated facilities and infrastructure. The Project would be capable of producing approximately 30,000 kilograms per day of renewable or “green” hydrogen for zero-emission transportation fuel to be used by fuel-cell electric vehicles operating statewide.

Hydrogen fuel production and solar energy generation would occur on privately owned, disturbed agricultural land currently owned by the Westlands Water District; tertiary wastewater treatment would occur at a new facility to be built within the existing Mendota Wastewater Treatment Plant (MWTP). The hydrogen and solar facilities site is located in an unincorporated area 10 miles east of Interstate 5, east of Los Angeles Avenue, south of W. American Avenue, west of State Route 33 (SR 33, also called S. Derrick Avenue), north of Manning Avenue, and 1.25 miles north of PG&E’s existing Tranquillity Switching Station. The tertiary wastewater treatment facility would be located within the fence line of the existing MWTP located at 3699 Bass Avenue, Mendota. The Project site includes the locations in the County and in the City.

The Applicants’ Project Description, site plan, and a location map are available for review at:

- Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno, CA 93721
- Fresno County website: www.co.fresno.ca.us/EIR

Written Comments

This Notice of Preparation (NOP) solicits comments from Responsible and Trustee Agencies and other public agencies so that project-related concerns relevant to each agency's statutory responsibilities can be addressed in the EIR. This NOP also solicits input from other interested parties, including Tribes and members of the public. The County requests that potential Responsible or Trustee Agencies responding to this NOP reply in a manner consistent with CEQA Guidelines Section 15082(b), which anticipates submittal of any input in response to an NOP no later than 30 days after receipt of the NOP. Comments in response to this NOP will be accepted through 5 p.m., Tuesday, November 22, 2022.

Please send written scoping input to:

Attn: Jeremy Shaw
Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Phone: (559) 600-4207 Fax: (559) 600-4200
Email: jshaw@FresnoCountyCA.gov

Please reference EIR #7564, Heartland Hydrogen Project. Please include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary.

Signature: Maria Hensel (ESA) Date: October 24, 2022
for Fresno County

Public Scoping Meeting

The CEQA process encourages comments and questions from the public throughout the planning process. Consistent with the CEQA and Section 15083(c)(1), (2)(A) to (D) of the CEQA Guidelines, a Public Scoping Meeting will be held to solicit public and agency comments (oral and/or written) on the proposed scope and content of the Draft EIR. The Public Scoping Meeting will be held online on:

Date: Tuesday, November 8, 2022

Time: 10 a.m.

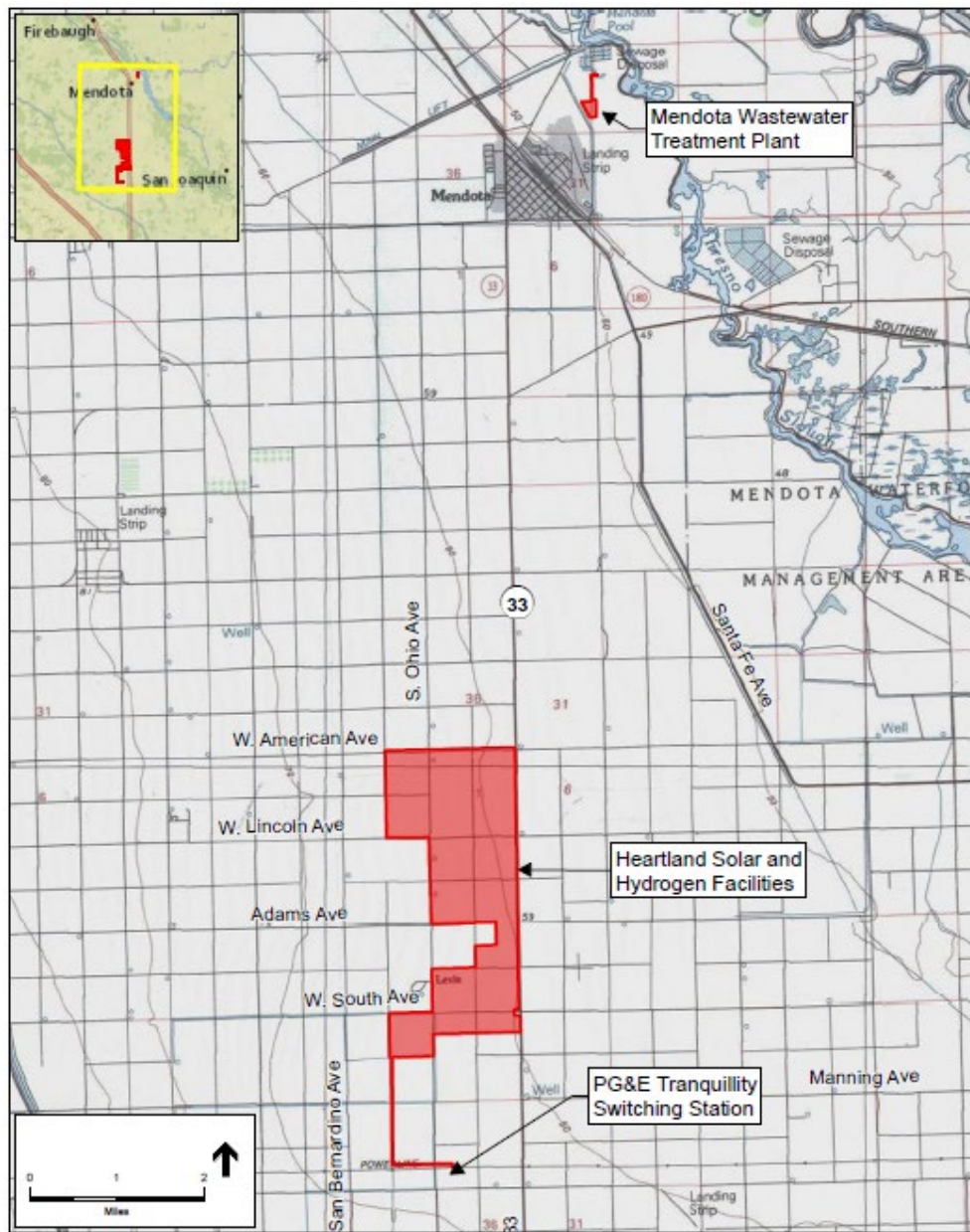
If joining from a computer: <https://bit.ly/HeartlandScopingMtg> (Webinar ID: 864 4985 8167)

If joining by phone: (888) 788-0099 (Meeting ID: 864 4985 8167)

Project Location

The Project site includes an unincorporated area of western Fresno County and an area in the City of Mendota. The portion of the Project site in the unincorporated County includes the Heartland Hydrogen Facility sited on parcel (APN) 028-160-17 and the Heartland Solar Facility sited on the following APNs: 028-140-38, 028-140-23, 028-140-32, 028-140-36, 028-140-37, 028-160-16, 028-160-17, 028-160-19, 028-160-20, 028-160-22, 028-170-17, 028-170-18, 028-170-41, 028-170-42, 028-170-43, 028-170-44, 028-170-45, 028-170-46, 028-170-47, 028-170-48, 028-170-60, 028-170-61, 028-060-32, 028-060-33, and 028-060-41. The City of Mendota portion of the Project site where the tertiary wastewater treatment facility would be located is comprised of APN 013-020-06T. The nearest communities to the Project site include Tranquillity, Mendota, and San Joaquin. See Figure 1, *Project Location*.

Figure 1, Project Location



SOURCE: USGS 7.5' Topographic Quadrangle (Colt Ranch, CA; Lewis, CA; Mendota Dam, CA)

Heartland Hydrogen Project, 201900482

Physical Setting

The hydrogen and solar facilities site (Hydrogen-Solar Site) has been retired from irrigated agriculture due to lack of drainage services and salt accumulation in the soil; irrigation is legally precluded on many of its parcels. Over the last 15 years, the Hydrogen-Solar Site has been intermittently dry-farmed for grain or forage crops or has lain fallow. Abandoned piping and other irrigation and drainage features are present throughout the Hydrogen-Solar Site. The land does not receive an allocation of surface water from WWD. When not being dry-farmed, WWD cultivates the site to control weeds and pests. The Hydrogen-Solar Site is identified in a report by representatives of the agricultural community, solar industry, and environmental organizations as a Priority Least Conflict Area: the lowest priority for conservation of agricultural and environmental resources under the applicable classification program. Agricultural uses surround this site to the north, east, south, and west. The Adams East Solar Project is located to the east, the Tranquillity Solar Project and Tranquillity Switching Station

to the south, and individual residences to the west. The tertiary wastewater treatment facility site is within the existing MWTP, and surrounded by MWTP-related uses.

Land Use Designation

The Hydrogen-Solar Site is designated as Agriculture in the Fresno County General Plan, and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) pursuant to the County's Zoning Map. The AE District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature, would be injurious to the physical and economic well-being of the agricultural district. County Zoning Ordinance Section 816.2, which relates to the AE Zone District, permits electric transmission substations and electric distribution stations subject to Director Review and Approval (DRA); however, the proposed use is being processed by the County under the more intensive Unclassified Conditional Use Permit application process as provided for under Section 853.B.14. The tertiary wastewater treatment facility site is designated in the City's General Plan and zoning ordinance as Public Facilities (PF).

Alternatives to be Analyzed in the EIR

Per CEQA Guidelines Section 15126.6, the Draft EIR will assess a range of alternatives to the Project, including a No Project Alternative and any feasible alternatives that would attain most of the basic objectives of the Project while avoiding or reducing any of its significant environmental effects. Potential alternatives will be identified during the scoping process.

Potential Environmental Impacts

Pursuant to CEQA Guidelines Section 15060(d), the County has determined that this Project could result in one or more significant impacts on the physical environment, thereby necessitating the preparation of an EIR, and so has not prepared an Initial Study. The EIR will analyze the environmental issues identified in the CEQA Guidelines Appendix G Environmental Checklist (listed below) after establishing the environmental setting, or baseline, for the analysis. The EIR will identify potential significant direct, indirect, and cumulative effects of the Project and alternatives related to:

- Aesthetic quality and views, including from the requested variance from height restrictions;
- Agriculture and forestry resources, including the use of property now in non-irrigated agricultural use to a renewable energy generation use for the duration of the permit term;
- Air quality and noise in the vicinity of sensitive receptors, particularly from equipment;
- The intersection of energy use, transportation, and greenhouse gas (GHG) emissions;
- Biological resources, including species and habitats, based on database queries, field surveys, and agency consultations, if required;
- Cultural and tribal cultural resources that could be disturbed, based on record searches and field surveys;
- Geology and soils, paleontological resources, hazards and hazardous materials, hydrology and water quality, and related considerations and constraints;
- The Project's relationship to land use and planning, as well as lands subject to special resources management activities, such as mineral resources and recreation;
- Population and housing, public services, and utilities and service systems;
- Wildfire, including the potential to exacerbate wildfire risks, and thereby expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; and
- Growth inducement, particularly in relation to existing, adopted development plans for Fresno County.

Heartland Hydrogen Project-specific Distribution List: Agencies and Other Stakeholders
EIR 7564

Delivery Method	Agencies, Tribes, Other Stakeholders	Contact	Address	City, State, ZIP	Email	Alternate E-Mail
Project-specific recipients						
Email-only	Fresno County	Jeremy Shaw	2220 Tulare St. 6th Floor	Fresno, CA 93721	jshaw@fresnocountyca.gov	
Email-only	Fresno County	David Randall	2220 Tulare St. 6th Floor	Fresno, CA 93721	drandall@fresnocountyca.gov	
Email-only	City of Mendota c/o Provost & Pritchard Consulting Group	Jeffrey O'Neal, AICP	455 W. Fir Avenue	Clovis, CA 93611-0242	joneal@ppeng.com	
Email-only	City of Mendota c/o Provost & Pritchard Consulting Group	Michael Osborn, PE	455 W. Fir Avenue	Clovis, CA 93611-0242	mosborn@ppeng.com	
Email-only	Environmental Science Associates	Janna Scott	787 The Alameda, Suite 250	San Jose, CA 95126	Jscott@esassoc.com	
Email-only	Environmental Science Associates	Olivia Silverstein	550 Kearny St, Suite 800	San Francisco, CA 94108	Osilverstein@esassoc.com	
Email-only	Plug Power Inc.	Brenor Brophy			brbrophy@plugpower.com	
Email-only	Plug Power Inc.	Elijah Shoemake			eshoemake@plugpower.com	
Email-only	Candela Renewables	Louis De Rosa			louis.derosa@candelarenewables.com	
Email-only	Candela Renewables	Mark Stout			mark@stoutpower.com	
Email-only	Irish Hills	James White			jwhite@irishhillsenv.com	
Possible responsible agencies, trustee agencies, or potentially affected Federal agencies						
Certified	California Department of Conservation, Division of Land Resource Protection	Dennis O'Bryant	801 "K" Street - M/S 13-71	Sacramento, CA 95814-3514	dlrp@conservation.ca.gov	
Certified	California Department of Conservation, Geologic Energy Management Division	Chris Jones, Acting District Deputy	801 "K" Street - M/S 18-05	Sacramento, CA 95814-3514	Victor.Medrano@conservation.ca.gov	
Certified	California Department of Fish & Wildlife, Region 8	Craig Bailey	1234 E. Shaw Avenue	Fresno, CA 93710	craig.bailey@wildlife.ca.gov	R4CEQA@wildlife.ca.gov
Certified	California Department of Forestry and Fire Protection, Fresno-Kings Unit		210 S. Academy Ave.	Sanger, CA 93657-9306		
Certified	California Department of Transportation, District 6	Dave Padilla, Branch Chief, Transportation Planning – North	P.O. Box 12616	Fresno, CA 93778-2616	dave.padilla@dot.ca.gov	edgar.hernandez@dot.ca.gov
Certified	California Energy Commission	Terry O'Brien	1516 Nin h Street, MS-29	Sacramento, CA 95814-5512		
Certified	California Environmental Protection Agency, Department of Toxic Substance Control	Dave Kereazis	1515 Tollhouse Road	Clovis, CA 93612	dave.kereazis@dtsc.ca.gov	
Certified	California Highway Patrol	Eric Walker, Captain	1380 E. Fortune Ave	Frenso, CA 93725		
Certified	California Native American Heritage Commission	Katy Sanchez	1550 Harbor Boulevard, Suite 100	West Sacramento, CA 95691	Katy.Sanchez@nahc.ca.gov	
Certified	California Public Utilities Commission	Mary Jo Borak	505 Van Ness Avenue	San Francisco, CA 94102	bjor@cpuc.ca.gov	
Certified	California Regional Water Quality Control Board, Region 5	Dale Harvey	1685 E. Street	Fresno, CA 93706-2020	centralvalleyfresno@waterboards.ca.gov	
Certified	San Joaquin Valley Air Pollution Control District	Arnaud Marjollet, Director of Permit Services	1990 E. Gettysburg Avenue	Fresno, CA 93726	ceqa@valleyair.org	keanu.morin@valleyair.org
Certified	Southern San Joaquin Valley Archaeological Info Center	Celeste Thompson	9001 Stockdale Ave.	Bakersfield, CA 93311-1099	ssjvic@csub.edu	
Certified	State Office of Historic Preservation, Department of Parks & Recreation	Lucinda Woodward	1725 23rd Street, Ste. 100	Sacramento CA 95816	lwoodward@parks.ca.gov	rparsons@parks.ca.gov
Certified	United States Department of the Interior, Fish & Wildlife Services - Endangered Species Div.	Matthew Nelson	2800 Cottage Way, #W-2606	Sacramento, CA 95825-1888	matthew_nelson@fws.gov	
Native American Tribes						
Post	Dumna Wo Wah	Chris Acree	262 N. Glenn Avenue	Fresno, CA 93701		
Post	Dumna Wo Wah Government	Robert Ledger, Tribal Chairman	2191 W. Pico	Fresno, CA 93705		
Post	Picayune Rancheria of the Chukchansi Indians	Heather Airey - Cultural Resources Director	PO Box 2226	Oakhurst, CA 93644		
Post	Santa Rosa Rancheria Tachi Yokut Tribe	Ruben Barrios, Tribal Chairman, c/o Cultural Department	PO Box 8	Lemoore, CA 93245	SMcCarty@tachi-yokut-nsn.gov	
Post	Table Mountain Rancheria	Robert Pennell, Tribal Cultural Resources Director	P.O. BOX 410	Friant, CA 93626		
Other agencies						
Post	Central Valley Flood Protection Board	Leslie Gallagher	3310 El Camino, Room LL40	Sacramento, CA 95821		
Post	City of Firebaugh	Ben Gallegos, City Manager	1133 P Street	Firebaugh, CA 93622	bgallegos@firebaugh.org	
Post	City of Kerman, Community Development Department	Jesus R. Orozco	850 S. Madera Avenue	Kerman, CA 93630-1741	mcampos@cityofkerman.org	
Post	City of Mendota, Planning and Community Development	Cristian Gonzalez	643 Quince Street	Mendota, CA 93640	cris.ian@cityofmendota.com	
Post	City of San Joaquin	Lupe Estrada	21900 W Colorado Avenue	San Joaquin, CA 93660	sanicity@kermantel.net	Cruzramos@sebastiancorp.net
Post	Consolidated Mosquito Abatement District	Steve Mulligan	P.O. Box 784	Parlier, CA 93648	smulligan@mosquitobuzz.net	jholeman@mosquitobuzz.net
Post	County of Madera, Community and Economic Development - Planning	Jamie Bax, Deputy Director	200 W. 4 h Street, Suite 3100	Madera, CA 93637	jamie.bax@maderacounty.com	
Post	Fresno Council of Governments	Tory Boren	2035 Tulare St Ste 201	Fresno CA 93721		
Post	Fresno County Fire Protection District	Jim McDougald, Division Chief	210 S. Academy Ave.	Sanger, CA 93657-9306	jim.mcdougald@fire.ca.gov	
Post	Fresno Metropolitan Flood Control District	Frank Fowler	5469 E. Olive Avenue	Fresno, CA 93727	developmentreview@fresnofloodcontrol.org	
Post	Golden Plains Unified School District	Martin Macias, Superintendent	22000 Nevada Street	San Joaquin, CA 93660	mmacias@gpusd.org	
Post	James Irrigation District		P.O. Box 757	San Joaquin, CA 93660		
Post	Kings Basin Water Authority		4886 E. Jensen Avenue	FRESNO, CA 93725		
Post	Kings River Conservation District	Paul Peschel, General Manager	4886 E. Jensen Avenue	Fresno, CA 93725	ppeschel@krcd.org	comments@krcd.org
Post	Mendota Unified School District	Dr. Paul Lopez, Superinendent	115 McCabe Ave.	Mendota, CA 93640	plopez@mendotaschools.org	
Post	NAVFACSW INTERGOVERNMENTAL BRANCH		1220 Pacific Highway	SAN DIEGO, CA 92132		
Post	State Lands Commission	Eric Gillies, Assistant Chief, Environmental Planning and Manager	100 Howe Avenue, Suite 100 Sou h	Sacramento CA 95825	Eric.Gillies@slc.ca.gov	
Post	State of California Reclamation Board		P.O. Box 942836	Sacramento, CA 94236	lenmarino@water.ca.gov	
Post	Tranquillity Irrigation District	Liz Reeves	Box 487	Tranquillity, CA 93668	liz@trqid.com	
Post	Tranquillity Resource Conservation District	Danny Wade	PO Box 487	Tranquillity, CA 93668-0487	easyrider@netptc.net	
Post	United State Department of Agriculture, Natural Resources Conservation Service	David Durnham	4625 W. Jennifer, Suite 125	Fresno, CA 93722		
Post	United States Army Corp of Engineers, Sacramento District	Kathy Norton	1325 J Street, Room 1350	Sacramento CA 95814-2922	kathy.norton@usace.army.mil	SPKRegulatoryMailbox@usace.army.mil
Post	United States Environmental Protection Agency Region 9	Dawn Richmond	75 Hawthorne Street (WTR-9)	San Francisco, CA 94105	richmond.dawn@epa.gov	
Post	Westlands Water District	Russ Freeman	P.O. Box 6056	Fresno, CA 93703-6056	rfreeman@wwd.ca.gov	jgutierrez@wwd.ca.gov ; kcampbell@wwd.ca.gov
Post	Westlands Water District GSA	Kiti Buelna Campbell	PO Box 6056	Fresno, CA 93703	kcampbell@wwd.ca.gov	
Post	Westside Resources Conservation District		P.O. Box 6079	Tranquility, California 93624-0038		
Other stakeholders and special interests						
Post	Adams Broadwell Joseph & Cardozo	Sheila Sannadan, Maya Smith	601 Gateway Blvd, Suite 1000	Sou h San Francisco, CA 94080-7037	ssannadan@adamsbroadwell.com	
Post	Laborers Intl Union of N. America, Local Union 294		1939 Harrison St Suite 150	Oakland, CA 94612		
Post	Lozeau Drury, LLP	R. Drury, M. Lozeau, T. Rettinghouse, S. Osborne, H. Hughes, K. T	1939 Harrison St Suite 150	Oakland, CA 94612	admin@lozeaudrury.com	
Post	DOWNEY BRAND LLP		621 CAPITOL MALL, 18TH FL	SACRAMENTO CA 95814		

**Heartland Hydrogen Project-specific Distribution List: County APNs within 1 mile of the Project Site
EIR 7564**

Method of delivery	Heartland Hydrogen 5280ft	NAME2	ADDRESS1	ADDRESS2
Post	01917004ST			
Post	01917005ST			
Post	01917008ST			
Post	01917009ST			
Post	01917010T			
Post	01917011ST			
Post	01917013ST			
Post	01917025T			
Post	01917026T			
Post	01917027T			
Post	01917028T			
Post	01918031ST			
Post	01918033ST			
Post	01918034ST			
Post	01921041ST			
Post	01921044T			
Post	01921048T			
Post	01921048T			
Post	01921049T			
Post	01921050T			
Post	01921050T			
Post	01921051T			
Post	01921053ST			
Post	01921056ST			
Post	01921057ST			
Post	01921058ST			
Post	01921059ST			
Post	01921060ST			
Post	01921061ST			
Post	01921062ST			
Post	01921063ST			
Post	01921064ST			
Post	01921065ST			
Post	01921066ST			
Post	01921067ST			
Post	01921068ST			
Post	01921068ST			
Post	02803001T	WESTLANDS WATER DIST		
Post	02803012S	CLARK BROS INC		
Post	02803017T	WESTLANDS WATER DIST	745 BROADWAY	FRESNO CA 93721
Post	02803018T	WESTLANDS WATER DIST		
Post	02803033ST	U S A		
Post	02803034ST			
Post	02803041ST			
Post	02803046ST			
Post	02806005S	ELGORRIAGA STEPHEN A & LISA V TRS	ELGORRIAGA PAUL & CHRISTINA	24436 AVE 8
Post	02806006S	ETCHEGOINBERRY MICHAEL		4819 N SAN D EGO
Post	2806007	ETCHEGOINBERRY MICHAEL		5469 W BLUFF
Post	2806022	SCHULENBERG RICHARD A	SCHULENBERG ROBERT O ET AL	4255 AGNES
Post	02806032ST	WESTLANDS WATER DIST		
Post	02806033ST	WESTLANDS WATER DIST		
Post	02806034T			
Post	02806040SU			
Post	02806041ST			
Post	02806051S	BROOKS FARMS II		P O BOX 696
Post	02806059S	ALDACOURROU NICOLAS TRUSTEE		2079 21ST AVE
Post	02806060S	ELICAGARAY MARCEL & CHRISTINE TRUSTEES		341 QUINTARA ST
Post	02806061S	ELICAGARAY MARCEL & CHRISTINE TRUSTEES		341 QUINTARA ST
Post	02806062S	SRAN CHILDREN ALMONDS LLC		1758 N SISKIYOU
Post	02806069ST			
Post	02806070ST	WESTLANDS WATER DIST		
Post	02806071ST	WESTLANDS WATER DIST		

**Heartland Hydrogen Project-specific Distribution List: County APNs within 1 mile of the Project Site
EIR 7564**

Method of delivery	Heartland Hydrogen 5280ft	NAME2	ADDRESS1	ADDRESS2
Post	02806072ST	WESTLANDS WATER DIST		
Post	02806073S	BROOKS FARMS II		P O BOX 696 RIVERDALE CA 93656
Post	02806075ST	WESTLANDS WATER DIST		
Post	02807101ST			
Post	02807133ST			
Post	02807135ST	WESTLANDS WATER DIST		
Post	02807136ST	WESTLANDS WATER DIST		
Post	02807154S	RE ADAMS EAST LANDCO LLC	C/O HA L/L HOLDINGS LLC	1906 TOWNE CTR BLVD #370 ANNAPOLIS MD 21401
Post	02807154S	RE ADAMS EAST LANDCO LLC	C/O HA L/L HOLDINGS LLC	1906 TOWNE CTR BLVD #370 ANNAPOLIS MD 21401
Post	02807155ST			
Post	02810107S	BROOKS FARMS II		P O BOX 696 RIVERDALE CA 93656
Post	02810110ST			
Post	02810111S	BROOKS FARMS II		P O BOX 696 RIVERDALE CA 93656
Post	2810112	ALVARADO JUAN	ALVARADO JUAN	P O BOX 755 SAN MARTIN CA 95046
Post	02810117ST			
Post	02810119T			
Post	02810158ST			
Post	2810159	LUNA VALLEY SOLAR I LLC		300 CARNEGIE CENTER #300 PR NCETON NJ 08540
Post	02810161S	BROOKS FARMS II		P O BOX 696 RIVERDALE CA 93656
Post	2810163	MC CRAY JOHN W TR	MC CRAY RUTH W EXEC	2925 COLLEGE AVE #B6 COSTA MESA CA 92626
Post	02810164S	ETCHARREN PIERRE & DENISE		733 PACHECO ST SAN FRANCISCO CA 94116
Post	02810165ST	WESTLANDS WATER DIST		
Post	02810169ST			
Post	02810174ST			
Post	02810177ST			
Post	02810182S	RE TRANQUILLITY LANDCO LLC	C/O SOUTHERN CO SERV	241 RALPH MCGILL BLVD NE, BIN 10081
Post	02810182S	RE TRANQUILLITY LANDCO LLC	C/O SOUTHERN CO SERV	241 RALPH MCGILL BLVD NE, BIN 10081
Post	02810183S	BROOKS FARMS II		P O BOX 696 RIVERDALE CA 93656
Post	028111101ST			
Post	02813012S	ESCALANTE FARMS NC		P O BOX 836 MENDOTA CA 93640
Post	02813035ST	U S A		
Post	02813041ST	U S A		
Post	02813046S	ESCALANTE FARMS NC		P O BOX 836 MENDOTA CA 93640
Post	02813048ST			
Post	02813049ST			
Post	02813050ST			
Post	02813051ST			
Post	02814005T			
Post	02814017ST			
Post	02814021T			
Post	02814023T			
Post	02814032ST			
Post	02814036ST			
Post	02814037ST			
Post	02814038ST			
Post	02814039ST			
Post	02815008S	BELDEN LAURA K TRUSTEE		348 N MAYFLOWER AVE MONROVIA CA 91016
Post	02815009ST			
Post	02815012ST			
Post	02815014ST			
Post	02815031T			
Post	02815032ST			
Post	02815054ST			
Post	02815055ST			
Post	02816001ST			
Post	2816006	S3 GROUP LLC		1750 N SISKIYOU KERMAN CA 93630
Post	2816007	S3 GROUP LLC		1750 N SISKIYOU KERMAN CA 93630
Post	2816009	LAWLEY HAROLD DEAN & JOAN M		34000 W ADAMS MENDOTA CA 93640
Post	02816013S	S3 GROUP LLC		1750 N SISKIYOU KERMAN CA 93630
Post	02816014ST			
Post	02816016ST			
Post	02816016ST			

**Heartland Hydrogen Project-specific Distribution List: County APNs within 1 mile of the Project Site
EIR 7564**

Method of delivery	Heartland Hydrogen 5280ft	NAME2	ADDRESS1	ADDRESS2
Post	02816016ST			
Post	02816016ST			
Post	02816016ST			
Post	02816017ST			
Post	02816019ST			
Post	02816020ST			
Post	02816022ST			
Post	2817001	S3 GROUP LLC		1758 N SISKIYOU KERMAN CA 93630
Post	2817002	S3 GROUP LLC		P O BOX 401 KERMAN CA 93630
Post	02817003S	S3 GROUP LLC		P O BOX 401 KERMAN CA 93630
Post	02817005S	CHURCH DENVER S	C/O D KNUDSON	246 W SHAW FRESNO CA 93704
Post	02817006T			
Post	02817009S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817013S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817015S	WATER LANDS BTI LLC		1800 BUNDAGE LN BAKERSFIELD CA 93304
Post	2817016	TISCARENO ANGEL		P O BOX 268 TRANQUILLITY CA 93668
Post	02817017T			
Post	02817018T	WESTLANDS WATER DIST		
Post	02817023S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817025S	SIDDIQUE TAUSEEF M & ROOMANA		2058 FOOT HILL VISTA CT TRACY CA 95388
Post	02817026S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817027S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817028S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817029S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817031S	S3 GROUP LLC		P O BOX 401 KERMAN CA 93630
Post	02817032S	S3 GROUP LLC		P O BOX 401 KERMAN CA 93630
Post	02817036S	S3 GROUP LLC		P O BOX 401 KERMAN CA 93630
Post	02817040S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817041ST	WESTLANDS WATER DIST		
Post	02817042ST	WESTLANDS WATER DIST		
Post	02817043ST	WESTLANDS WATER DIST		
Post	02817044ST	WESTLANDS WATER DIST		
Post	02817045ST	WESTLANDS WATER DIST		
Post	02817046ST	WESTLANDS WATER DIST		
Post	02817047ST	WESTLANDS WATER DIST		
Post	02817048ST	WESTLANDS WATER DIST		
Post	2817050	CHURCH DENVER S II	C/O D KNUDSON	246 W SHAW FRESNO CA 93704
Post	2817051	CHURCH DENVER S II	C/O D KNUDSON	246 W SHAW FRESNO CA 93704
Post	2817052	CHURCH DENVER S II	C/O D KNUDSON	246 W SHAW FRESNO CA 93704
Post	02817054S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817055S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817056S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817057S	E KALOFONOU LLC		904 S LYON MENDOTA CA 93640
Post	02817060ST	WESTLANDS WATER DIST		
Post	02817061ST	WESTLANDS WATER DIST		
Post	02817063S	S3 GROUP LLC		P O BOX 401 KERMAN CA 93630
Post	02817075S	S3 GROUP LLC		P O BOX 401 KERMAN CA 93630
Post	02817076S	S3 GROUP LLC		P O BOX 401 KERMAN CA 93630

**Heartland Hydrogen Project-specific Distribution List: Property Owners within 1,000 feet of the MWTP
EIR 7564**

Method of delivery	NAME1	NAME2	ADDRESS1	ADDRESS2
Post	Almendra Properties I LP		44474 W. Nees Ave.	Firebaugh, CA 93622
Post	B B Limited	c/o B Ward	1994 Paquita Dr.	Carpinteria, CA 93013
Post	Boda del Rio Holdings LLC	c/o K Schmidt	1201 K St. #920	Sacramento, CA 95814
Post	Central California Irrigation District	Jarret Martin, General Manager	PO Box 1231	Los Banos, CA 93635
Post	Clean Energy Systems Inc.		3035 Prospect Dr., # 120	Rancho Cordova, CA 95670
Post	Estanislau Navarro		2511 N. Bass Ave.	Mendota, CA 93640
Post	Firebaugh Canal Water District	Jeff Bryant, General Manager	PO Box 97	Mendota, CA 93640
Post	Mendota Properties LLC		8211 N. Fresno St.	Fresno, CA 93720
Post	Odyssey Agricultural Holdings LLC	c/o Legal Dept	2222 E. Olympic Blvd.	Los Angeles, CA 90024
Post	Ren Howard Watkins		2585 N. Bass Ave.	Mendota, CA 93640
Post	River Ranch LLC		PO Box 758	Riverdale, CA 93656
Post	Silver Creek Packing Company		PO Box 67	Mendota, CA 93640
Post	United States Bureau of Reclamation	Ernest Conant, Regional Director	2800 Cottage Way MP-100	Sacramento, CA 95825

Janna Scott

From: Janna Scott
Sent: Monday, October 24, 2022 5:10 PM
Subject: Notice of Preparation of Environmental Impact Report: Heartland Hydrogen Project (Fresno County EIR 7564)
Attachments: Heartland_NOP_2022_1024.pdf

To Interested Parties [undisclosed recipient list],

On behalf of the Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division (the County), please see the attached Notice of Preparation (NOP) for the Heartland Hydrogen Project (Fresno County EIR #7564). The NOP includes information about the project, the project site, and the County's California Environmental Quality Act (CEQA) scoping process for the project. It also includes instructions for submitting scoping comments and information about a virtual public scoping meeting. If you have any questions about the attached NOP, please contact Jeremy Shaw at (559) 600-4207, by email at jshaw@FresnoCountyCA.gov, or by mail using the address provided in the NOP.

Written scoping comments will be accepted at any time during a 30-day public scoping period, which begins October 24, 2022, and concludes at 5 p.m. on Tuesday, November 22, 2022.

A virtual scoping meeting will be held Tuesday, November 8, 2022, at 10 a.m. Information about how to participate in the meeting is included in the NOP.

You are receiving this email because you have been identified as someone who may be interested in receiving information relating to Fresno County's CEQA process for evaluating environmental impacts of the Heartland Hydrogen Project. If you would prefer not to receive email notifications like this one, please reply with the word "unsubscribe" as the body of the message. Otherwise, *please do not reply to this email*, which is not regularly monitored. Instead, please direct all communications about this project to the County using the contact information provided in the attached NOP.

Best regards,
Heartland Hydrogen Project EIR Team

Exhibit B

Electronic Access

EIR 7564 HEARTLAND HYDROGEN

Unclassified Conditional Use Permit Application No. 3630, 3631 and Variance No. 4122 Environmental Documents

Notice of Preparation

Public Scoping Meeting

The CEQA process encourages comments and questions from the public throughout the planning process. Consistent with the California Public Resources Code and Section 15083(c)(1), (2)(A) to (D) of the CEQA Guidelines, a Public Scoping Meeting will be held to solicit public and agency comments on the Scope and content of the Draft EIR. Oral and/or written comments also may be presented at the Public Scoping Meeting. The Public Scoping Meeting will be held online on a future date. Notices will be sent to surrounding property owners. If you wish to be included in future notices please submit your request to Jeremy Shaw.

Please send your written comments to:

Attn: Jeremy Shaw.

Fresno County Department of Public Works and Planning

Development Services and Capital Projects Division

2220 Tulare Street, Sixth Floor

Fresno, CA 93721

Phone: (559) 600-4204 Fax: (559) 600-4200

Email: jshaw@FresnoCountyCA.gov



Click to View

Exhibit C

Newspaper Notification

THE BUSINESS JOURNAL

FRESNO | KINGS | MADERA | TULARE

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 PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING FOR THE HEARTLAND HYDROGEN PROJECT

SUBJECT: Notice of Preparation of Draft Environmental Impact Report (EIR) No. 7564 for the Heartland Hydrogen Project

Comments in response to this NOP will be accepted through 5 p.m., Tuesday, November 22, 2022

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:

OCTOBER 24, 2022

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

OCTOBER 24, 2022

ON

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING FOR THE HEARTLAND HYDROGEN PROJECT

TO: Responsible and Trustee Agencies, other interested agencies, and members of the public

FROM: County of Fresno, Department of Public Works and Planning Development Services and Capital Projects Division

2220 Tulare Street, Sixth Floor Fresno, CA 93721

SUBJECT: Notice of Preparation of Draft Environmental Impact Report (EIR) No. 7564 for the Heartland Hydrogen Project

Date: October 24, 2022

Action: The County of Fresno (County) will be the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and responsible for preparing an EIR pursuant to CEQA and the CEQA Guidelines that analyzes potential impacts of the requested Conditional Use Permits and Variance Application.

Project Title: Heartland Hydrogen Project, Unclassified Conditional Use Permit Application Nos. 3630 and 3631 and Variance Application No. 4122

Project Applicants: Plug Project Holding Co., LLC and Heartland Solar 1, LLC

Project Summary and Location

The Applicants propose to construct, operate, maintain, and eventually decommission facilities to generate hydrogen fuel from renewable sources (photovoltaic solar energy and treated wastewater) on approximately 2,371 acres in western Fresno County. The Project would rely on the proposed solar facility to convert sunlight into electricity, which would be used to power the hydrogen facility that would split the recycled water into hydrogen and oxygen (electrolysis). The hydrogen, solar, and tertiary wastewater treatment facilities together constitute the Heartland Hydrogen Project (Project). The Project also includes an approximate 1.25-mile electrical interconnection service line to the existing Tranquillity Switching Station,

a second transmission line internal to the solar/hydrogen site to provide power from the solar facility to the hydrogen facility, and other associated facilities and infrastructure. The Project would be capable of producing approximately 30,000 kilograms per day of renewable or "green" hydrogen for zero-emission transportation fuel to be used by fuel-cell electric vehicles operating statewide. Hydrogen fuel production and solar energy generation would occur on privately owned, disturbed agricultural land currently owned by the Westlands Water District; tertiary wastewater treatment would occur at a new facility to be built within the existing Mendota Wastewater Treatment Plant (MWTP). The hydrogen and solar facilities' site is located in an unincorporated area 10 miles east of Interstate 5, east of Los Angeles Avenue, south of W. American Avenue, west of State Route 33 (SR 33, also called S. Derrick Avenue), north of Manning Avenue, and 1.25 miles north of PG&E's existing Tranquillity Switching Station. The tertiary wastewater treatment facility would be located within the fence line of the existing MWTP located at 3699 Bass Avenue, Mendota. The Project site includes the locations in the County and in the City. The Applicants' Project Description, site plan, and a location map are available for review at:

§ Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno, CA 93721

§ Fresno County website: www.co.fresno.ca.us/EIR

Written Comments

This Notice of Preparation (NOP) solicits comments from Responsible and Trustee Agencies and other public agencies so that project-related concerns relevant to each agency's statutory responsibilities can be addressed in the EIR. This NOP also solicits input from other interested parties, including Tribes and members of the public. The County requests that potential Responsible or Trustee Agencies responding to this NOP reply in a manner consistent with CEQA Guidelines Section 15082(b),

which anticipates submittal of any input in response to an NOP no later than 30 days after receipt of the NOP.

Comments in response to this NOP will be accepted through 5 p.m., Tuesday, November 22, 2022. Please send written scoping input to:

Attn: Jeremy Shaw

Fresno County Department of Public Works and Planning

Development Services and Capital Projects Division

2220 Tulare Street, Sixth Floor

Fresno, CA 93721

Phone: (559) 600-4207 Fax: (559) 600-4200

Email: jshaw@FresnoCountyCA.gov

Please reference EIR #7564, Heartland Hydrogen Project. Please include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary.

Public Scoping Meeting

The CEQA process encourages comments and questions from the public throughout the planning process. Consistent with the CEQA and Section 15083(c)(1), (2)(A) to (D) of the CEQA Guidelines, a Public Scoping Meeting will be held to solicit public and agency comments (oral and/or written) on the proposed scope and content of the Draft EIR. The Public Scoping Meeting will be held online on:

Date: Tuesday, November 8, 2022

Time: 10 a.m.

If joining from a computer: <https://bit.ly/HeartlandScopingMtg> (Webinar ID: 864 4985 81)

If joining by phone: (888) 788-0099 (Meeting ID: 864 4985 81)

Alternatives to be Analyzed in the EIR

Per CEQA Guidelines Section 15126.6, the Draft EIR will assess a range of alternatives to the Project, including a No Project Alternative and any feasible alternatives that would attain most of the basic objectives of the Project while avoiding or reducing any of its significant environmental effects. Potential alternatives will be identified during the scoping process.

Potential Environmental Impacts

Pursuant to CEQA Guidelines Section 15060(d), the County has determined that this Project could result in one or more significant impacts on the physical environmental, thereby necessitating the preparation of an EIR, and so has not prepared an Initial Study. The EIR will analyze the environmental issues identified in the CEQA Guidelines Appendix G Environmental Checklist (listed below) after establishing the environmental setting, or baseline, for the analysis. The EIR will identify potential significant direct, indirect, and cumulative effects of the Project and alternatives related to:

- Aesthetic quality and views, including from the requested variance from height restrictions;

- Agriculture and forestry resources, including the use of property now in non-irrigated agricultural use to a renewable energy generation use for the duration of the permit term;

- Air quality and noise in the vicinity of sensitive receptors, particularly from equipment;

- The intersection of energy use, transportation, and greenhouse gas (GHG) emissions;

- Biological resources, including species and habitats, based on database queries, field surveys, and agency consultations, if required;

- Cultural and tribal cultural resources that could be disturbed, based on record searches and field surveys;

- Geology and soils, paleontological resources, hazards and hazardous materials, hydrology and water quality, and related considerations and constraints;

- The Project's relationship to land use and planning, as well as lands subject to special resources management activities, such as mineral resources and recreation;

- Population and housing, public services, and utilities and service systems;

- Wildfire, including the potential to exacerbate wildfire risks, and thereby expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; and

- Growth inducement, particularly in relation to existing, adopted development plans for Fresno County.

10/24/2022

Exhibit D

Public Scoping Meeting

Heartland Hydrogen Project EIR

Public Scoping Meeting | Tuesday, November 8, 2022, 10 a.m.

Agency Presentation and Public Input



Agenda

- Introductions
- Purpose of the Meeting
- Project Overview
- Unclassified Conditional Use Permit and Variance Processes
- Environmental Review Process (CEQA)
- Scoping: Environmental Impacts and Alternatives
- Public Comments
- Next Steps

Introductions

- Fresno County
 - CEQA Lead Agency responsible for preparation of EIR 7564
 - Decision-maker for the requested County approvals
- Environmental Science Associates
 - Environmental Consultant to the County
- Plug Power Holding Co., LLC and Heartland Solar 1, LLC
 - Project Applicants

Purpose of the Meeting

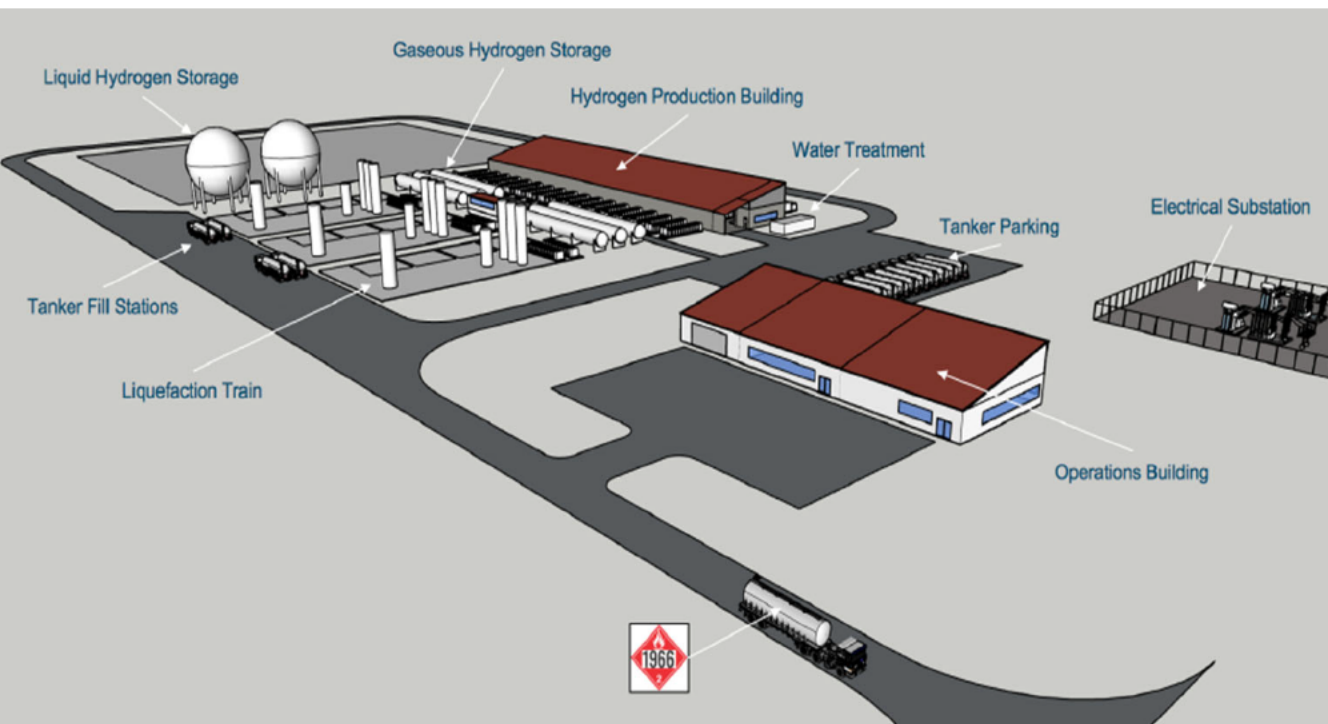


For us to hear from YOU!
Your questions and ideas are welcome and invited.

Project Overview

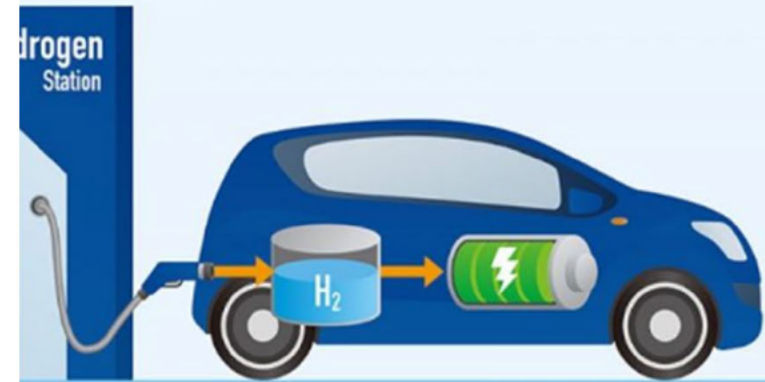


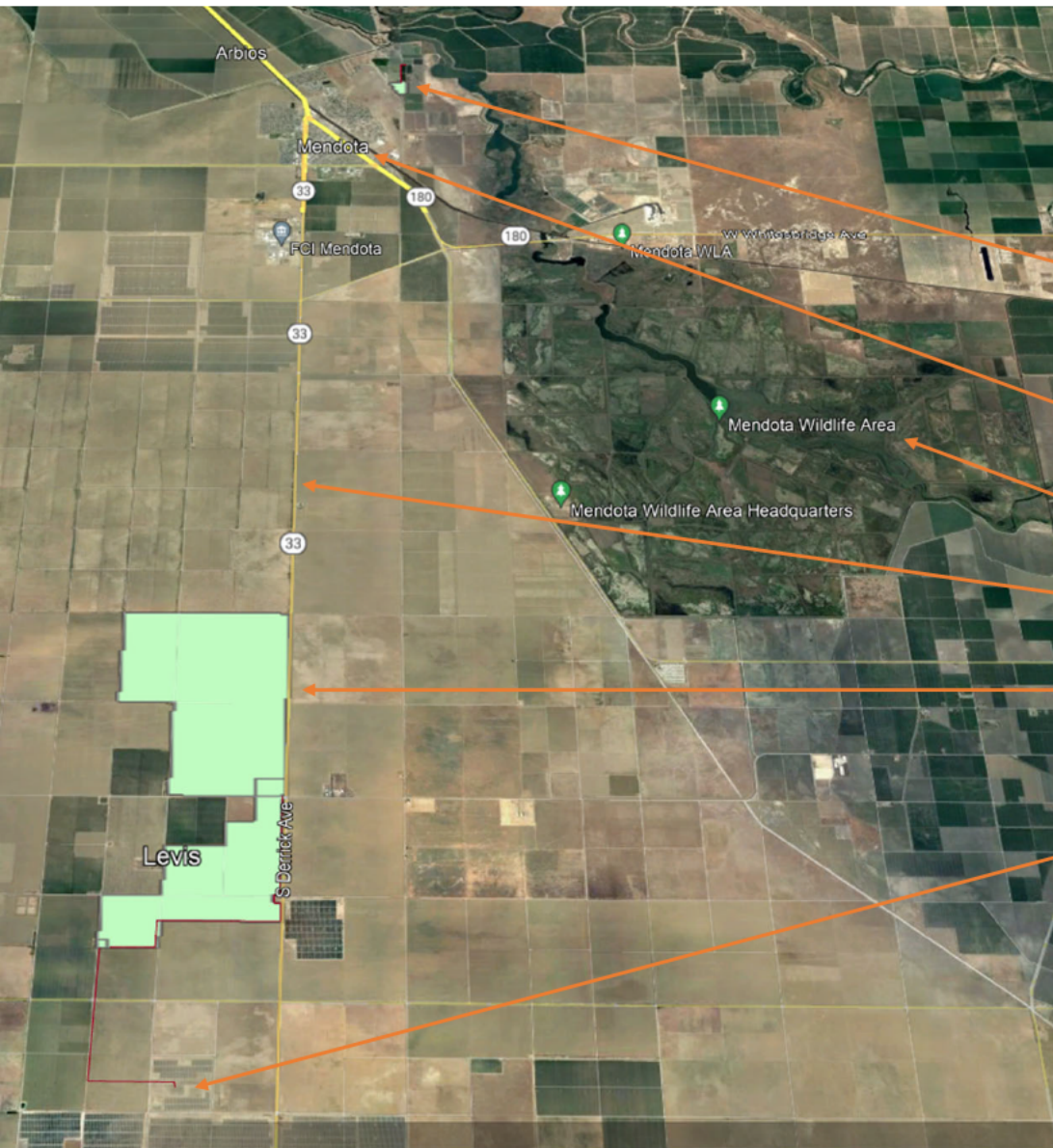
- Hydrogen Generation
- Solar Energy Generation
- Tertiary Wastewater Treatment



Primary Project Components

- Tertiary wastewater treatment
- Solar energy generation
- Hydrogen fuel generation





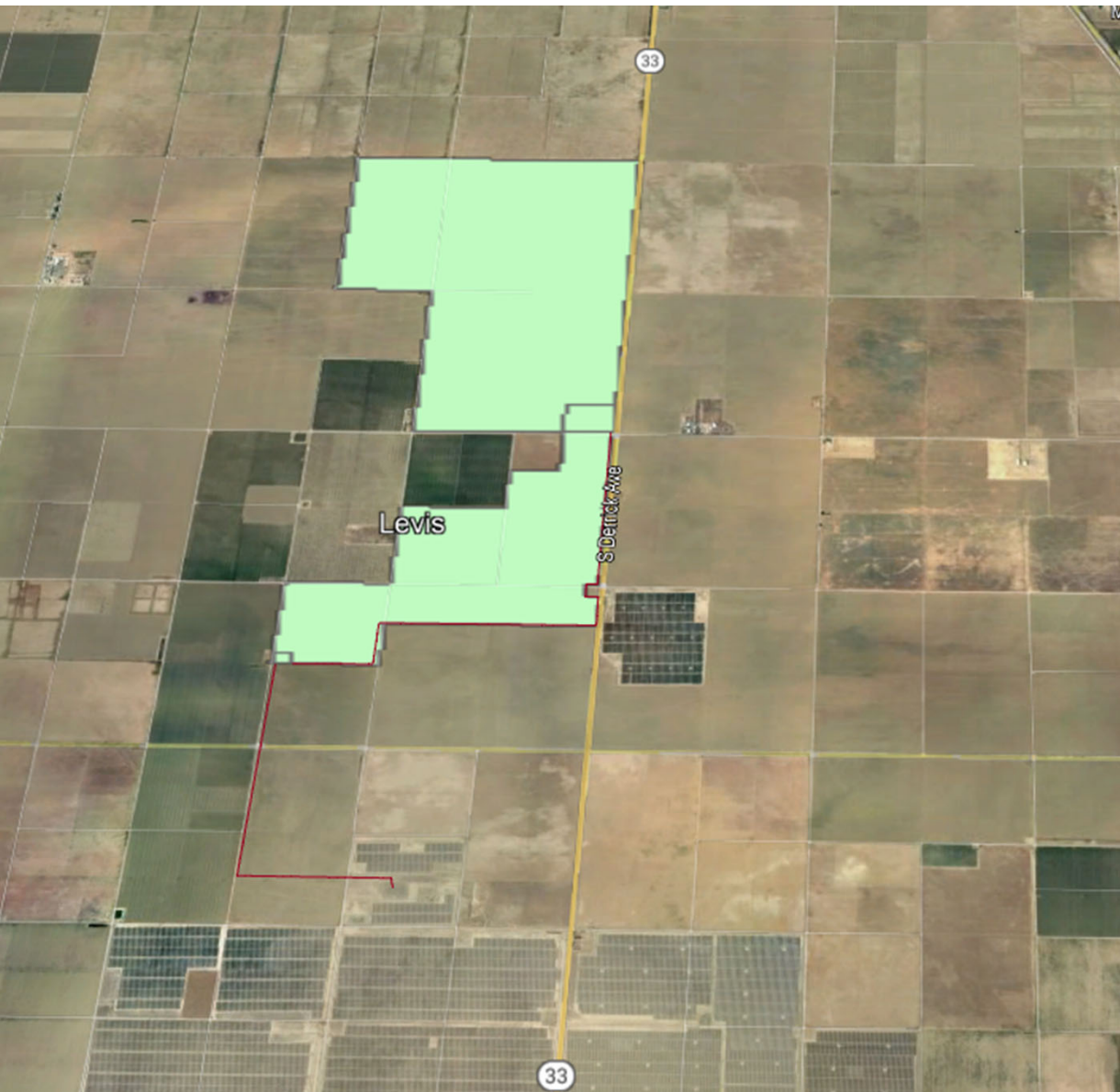
Project Vicinity

- Existing Mendota Wastewater Treatment Plant
- City of Mendota
- Mendota Wildlife Area
- State Route 33, S. Derrick Ave.
- Proposed Hydrogen and Solar Facilities
- Existing PG&E Tranquillity Switching Station



Project Site and Surrounding Uses

Mendota Wastewater Treatment Plant-related public facilities uses



Project Site and Surrounding Uses

- Agricultural land uses
- Solar photovoltaic generation and related energy uses

Use Permit Process

Before the Planning Commission may approve a requested use permit, it must make five findings:

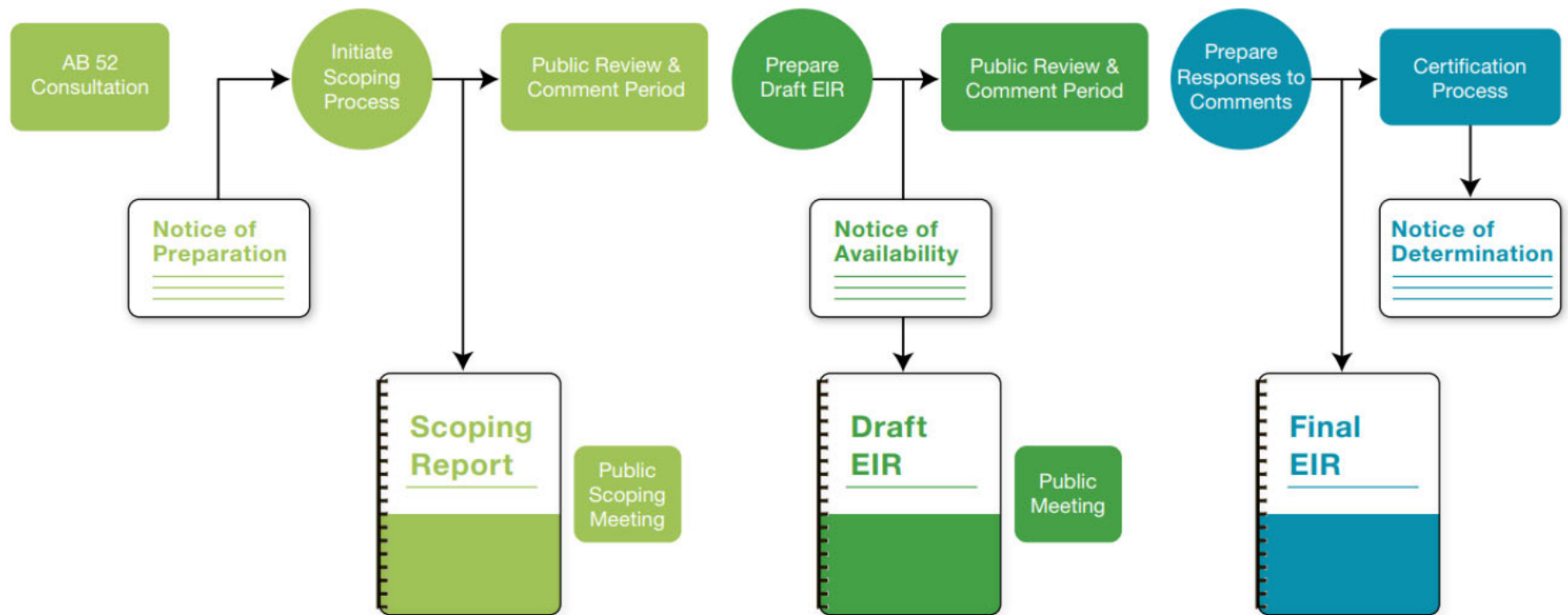
1. The parcel is of adequate size and shape
2. Roads to the project site are adequate
3. No adverse impacts to surrounding property would result
4. The use would be consistent with the County General Plan
5. Conditions are required as necessary to ensure public safety and welfare

Variance Process

Before the Planning Commission may approve a requested variance, it must make four findings:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
2. A variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
3. Granting a Variance would not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.
4. The proposed development is consistent with the General Plan.

Environmental Review: The CEQA Process



Scoping

October 24 – November 28, 2022, at 5 p.m.

Purpose of Scoping

- Solicit input as to the scope and content of the EIR, including potential impacts of concern and mitigation measures or alternatives that should be considered;
- Scoping tells us what we should study, not what the answers are.

Agency Scoping

Public Scoping



Scoping: Resources to be Evaluated

- ❖ Aesthetics
- ❖ Agriculture and Forestry Resources
- ❖ Air Quality and Greenhouse Gas Emissions
- ❖ Biological Resources
- ❖ Cultural and Tribal Cultural Resources
- ❖ Energy
- ❖ Geology, Soils, and Paleontology
- ❖ Hazards and Hazardous Materials
- ❖ Hydrology and Water Quality
- ❖ Land Use and Planning
- ❖ Mineral Resources
- ❖ Noise
- ❖ Population and Housing
- ❖ Public Services
- ❖ Recreation
- ❖ Transportation
- ❖ Utilities and Service Systems
- ❖ Wildfire



Heartland Hydrogen Project (EIR 7564)

Scoping: Potential Alternatives

- Project Alternatives
 - Reasonable or feasible alternatives to the proposed project or its location
 - Capable of avoiding or substantially lessening any significant project impacts
 - Ok to impede to some degree the attainment of the objectives or be costlier
- No Project Alternative
 - What would be reasonably expected to occur in the foreseeable future if the proposed project were not approved
 - Based on current plans, consistent with available infrastructure and services

Scoping: Potential Alternatives

Reasonable

- Rule of reason - only the alternatives needed for a reasoned choice
- Limit to ones that would avoid or substantially lessen a significant project impact

Feasibility Factors

- Site suitability
- Economic viability
- Availability of infrastructure
- Consistency with General Plan, other plans or regulatory limitations
- Whether the proponent can reasonably acquire, control or otherwise have access to an alternative site

Scoping: Potential Alternatives

Proposed Project

- ☐ Conditional Use Permit Nos. 3630 and 3631
- ☐ Variance No. 4122
- ☐ Approximately 2,371 acres would be developed on the west side
- ☐ 180 acre-feet per year (160,000 gallons per day) of wastewater treated to a tertiary level
- ☐ 300 MW solar energy generation capacity
- ☐ 30,000 kg/day renewable hydrogen production
- ☐ Approximately 3-mile-long electrical service line would connect the solar facility and the Tranquillity Switching Station

No Project Alternative

- ☐ No Use Permits or Variance
- ☐ No tertiary wastewater treatment plant within the existing MWTP
- ☐ No utility-scale PV solar energy on the proposed site
- ☐ No hydrogen generation facility on the proposed site
- ☐ Continued dry-farmed or fallowed land
- ☐ Potential for other uses consistent with the General Plan and zoning ordinance

Potential Alternatives

- ☐ Reasonable
- ☐ Feasible
- ☐ Capable of avoiding or substantially lessening significant project impacts



The County's Next Steps

Winter 2022/Spring 2023: Prepare the Draft EIR

Spring 2023: Issue Draft EIR for Agency and Public Review

Summer/ Fall 2023: Prepare Responses to Comments

Fall/ Winter 2023: Issue Final EIR, Hold Planning Commission Hearing

Public Participation Opportunities

Participate at today's meeting

Submit written comments before 5 p.m. November 28, 2022

Stay informed

Request to receive project notices (via US Post, email, or both) from
Jeremy Shaw: jshaw@fresnocountyca.gov

Keep an eye on the project website: www.co.fresno.ca.us/EIR

Provide comments on the Draft EIR

Participate in public hearings on the project

Scoping Process Participation Guide

Now

By telephone

- Dial *9 to request to speak

Via the Zoom platform

- Click the *Raise Hand* icon to be called on
- Submit comment in Q&A box

Later

By email:

jshaw@fresnocountyca.gov

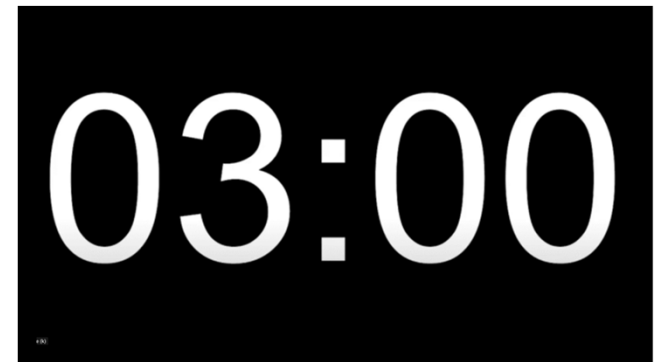
By mail:

Attn: Jeremy Shaw
Fresno County Department of
Public Works and Planning
Development Services and Capital
Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721



For Today

1. One speaker at a time
2. State and spell your name clearly
3. Limit comments to 3 minutes
4. Respect others' opinions
5. Written comments encouraged



Break

We are currently on a break until there are more comments or until we reach 10:30 AM.

If you would like to provide a comment:

By telephone

- Dial *9 to “Raise Hand”

Via the Zoom platform

- Click the *Raise Hand* icon to be called on
- Submit comment in Q&A box

Public Participation Opportunities

Participate at today's meeting

Submit written comments before 5 p.m. November 28, 2022

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Jeremy Shaw: jshaw@fresnocountyca.gov

Keep an eye on the project website: www.co.fresno.ca.us/EIR

Provide comments on the Draft EIR

Participate in public hearings on the project

Thank you for participating



**Transcript
Public Scoping Meeting
Heartland Hydrogen Project
November 8, 2022**

1

Jeremy Shaw: Good morning and welcome to this public scoping meeting for the Heartland Hydrogen Project Environmental Impact Report.

2

Jeremy Shaw: My name is Jeremy Shaw. I'll be the lead plan for this project. Joining me is Raymond Martin, a staff analyst also with the County. We'll provide information about the project and the County's permitting and environmental review process and then open up the meeting for your comments and questions. Please note that any comments written or verbal will made in this meeting will become part of the public record.

3

Jeremy Shaw: The County will be the lead agency under CEQA for the Environmental Impact Report. Environmental Science Associates is supporting the County's review process. Plug Power Holding Company, LLC, and Heartland Solar 1, LLC are the applicants.

4

Jeremy Shaw: The California Environmental Quality Act encourages public input throughout the planning process. The purpose of this meeting is for us to hear from you. To help you decide what environmental considerations might be most important to you, we'll start with an overview of the project.

5

Jeremy Shaw: The Heartland Hydrogen project proposes to construct, operate, maintain, and ultimately decommission facilities to generate hydrogen fuel from renewable sources, using solar energy and treated wastewater. The proposed project will be located on approximately two thousand three hundred and seventy-one acres in Western Fresno County. The project would be capable of producing renewable hydrogen for zero emission transportation fuel that can be used by fuel cell electric vehicles. This slide shows an example of a hydrogen generation facility co-located with solar. This particular facility is located in Japan.

6

Jeremy Shaw: The primary components of the project are tertiary wastewater treatment, solar energy, generation, and hydrogen production. The project would rely on solar energy to generate electricity, which would be used to split the recycled water into hydrogen and oxygen by electrolysis. Tertiary treatment is the final stage of a multi-stage wastewater cleaning process which removes inorganic compounds, bacteria, viruses, and parasites. An electrical interconnection line will connect the proposed solar facility to the Tranquillity Switching Station. A second power line would connect the solar facility to the hydrogen generation facility.

7

Jeremy Shaw: The proposed tertiary wastewater treatment facility is located within the boundaries of the existing Mendota Wastewater Treatment Plant shown here near the top of this slide. The proposed hydrogen and solar facility shown as the light green area on the map is located approximately six miles south of the City of Mendota situated on lands currently owned by Westlands Water District.

8

Jeremy Shaw: The proposed tertiary wastewater facility would be constructed within the existing Mendota Wastewater Treatment Plant. The existing plant treats an average of approximately one point two million gallons per day of domestic wastewater from the City of Mendota and a nearby federal correctional institution to a secondary treatment level.

9

Jeremy Shaw: The proposed hydrogen and solar facilities are surrounded by agricultural uses, other utility scale solar projects and sparse residential development.

10

Jeremy Shaw: The conditional use permit process occurs in parallel to the preparation of the EIR. Upon publication of the Final EIR, the project will be scheduled for a hearing before the Planning Commission where the Commission will consider staff's recommendation and make a decision on the project.

11

Jeremy Shaw: A variance would also be required for any of the project structures to be allowed to exceed thirty five feet in height. The decision of the Planning Commission on a CUP application and/or a variance application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

At this point I will turn the meeting over to Jenna Scott from Environmental Science Associates who will provide a brief overview of the EIR process.

12

Janna Scott: Good morning. The County is conducting its environmental evaluation in accordance with both the California Environmental Quality Act (CEQA) and its own environmental rules for the consideration of energy projects. The CEQA process consists of three stages. The first stage is the scoping process. Information learned during the scoping process will be applied during the second phase, Preparation of the Draft EIR. In the third stage, the County will invite agency and public comments on the draft EIR, respond to comments, and issue a Final EIR for consideration by decision makers.

13

Janna Scott: This scoping period opened on October the twenty fourth, and will conclude at 5 p.m. on Monday, November the twenty eighth. The purpose of scoping is for the lead agency to invite input from other agencies, such as the City of Mendota, the San Joaquin Valley Air

Pollution Control District, California Department of Fish and Wildlife, and others, as well as from members of the public, regarding the scope and content of the EIR, including potential environmental impacts of concern and mitigation measures or alternatives that should be considered.

14

Janna Scott: The EIR will evaluate whether the project could negatively affect any of the environmental resource areas identified in the CEQA Guidelines Appendix G Environmental Checklist.

15

Janna Scott: The EIR also will consider whether alternatives to the project as proposed could accomplish most of the basic objectives of the project while avoiding or reducing potential significant effects. CEQA also requires consideration of a no project alternative, which generally describes what would be reasonably expected to occur in the foreseeable future if the project were not approved.

16

Janna Scott: Two definitions are particularly important in the context of CEQA alternatives: reasonable and feasible. First, the range of alternatives required in an EIR is governed by a rule of reason that requires the environmental impact report to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen, any of the significant impacts of the project. Regarding feasibility, multiple factors are considered when determining whether a potential alternative is feasible: Site suitability, economic viability, the availability of necessary infrastructure, General Plan consistency, other plans or regulatory limitations, and whether the project proponent can reasonably acquire access to an alternative site.

17

Janna Scott: The graphic shown on this slide shows that the EIR will compare potential impacts of the project, the No Project alternative, and one or more project alternatives that meet the screening criteria. Under the proposed project, the requested conditional use permits would be issued, the requested variance would be granted, approximately two thousand three hundred, seventy-one acres would be developed on the west side of the County for energy related uses, including the production of thirty thousand kilograms per day of green hydrogen. Under the No Project alternative, no use permits, and no variance would be issued. The Mendota Wastewater Treatment Plant would not be upgraded to include the capacity to treat wastewater to a tertiary level. Existing dry farming or following on the west County land would continue.

18

Janna Scott: After scoping, the County will prepare a Draft EIR, release it for public review, consider and respond to comments, and then issue a Final EIR for consideration as part of the decision-making process. Initially, we are anticipating the Draft EIR will be issued in the spring and a Final EIR would be issued next fall or winter.

1 19
2 Janna Scott: Members of the public can participate at each stage. You can
3 participate in today's meeting, submit scoping comments until 5 p.m. on
4 November twenty eighth, submit comments on the Draft EIR once it's
5 released, and participate in public hearings on the project. To stay
6 informed about the project, you can request to receive project notices.
7 You also can keep an eye on the County's website.

8
9 20
10 Janna Scott: You can participate in the scoping process now or until 5
11 p.m. on November twenty eighth. If you're participating by phone and
12 would like to make a comment. Please dial star 9 to let us know. Steven
13 will take you off mute, and invite you to speak. If you're participating
14 via the Zoom platform, you can select the "raise hand" feature on your
15 screen to request to speak, or you can enter input directly into the
16 question and answer (Q&A) box. To participate later, you can submit your
17 written comment in person to the Fresno County Department of Public Works
18 and Planning, or by email or US Post to the attention of Jeremy Shaw. All
19 comments will be included in the public record, and considered in the
20 preparation of the EIR.

21
22 21
23 Janna Scott: during today's meeting, each speaker will have three minutes
24 to speak. This is our opportunity to hear from you about where you think
25 this EIR should focus. Please state and spell your name for the record,
26 so that we can capture it accurately for the record. Is there anyone who
27 would like to make comment?

28
29 Steven Johnson (he/him): No questions and no comments in the Q&A, and no
30 hands raised so far.

31
32 Janna Scott: Thank you, Steven.

33
34 Janna Scott: Well, okay. At this point we will go on a short break until
35 either someone indicates that they would like to speak or we get written
36 input in the Q&A box. We're glad you're here. You could be doing a
37 thousand other things this morning. Thank you for participating in this
38 meeting.

39
40 Janna Scott: We'll stay on break until we hear that someone would like to
41 make a comment, or until 10:30.

42
43 Janna Scott: We are currently on a break from the Heartland Hydrogen
44 scoping meeting. If any of the participants would like to make a comment,
45 please either dial star nine to raise your hand using your phone or via
46 the zoom platform. Click the raise hand icon or submit a comment using
47 the Q&A box. Again, this is for the Heartland Hydrogen project scoping
48 meeting. We will wait until someone would like to make a comment, or
49 until 10:30.

50
51 Janna Scott: Steven, I see that we have three attendees, all of whom are
52 affiliated with the project. Our non-project affiliated participant hung
53 up. Is there anybody that you can see participating by phone only such
54 that we should continue to wait until 10:30?

1
2 Steven Johnson (he/him): Nope. Looks like It's just those three folks.
3
4 Janna Scott: Jeremy, Do you want to wait out the ten minutes, or should
5 we...?
6
7 Jeremy Shaw: We need to wait until 10:30.
8
9 Janna Scott: Thanks, everybody.
10
11 Janna Scott: With five minutes remaining. I wanted to note that there is
12 a typo on this slide that we will correct for purposes of the record.
13
14 Jeremy Shaw: On this slide?
15
16 Janna Scott: It said the Key Energy Storage project instead of Heartland
17 in the footer of this one slide... right there. We'll fix it.
18
19 23
20 Janna Scott: Information about deadlines. We will keep an eye on the
21 twenty eighth and, Jeremy, leading up to that day I'll stay in touch with
22 you about whether anyone has submitted a comment in advance of the
23 deadline so we can get started on the scoping report as soon as we have
24 input.
25
26 Jeremy Shaw: Sounds good.
27
28 Janna Scott: David, Elijah, James, thank you for participating in the
29 meeting this morning. We appreciate it.
30
31 Janna Scott: Thanks, everybody. I really appreciate your time this
32 morning. And Steven, Maria, Natasha... thank you for supporting the effort
33 on the tech side. We really couldn't do this without you. So thanks for
34 your help.
35
36 Janna Scott: We are concluded.
37

Exhibit E

Scoping Input Received

From: [Isla, Nicholas@DOT](mailto:Isla.Nicholas@DOT)
To: [Shaw, Jeremy](mailto:Shaw.Jeremy)
Cc: [Padilla, Dave@DOT](mailto:Padilla.Dave@DOT)
Subject: DRAFT EIR #7564 Heartland Hydrogen Project
Date: Tuesday, November 08, 2022 3:01:26 PM

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

Good afternoon Jeremy,

We've reviewed the DEIR for the proposed Heartland Hydrogen Project and have no comment.

Thank you,

Nicholas Isla

Transportation Planner
California Department of Transportation
1352 West Olive Avenue
(559) 981-7373



California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
David Shabazian, Director
715 P Street, MS 1803
Sacramento, CA. 95814
T: (916) 445-5986

11/11/2022

Jeremy Shaw

2220 Tulare Street, Sixth Floor, Fresno, CA 93721, USA

jshaw@FresnoCountyCA.gov

Construction Site Well Review (CSWR) ID: 1012643

Assessor Parcel Number(s): 02817017T, 02817018T, 02814023T, 02814038ST, 02814023ST, 02814032ST, 02814036ST, 02814037ST, 02816016ST, 02816017ST, 02816019ST, 02816020ST, 02816022ST, 02817017ST, 02817018ST, 02817041ST, 02817042ST, 02817043ST, 02817044ST, 02817045ST, 02817046ST, 02817047ST, 02817048ST, 02817060ST, 02817061ST, 02806032ST, 02806033ST, 02806041ST, 01302006T

Property Owner(s): Plug Project Holding Co, LLC and Heartland Solar 1, LLC

Project Location Address: 2,371 acres in western Fresno County Mendota, California 93640

Project Title: Heartland Hydrogen Project, Unclassified CUP Nos. 3630 and 3631; Variance Application No. 4122

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received and reviewed the above referenced project dated 10/26/2022. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Fresno County, within the boundaries of the following fields:

N/A

Our records indicate there are no known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 201-8607 or via email at Victor.Medrano@conservation.ca.gov.

Sincerely,

Olu Oladimeji for

Chris Jones

Acting District Deputy

cc: Jeremy Shaw - Submitter

From: NoReply@conservation.ca.gov
Sent: Thursday, November 10, 2022 4:19 PM
To: Shaw, Jeremy
Subject: WellSTAR - Construction Site Well Review

Importance: High

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

A Construction Site Well Review Report has been completed for Construction Site Well Review ID # 1012643. Please log-in to WellSTAR to view the report.

URL:
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Furldefense.com%2Fv3%2F__http%3A%2F%2Fwellstar.conservaion.ca.gov%2F__%3B!!HRg2s0N7wg4sn4Q!uhBux15z48KSeLzNs_LqCIM3ih4aL5WmDXHyf0PqFZyWEsF5GpimOAzRC6F93mY3GBKamgFTASWcFkjUQeqzBPru5IRTgG8ccg%24&data=05%7C01%7Cjshaw%40FresnoCountyCA.gov%7C4a2a87418637415ed55a08dac37a45e7%7C3ccce0182cd74123960d6cc1d47e3550%7C1%7C0%7C638037227172782169%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=GLn59NpghC4XR553gGRld666n%2BPeyULpyMRXAJJ5S4%3D&reserved=0
If you need technical assistance please contact the WellSTAR Administrator at (916) 327-6260.

November 17, 2022

Jeremy Shaw
County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA, 93721

Project: Notice of Preparation of Draft Environmental Impact Report (EIR) No. 7564, Unclassified Conditional Use Permit Application Nos. 3630 and 3631, and Variance Application No. 4122 for the Heartland Hydrogen Project

District CEQA Reference No: 20221468

Dear Mr. Shaw:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) from the County of Fresno (County) for the Heartland Hydrogen Project. Per the NOP, the project consists of the construction, operation, maintaining and decommission facilities to generate hydrogen fuel from renewable sources (photovoltaic solar energy and treated wastewater) on approximately 2,371 acres (Project). The Project is located in western Fresno County, CA and in the City of Mendota, CA.

The District offers the following comments regarding the Project:

1) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM_{2.5}) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM₁₀, PM_{2.5} standards.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4900 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 557-8400 FAX: (209) 557-6475

Central Region (Main Office)
1890 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-8000 FAX: (559) 230-8081

Southern Region
34948 Flyover Court
Bakersfield, CA 93308-9725
Tel: (805) 392-5500 FAX: (805) 392-5586

Mitigating Air Quality Impacts: <https://www.valleyair.org/transportation/GAMAQI.pdf>. The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

1a) Construction Emissions

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

1b) Operational Emissions

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://www.valleyair.org/transportation/GAMAQI.pdf>.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at: <http://www.valleyair.org/transportation/Mitigation-Measures.pdf>.

1c) Recommended Model for Quantifying Air Emissions

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

2) Health Risk Screening/Assessment

The County should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These

health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://www3.arb.ca.gov/ch/handbook.pdf>.

3) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:
www.valleyair.org/ceqa.

4) Voluntary Emission Reduction Agreement

Criteria pollutant emissions may result in emissions exceeding the District's significance thresholds, potentially resulting in a significant impact on air quality. When a project is expected to have a significant impact, the District recommends the Environmental Impact Report also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and

implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

5) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

5a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a

fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

5b) District Rule 9510 - Indirect Source Review (ISR)

The purpose of District Rule 9510 is to reduce the growth in both NO_x and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO_x and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

The Project may be subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of other space. Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency.

The applicant should contact the District to determine the applicability of Rule 9510 to the Project. Please contact the District by phone at (559) 230-5900 or by email at ISR@valleyair.org for assistance with determining if the Project will be subject to Rule 9510.

5c) District Rule 4601 (Architectural Coatings)

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements.

Additional information on how to comply with District Rule 4601 requirements can be found online at: <http://www.valleyair.org/rules/currentrules/r4601.pdf>

5d) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent 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 Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

5e) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

6) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Eric McLaughlin by e-mail at eric.mclaughlin@valleyair.org or by phone at (559) 230-5808.

Sincerely,

Brian Clements
Director of Permit Services



For: Mark Montelongo
Program Manager

From: [Samantha McCarty](#)
To: [Shaw, Jeremy](#)
Cc: [Shana Powers](#)
Subject: Heartland Hydrogen Project, Unclassified Conditional Use Permit Application No. 3630 and 3631 and Variance Application No. 4122
Date: Thursday, November 17, 2022 5:56:53 PM

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

Dear Jeremy,

Thank you for contacting the Santa Rosa Rancheria Tachi-Yokut Tribe regarding: Heartland Hydrogen Project, Unclassified Conditional Use Permit Application No. 3630 and 3631 and Variance Application No. 4122. Due to Tribal history and knowledge, the Tribe will be requesting the following:

- Archaeological record search and to have the results sent to us
- Archaeological survey and to have the results sent to us
- Sacred Land Files search through Native American Heritage Commission and to have the results sent to us
- Cultural Presentation for all construction staff
- Archaeological monitor for all ground disturbance related to the site
- Native American monitor for all ground disturbance related to the site
- When gathering seeds to spread across the ground of the project once it's officially commissioned - choose plants that are native to the area and please make sure to have salt grass (*Distichlis spicata*) included in the mix.

If you have any questions, comments, and or concerns please contact myself or the Santa Rosa Rancheria Cultural Department. Thank you.

Sincerely,

Samantha McCarty

Santa Rosa Rancheria Tachi-Yokut Tribe
Cultural Specialist II

SMcCarty@tachi-yokut-nsn.gov

Office: (559) 924-1278 x 4091

Cell: (559) 633-6640

***PLEASE KEEP ALL CULTURAL STAFF IN EMAILS UNLESS STATED OTHERWISE**



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 22, 2022

Jeremy Shaw
Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
jshaw@FresnoCountyCA.gov

Subject: **Heartland Hydrogen Project, Unclassified Conditional Use Permit
Application Nos. 3630 and 3631 and Variance Application No. 4122
(Project)
Notice or Preparation (NOP)
State Clearinghouse No. 2022100609**

Dear Jeremy Shaw:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) from Fresno County Department of Public Works and Planning (Fresno County), as Lead Agency, for the Heartland Hydrogen Project, Unclassified Conditional Use Permit Application Nos. 3630 and 3631 and Variance Application No. 4122 (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386,

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

As a responsible agency, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: Plug Project holding Co., LLC and Heartland Solar 1, LLC

Objective: The Project proposes to construct, operate, maintain, and eventually decommission facilities to generate hydrogen fuel from renewable sources (photovoltaic solar energy and treated wastewater) on approximately 2,371 acres in western Fresno County. The Project would rely on the proposed solar facility to convert sunlight into electricity, which would be used to power the hydrogen facility that would split the recycled water into hydrogen and oxygen (electrolysis). The hydrogen, solar, and tertiary wastewater treatment facilities together constitute the Heartland Hydrogen Project (Project). The Project also includes an approximate 1.25-mile electrical interconnection service line to the existing Tranquillity Switching Station, a second

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transmission line internal to the solar/hydrogen site to provide power from the solar facility to the hydrogen facility, and other associated facilities and infrastructure. The Project would be capable of producing approximately 30,000 kilograms per day of renewable or “green” hydrogen for zero emission transportation fuel to be used by fuelcell electric vehicles operating statewide.

Location: The proposed project is located in an unincorporated area 10 miles east of Interstate 5, east of Los Angeles Avenue, south of W. American Avenue, west of State Route 33 (SR 33, also called S. Derrick Avenue), north of Manning Avenue, and 1.25 miles north of PG&E’s existing Tranquillity Switching Station. The tertiary wastewater treatment facility would be located within the fence line of the existing Mendota Wastewater Treatment Plant (MWTP) located at 3699 Bass Avenue, Mendota.

The APNs that comprise the proposed Project site include Assessor Parcel Numbers (APNs): 028-140-38, 028-140-23, 028-140-32, 028-140-36, 028 140-37, 028-160-16, 028-160-17, 028-160-19, 028-160-20, 028-160-22, 028-170-17, 028-170-18, 028-170-41, 028-170-42, 028-170-43, 028-170-44, 028-170-45, 028-170-46, 028-170-47, 028-170-48, 028-170-60, 028-170-61, 028-060-32, 028-060-33, and 028-060-41.

The original NOP incorrectly associated the City of Mendota portion of the Project site, where the tertiary wastewater treatment facility would be located, on APN 013-020-06T. This APN is actually located well north of the current MWTP and proposed tertiary wastewater facility. Per a phone and email conversation between CDFW and Fresno County (Jeremy Shaw) on November 3rd, 2022, the correct APNs for the tertiary wastewater treatment facility include APNs 013-050-58ST, 013-050-68ST, and 013-050-73ST. CDFW evaluated the corrected APNs for this comment letter.

Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Fresno County in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the Draft EIR.

Aerial imagery of the Project boundary and its surroundings show the area contains undeveloped agricultural land and developed artificial ponds within the MWTP that may have suitable habitat for special status species. Based on a review of the Project description, a review of California Natural Diversity Database (CNDDDB) records, and the surrounding habitat, several special status species could potentially be impacted by Project activities.

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The Project area is within the geographic range of several special status animal species including the State threatened Swainson's hawk (*Buteo swainsoni*). Additionally, the portion of the Project that is located within the MWTP is within the geographic range of the State and federally threatened giant gartersnake (*Thamnophis gigas*); and the State speceis of special concern western pond turtle (*Emys marmorata*).

Swainson's Hawk (SWHA)

SWHA have been documented to occur in several locations along the eastern boundary of the Project site (CDFW 2022) and have the potential to nest and forage within and adjacent to the Project site. The habitat types present within the vicinity of the Project site provide suitable foraging habitat for SWHA, increasing the likelihood of SWHA occurrence. In addition, there are trees and structures located within 10 miles of the Project area, specifically adjacent to the MWTP and Derrick Avenue, that may provide suitable nesting habitat.

To evaluate potential project-related impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) as part of the biological technical studies conducted in support of the Draft EIR. SWHA detection during protocol-level surveys warrants consultation with CDFW to discuss how to implement Project activities and avoid take. In addition to conducting surveys, CDFW recommends the Draft EIR include the following measures:

Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the Draft EIR and project construction, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee, be repeated the survey season immediately prior to construction.

Recommended Mitigation Measure 2: SWHA Avoidance Buffer

if Project-specific activities will take place during the SWHA nesting season (i.e., February¹ through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 3: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to

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discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation

Finally, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of $\frac{3}{4}$ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of $\frac{1}{2}$ acre of HM land for each acre of development is advised.

Special-Status Reptiles and Amphibians

Special status reptiles and amphibians including giant garter snake (GGS) and western pond turtle have been documented directly adjacent to the MWTP within the Fresno Slough (CDFW 2022). GGS in particular are known to occupy managed waterways, including those managed for agricultural irrigation (USFWS 2017). There is the potential that special status reptiles and amphibians may utilize the habitats directly adjacent to and within the MWTP. CDFW recommends that a qualified biologist conduct a habitat assessment within the MWTP and its immediate vicinity as part of the biological technical studies conducted in support of the Draft EIR. If any suitable habitat is documented within or directly adjacent to the MWTP during these surveys, coordination with CDFW is recommended for guidance on mitigation measures such as surveys, take avoidance, minimization, and mitigation.

Editorial Comments and/or Suggestions

Lake and Streambed Alteration: If streams, swales, or drainages occur on the Project site, Project activities may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could

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pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement; therefore, if the Draft EIR approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593 or R4LSA@wildlife.ca.gov.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the project's Draft EIR be used to develop and modify the project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, CDFW advises that remaining impacts to sensitive biological resources be mitigated to reduce impacts to a less than significant level, if feasible.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address:

CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

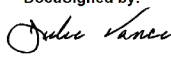
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CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist Fresno County Department of Public Works and Planning in identifying and mitigating Project impacts on biological resources.

If you have any questions, please contact Jeremy Pohlman, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (805) 588-5674 or by electronic mail at Jeremy.pohlman@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

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REFERENCES

California Department of Fish and Game (CDFG), 1994. *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo Swainsoni) in the Central Valley of California*. California Department of Fish and Wildlife.

CDFW, 2022. *Biogeographic Information and Observation System (BIOS)*. <https://www.wildlife.ca.gov/Data/BIOS>. Accessed November 03, 2022.

Swainson's Hawk Technical Advisory Committee (SWHA TAC), 2000. *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley of California*. Swainson's Hawk Technical Advisory Committee. May 31, 2000.

United States Fish and Wildlife Service (USFWS), 2017. *Recovery Plan for the Giant Garter Snake (Thamnophis gigas)*. U. S. Fish and Wildlife Service, Region 8, Sacramento, California. September 2017.

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

PROJECT: Heartland Hydrogen Project

SCH No.: 2022100609

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
SWHA	
Recommended Mitigation Measure 1: SWHA surveys prior to construction	
Recommended Mitigation Measure 3: SWHA take authorization	
Recommended Mitigation Measure 4: SWHA foraging habitat mitigation	
<i>During Construction</i>	
SWHA	
Recommended Mitigation Measure 2: SWHA avoidance buffer	



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX: (559) 241-6277

November 22, 2022

Mr. Jeremy Shaw, Planner
Development Services & Capital Projects Division
Fresno County Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

SUBJECT: Comments Regarding Environmental Impact Report (EIR) No. 7564 for the Heartland Hydrogen Project

Dear Mr. Shaw,

Westlands Water District (District) reviewed EIR No. 7564, the proposal to construct facilities to generate hydrogen fuel from photovoltaic solar energy and treated wastewater on approximately 2,371 acres west of Derrick Avenue and south of American Avenue. The District offers the following comments.

The project lands are not furnished water pursuant to the District's Regulations for the Allocation and Use of Agricultural Water and will not receive an allocation of groundwater pursuant to the Regulations for the Groundwater Allocation Program and Use of Groundwater in Within the Westside Subbasin.

However, the Applicant may be eligible to apply for and receive Municipal and Industrial (M&I) water services, and the land will continue to have access to the District's distribution system for lands used for solar development operations. If the Applicant applies to become a new M&I water user, the Applicant's operations will be bound by the Regulations, Terms and Conditions established by the District for M&I use. Copies of these are provided for your information, and notable provisions include:

- The Regulations stipulate the quantity of water that will be made available to a water user from the District's Central Valley Project (CVP) contract supply. The District will make available up to five (5) acre-feet annually, per 160 acres, for solar developments. The Applicant is responsible for acquiring more water if needed.
- The Applicant must comply with the District's Backflow Prevention guidelines for this connection to the District's water system.
- If there is not a delivery turnout on the property then the Applicant would be responsible for the development and construction of the pipeline to connect to the District's distribution system, including acquisition of easements, if required.

Based on the Project Location Map provided, the project site is located near the District's distribution system Laterals 6L, 7L, and 8L. Prior to construction, please contact Underground Service Alert (811).

- If project features, including electrical transmission facilities, may cross the District's distribution system laterals, please contact the District to obtain the requirements for crossing a District lateral easement(s).

Thank you for the opportunity to comment on this project. If you have any additional questions, please contact Kori Peterson at 559-241-6231.

Sincerely,

A handwritten signature in black ink that reads "Russ Freeman". The signature is fluid and cursive, with the first name "Russ" and last name "Freeman" clearly legible.

Russ Freeman, P.E.
Deputy General Manager of Resources

**ARTICLE 19. REGULATIONS REGARDING THE APPLICATION FOR
AND USE OF MUNICIPAL AND INDUSTRIAL WATER WITHIN
WESTLANDS WATER DISTRICT**

19.1 PURPOSE

Westlands Water District has a long-term contractual entitlement to receive from the United States an annual supply of 1,150,000 acre-feet (AF) of Central Valley Project (CVP) water. The contracts between Westlands Water District and the United States allow the District to make CVP water available for municipal, industrial and domestic uses. The District may also acquire additional water supplies for these purposes. This Article establishes the rules and procedures for making application for and the use of municipal and industrial (M&I) water.

19.2 GLOSSARY OF TERMS AND DEFINITIONS

Unless specified below, the terms and definitions contained in Article 2 of these Regulations shall apply.

- A. "Ag Related M&I Use" – the use of water exclusively for purposes of commerce, trade or industry associated with the production of agricultural crops or livestock, or their related by-products, including human uses, other than housing, that are incidental to the Ag Related M&I Use.
- B. "Historic Use" – the greatest annual quantity of CVP water delivered for M&I Use to an M&I Water User at a point of delivery during the five-year period immediately preceding June 30, 2001.
- C. "M&I Use" – the use of water for drinking, cooking, bathing, showering, dish washing, and maintaining oral hygiene or purposes of commerce, trade or industry.
- D. "M&I Water Application" - an agreement in a form approved by the General Manager or his designee between the District and an M&I Water User, which describes the point of delivery for such water and the estimated quantity of water that will be made available by the District for M&I Use.

- E. “M&I Water User” - individual or entity who has executed and submitted to the District an M&I Water Application or to whom the District makes water available for M&I Use.

19.3 M&I WATER AVAILABILITY

- A. The General Manager shall set aside from the District’s CVP water supply or other sources he deems appropriate water for M&I Use.
- B. The General Manager or his designee shall assist any M&I Water User in identifying a source of water that can be made available to the District for M&I Use; provided, that this provision shall not impose on the District or its employees an obligation to incur any expense or other obligation on behalf of such M&I Water User.

19.4 APPLICATION FOR WATER

- A. Except for M&I Use initiated before July 1, 2001, to receive water for M&I Use, a proposed M&I Water User must file at the District’s Fresno office an M&I Water Application. Upon approval by the District, the M&I Water Application shall constitute a valid agreement for M&I Use until the M&I Water User notifies the District in writing that such M&I Use will be terminated. Every M&I Water Application shall identify the point of delivery and the intended use of the M&I Water.
- B. An M&I Water Application for use in excess of 5 acre-feet, or 5 acre-feet per 160 acres when such application is for a solar development covering such acreage, per year shall identify a source of water that will, at the applicant’s expense, be made available to the District for the proposed M&I Use.
- C. Notwithstanding Section 19.4 B. of this Article, a M&I Water User may annually transfer into the M&I Water User’s account a quantity of water, from any source available to the M&I Water User, sufficient to satisfy any Ag Related M&I Use for the water year; provided, the M&I Water User shall acknowledge in writing that the District has no obligation to make available to the M&I Water User, in any

year, a quantity of water in excess of the quantity transferred into the M&I Water User's account.

- D. A supplemental M&I Water Application shall be filed by any M&I Water User before the quantity of water for M&I Use made available to such M&I Water User is increased (i) above Historic Use, for M&I Water Users receiving M&I water before July 1, 2001, or (ii) above the quantity stated in the initial M&I Water Application, for M&I Use initiated after June 30, 2001.

19.5 USE OF WATER

- A. The unauthorized use or taking of water for M&I Use, or the waste or unreasonable use of water, are prohibited. Water made available for M&I Use may only be used at the point of delivery and for the purpose(s) identified in the M&I Water Application. Except as provided in Section 19.5 B. of this Article, the transfer of M&I water is prohibited.
- B. M&I water identified pursuant to Section 19.4 B. of this Article or water transferred by the M&I Water User pursuant to Section 19.4 C. of this Article may be transferred within the District's boundaries. Nothing contained in this Article shall prevent an M&I Water User from changing the place of use of its M&I water within the District's boundaries.
- C. All M&I Water Users shall implement conservation measures adopted by the Water Policy Committee of the Board of Directors or its successor.
- D. All M&I Water Users shall cooperate in the District's efforts to comply with the terms of the Compliance Agreement between the California Department of Health Services and Westlands Water District, dated June 1, 2001.
- E. Every point of delivery for M&I Water shall be equipped with a backflow prevention device of a design approved by the General Manager.
- F. The General Manager is authorized, after written notice to the M&I Water User, to discontinue water service to any M&I Water User who violates this Article or the Terms and Conditions for Municipal and Industrial Water Service.
- G. In the event the District's water supply is insufficient to meet all demands for water, including demands for irrigation, the General Manager is authorized to

reduce the quantity of water made available for M&I Use or to impose such temporary conservation actions or other measures, as he deems necessary to protect the public health and safety.

19.6 COMPLIANCE WITH TERMS AND CONDITIONS

Each M&I Water User shall comply with the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board from time to time. Failure to comply with the Terms and Conditions for Municipal and Industrial Water Service may be grounds for termination of M&I Water Use service, and no water shall be furnished to an M&I Water User who fails to make required payments pursuant to the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board, from time to time.

19.7 MISCELLANEOUS

- A. The General Manager may do all things necessary to implement and effectuate these Regulations.
- B. An appeal from any decision made pursuant to these Regulations shall be made to the Finance and Administration Committee of the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Finance and Administration Committee may be appealed to the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Board shall be final.
- C. The General Manager shall provide notice of any changes or revision to these Regulations to all District landowners and M&I Water Users.

WESTLANDS WATER DISTRICT

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TERMS AND CONDITIONS FOR MUNICIPAL AND INDUSTRIAL WATER SERVICE

1. The furnishing of water to and its use by the water user shall be subject to all regulations of the Board of Directors of the District as the same may exist now or hereafter be amended or adopted. In the event of a conflict between the terms and conditions set forth herein and the regulations, the latter shall be controlling.

2. All water delivered shall be pursuant to a request by the water user for the delivery of a stated amount to a specific location. The request shall be made within the time and in the manner prescribed by the General Manager.

3. Water will be furnished by the District subject to the terms and conditions under which the water is made available to the District and if, in the exclusive judgment of the District, the water and facilities for its delivery are available; provided, that the District will use its best efforts, to the extent that it has water and capacity available and taking into account the requirements of other water users to receive water from its facilities, to provide such water in the manner and at the times requested. The District may temporarily discontinue water service or reduce the amount of water to be furnished for the purpose of such investigation, inspection, maintenance, repair, or replacement as may be reasonably necessary of any of the District's facilities. Insofar as feasible, the District will give the water user notice in advance of such temporary discontinuance or reduction, except in case of emergency, in which event no notice need be given. No liability shall accrue against the District or any of its officers, directors, or employees for damage, direct or indirect, because of the failure to provide water as a result of system malfunctions, interruptions in service necessary to properly operate and maintain the water distribution system, or other causes which are beyond the District's reasonable control.

4. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, all damage or claims for damage, which may arise from his furnishing or use of the water after it leaves the District facilities.

5. The water furnished by the District is not potable (suitable for drinking, cooking, bathing, or other domestic use) and the District does not warrant the quality or potability of water so furnished. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, damage or claims for damage arising out the non-potability of water furnished by the District. Untreated water must never be used for any type of human consumptive needs. A water user defined and operating as a Public Water Supply (PWS) shall be responsible for any water treatment, including but not limited to filtration and chlorination achieved through central treatment or point-of-entry (POE) treatment devices approved by the California Department of Health Services (DHS), in order to provide water safe for human consumption as required by Federal, State or local law or regulation.

According to DHS, the use of POE treatment systems by individual customers of a constructed conveyance system may not provide a continuous safe, potable supply of water due to inadequate operation and maintenance of these systems by the owners, unless they are a regulated PWS. Individual use of POE devices ("Water Treatment Exclusion") may only be used if they are approved by DHS and are regularly maintained by a State-licensed operator or service provider.

Facilities in place prior to July 2001, may continue to use bottled water for drinking and cooking ("Alternative Water Exclusion"). After July 2001, the District cannot furnish new municipal and industrial water service if bottled water use is the basis for the potable water supply unless approved by DHS. Bottled water may only be obtained from a State-licensed provider.

DHS mandates the District conduct periodic surveys of water use as required by the Safe Drinking Water Act and to collect records for Alternative Water and Treatment Exclusions. Records for exclusions include invoices or statements of bottled water delivery from a licensed provider or maintenance and service records for a POE system from a licensed operator. Water users who fail to complete a survey or provide records showing an approved exclusion requested by the District shall have water service discontinued if no response is received after a reasonable attempt has been made to obtain the information.

6. All water will be measured by the District with meters installed by it and such measurements shall be final and conclusive.

7. Charges for water, hereinafter referred to as "water charges", shall be established by the Board of Directors. The water charges shall include District operation and maintenance costs and any other costs determined by the Board to be payable as part of the water charges. Water charges shall be adjusted retroactively to the extent required and authorized by federal or state law or regulations or District regulations. The General Manager may adjust the water charges as necessary and legally authorized to account for increases or decreases in the estimates used to establish the water charges.

8. As a condition of the District continuing to furnish water, the water user shall make payment for the amount billed after the District's billing and by the 25th of the month in which the bill is mailed; provided, that the due date will be not less than 15 calendar days after the billing date. Charges not paid by the due date shall be delinquent; provided, that payments postmarked on or before the due date shall be deemed to have been received by that date. The payment of water charges or related penalties or interest shall be made at the District's Fresno office. When any deadline established herein falls on a Saturday, Sunday, or holiday, it shall be extended to the next working day.

9. All claims for overcharges or errors must be made in writing and filed with the District at its Fresno Office within 10 working days after the date the bill is received by the water user. In the event the water user files a timely written protest, the District's Finance & Administration Committee shall consider the protest at its next regular meeting and notify the water user in writing of its decision. The Committee's decision shall be final, unless a written appeal to the Board of Directors is filed with the Secretary of the District within 15 working days after notice of the decision. In the event of an appeal, the decision of the Board shall be final. The filing of a protest or an appeal does not nullify the payment requirement or the District's right to discontinue water service as provided in these terms and conditions. However, in the event the protest or appeal is sustained, the District will refund the amount of the overcharge and penalty, if any.

10. On the first day following the due date, a penalty of 10 percent of the water charges which became delinquent on the preceding day shall be added to the water charges and penalties and interest, if any, due and owing to the District, the total of which are hereinafter referred to as "unpaid charges." Prior unpaid charges shall accrue interest at a monthly rate of 1½ percent. The interest shall not, however, accrue after the unpaid charges have been added to, and become a part of, the annual assessment levied on the land by the District. All payments and credits shall be applied to the earliest unpaid charges.

11. At the time of filing the District's assessment book with the District Tax Collector, unpaid charges may be added to and become a part of the assessment levied by the District on the land which received the water or for which other water charges were incurred. The District shall notify the landowner of the expected amount prior to its addition to the annual assessment. The amount so added shall be a lien on the land and impart notice thereof to all persons. If the assessment becomes delinquent, penalties and interest will be added as provided by law.

12. To supplement the procedure described in paragraph 11, the District may elect to file and record a Certificate of Unpaid Water Charges as provided in California Water Code Section 36729. This

Certificate creates a lien in the amount of unpaid charges on any land owned by the delinquent water user, or acquired by the water user before the lien's expiration, within the recording County.

13. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any parcel of land for which the unpaid charges for such service are a lien on the land or for which the assessment is delinquent.

14. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any person who owes the District unpaid charges notwithstanding the fact that the unpaid charges have been added to the assessment(s) on the parcel(s) for which they were incurred.

15. Where the District furnishes residential water service to persons other than the water user to whom the service is billed, the District shall make a reasonable, good faith effort to inform the actual users of the services when the account is delinquent. This shall be done by a notice that service will be terminated in 10 days. The notice shall inform the actual users that they have the right to become customers of the District without being required to pay the amount due on the delinquent account.

The District is not required to make service available to the actual users unless each actual user agrees to the terms and conditions of service. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means legally available to the District of selectively terminating service to those actual users who have not met the requirements of the District's terms and conditions, the District shall make service available to the actual users who have met those requirements. In making service available to an actual user, the District may require that a deposit be paid to the District prior to establishing an account and furnishing service. If a deposit is required, it shall be based solely upon the creditworthiness of the actual user as determined by the District.

The District will give notice of the delinquency and impending termination of residential water service, at least 10 days prior to the proposed termination, by means of a notice mailed postage prepaid or by personal delivery to the water user to whom the service is billed not earlier than 19 days from the date of mailing the District's bill for services, and the 10-day period shall not commence until 5 days after the mailing of the notice. When the day established for the discontinuance of water service falls on a Saturday, Sunday, or District holiday, such water service shall be discontinued on the next working day.

The District will make a reasonable, good faith effort to contact an adult person residing at the premises of the water user by telephone or in person at least 48 hours prior to any termination of residential water service.

The District will comply with all other applicable provisions of California Government Code Sections 60370-60375.5 regarding termination of residential water service.

16. Except as provided in paragraph 15, in the event water service hereunder is discontinued as a result of nonpayment of water charges, all unpaid charges for such service which are due the District from the person in default must be paid before water service can be restored.

17. If a water user's delinquent charges are unpaid for 30 days or more, or if a water user's delinquent charges are added to the annual assessments on any lands within the District, or the procedure in paragraph 12 is implemented, the General Manager shall require, as a condition of resumption of water service, that advance payment of all water charges be made for the 12-month period immediately following resumption of service, according to a schedule to be determined by the General Manager. A written guarantee in a form satisfactory to the General Manager from a recognized financial lending institution may be substituted in lieu of advance payment.

18. The General Manager, after consultation with and approval by the Finance & Administration Committee, may also require advance payment and/or payment by cashier's check or such other actions as he may deem necessary when a water user's account is determined, based on the payment history or other actions of the water user, to create a financial risk or hardship for the District or its landowners. Circumstances which constitute the basis for such a determination include but are not limited to the following: (1) instances of a water user's checks being returned unpaid or (2) instances where a water user whose account is delinquent has, in violation of District regulations, taken water from a District delivery.

19. By applying for or taking delivery of municipal and industrial water from the District, the water user agrees to these terms and conditions of service.

20. The District may modify or terminate these terms and conditions; provided, that such modifications or terminations are prospective only and notice thereof is given prior to the effective date by mail to the water user.

Appendix B

Project Description

B1 Pest Management Plan

B2 Reclamation Plan

B1 Pest Management Plan



PEST MANAGEMENT PLAN

**HEARTLAND SOLAR FACILITY
FRESNO COUNTY, CA**

SUBMITTED TO:

Fresno County Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, California 93721

PREPARED BY:

Heartland Hydrogen Project

August, 2021



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Acronyms and Abbreviations

CUP	Conditional Use Permit
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FCAC	Fresno County Agricultural Commissioner
Gen-tie	generation tie-line
IPM	integrated pest management
IPWMP	Integrated Pest and Weed Management Plan
kV	kilovolt
mph	miles per hour
MW	megawatt
O&M	Operations and Maintenance
PPE	Personal Protective Equipment
Project	Heartland Solar Project
PV	Photovoltaic
PPA	Power Purchase Agreement
SDS	Safety Data Sheets
WEAP	Worker Environmental Awareness Procedure

1 Introduction

1.1 Purpose of the Plan

This Pest Management Plan (PMP) outlines procedures and strategies for controlling pests at the Heartland Solar Facility. The PMP is designed to satisfy a requirement of Fresno County’s Solar Facility Guidelines (Rev. December 12, 2017) for solar projects, which specifies that the Project operator shall develop and implement an on-site PMP to “identify methods and frequency to manage weeds, insects, disease and vertebrate pests that may impact adjacent sites.”

General requirements for these additional mitigation measures are outlined in Section 3. As required by the CUP, this PMP has been submitted for approval to the Fresno County Department of Public Works and Planning Development Services Division (County).

1.2 Project Location and Overview

The Heartland Solar Facility (“Facility”) proposes to construct, own, operate and eventually decommission an approximately 300 megawatt (MW) solar photovoltaic power generation facility on rural agricultural lands south of Mendota in Fresno County, California. The Facility will be constructed as part of the larger Heartland Hydrogen Project, which includes the Heartland Solar Facility and the Heartland Hydrogen Facility. Combined, the Heartland Hydrogen Project will produce renewable hydrogen for zero-emission transportation fuel. The Facility will consist of a 300 MW facility along with associated infrastructure including a substation and operation and maintenance building. The Facility will produce electricity for the adjacent Heartland Hydrogen Facility and will also interconnect to the electrical grid at Pacific Gas and Electric’s (PG&E) Tranquility Substation, located approximately two miles south of the Project site. The proposed solar facility is intended to operate year-round.

The location of the project is depicted in Figure 1.

2 Procedures and Methodologies

2.1 Weed Management

Weed management at the proposed Facility will include identification of problem areas, implementation of measures intended to prevent the spread and establishment of new weed occurrences, and application of appropriate measures to treat known occurrences of weeds. These steps toward effective weed management are described in the following sections.

There are no known special status plant species that occur on the Facility site. The Fresno County Agricultural Commissioner's office has identified several non-native, invasive weed species that have the potential for spread if not properly identified and managed. Further information is provided in Section 4.

2.1.1 Preventative Measures

The prevention of weed establishment is the most effective weed management practice. Preventing or reducing the potential for weed establishment reduces additional efforts, costs, and time invested in subsequent weed control or eradication measures. Several measures have proven to be effective toward preventing the spread and establishment of weeds on projects where surface disturbing activities are proposed. The following preventative measures will be implemented:

- Vehicles and equipment to be used in off-road areas while on site will be inspected at the site entrance prior to entry to site by EHS personnel or individuals under EHS personnel direction. If excessive dirt/mud and/or visible plant materials is observed, the vehicle/equipment will be washed prior to gaining entry to the site. Washing will occur off site at existing car washes with appropriate containment facilities.
- Vehicle cabs may be subject to cleaning in an effort to remove refuse, soil, or other materials susceptible to transporting weed seeds or other plant structures. The use of compressed air is recommended for cleaning vehicle cabs before and immediately prior to departing the site.
- All imported or procured materials used for site reclamation, revegetation, and installation of stormwater/erosion control measures will be certified as weed free by the vendor.
- Disturbance areas will be limited to the smallest area needed for construction.
- The WEAP training will include a section on weed spread and colonization.

2.1.2 Treatment Methods

Treatment methods are necessary to control and eradicate known invasive and noxious weed occurrences. Treatment methods include a variety of approaches such as mechanical, chemical, and biological controls. The most appropriate and effective weed treatment measures will be determined following the assessment of existing weed populations on the Project site. Herbicides may be used for weed control, consistent with labeling requirements and applicable local regulation.

Mechanical treatments include the use of physical means to remove plants, reproductive parts, or propagules. Mechanical treatments include manual methods (pulling weed plants from the soil), use of hand tools and hand-held power tools, mowing, and more aggressive efforts that involve removing above and below ground plant structures. The designation of the appropriate mechanical treatment will depend on variables including season, plant life stage, weed species, size and population of each occurrence, and more.

Chemical treatments involve the use and application of pre- and/or post-emergent herbicides. The use of herbicides is highly regulated and involves a variety of specific protocols, safety measures, and precautions for eliminating, reducing, and mitigating for uncontrolled releases. Pre-emergent herbicides are applied to the soil before the weed seed germinates and usually incorporated into the soil with irrigation or rainfall. Post-emergent herbicides are applied directly to plants. Timing is critical for both pre-emergent and post-emergent herbicide application. In the Project vicinity, pre-emergent herbicides would primarily be applied in early fall, prior to fall/early winter rains. Post-emergent herbicides must be applied while the weed is actively growing, most effectively in the early seedling stage, but always prior to seed set. Therefore, all post-emergent treatments will occur between February and early April. Species-specific herbicides may be used as appropriate and available, along with other mechanical and chemical means for post-emergent elimination. When possible, selective herbicides may be used to target specific weed species, rather than all plant growth. The perimeter between the fence and the panels may be treated to prevent weeds or vegetation from growing and causing a possible risk for wildland fire exposure. The possible use of herbicides as a treatment method is described in additional detail in Section 2.1.3 of this plan.

Biological treatments include the use of plants and animals (particularly insects) that parasitize, ingest, or out-compete weed species. Based on the weed species expected to occur in the Project area and other factors, biological controls are not expected to be a viable or appropriate alternative for treating weed occurrences at the proposed site.

2.1.3 Herbicide Handling and Application

Weed management contractors/personnel that are responsible for applying herbicides will obtain all of the required Federal, State, or local agency permits and will hold all necessary certifications and have received all relevant training. Permits may include terms and conditions that are not included in this weed management plan. A licensed contractor will apply herbicides in accordance with all applicable

laws, regulations, and permit stipulation, including EPA label instructions. If faced with any of the following scenarios, herbicide application shall be suspended until such conditions no longer exist:

- Wind velocities in excess of 10 miles per hour (mph) during application of liquid herbicides and 15 mph during application of dry herbicides;
- Snow or ice present on weed foliage; or
- Within 12 hours of forecasted rain, or when plant surfaces are covered with water from recent rainfall or dew.

Herbicides glyphosate (Roundup, Touchdown) and pelargonic acid (Scythe) can be used to control small weed populations. Other herbicides can only be used if they are Federal or State Government-approved and applied by a licensed contractor.

For weed infestations readily accessible and passable by vehicle, vehicle-mounted applicators will be used. Manual application methods will be used in weed occurrences that are relatively small, inaccessible by established road or ROW, or in rough, varied terrain. All herbicide applicators, spreaders and sprayers, will be calibrated before each use to ensure all applications rates and procedures are appropriately implemented.

Herbicide transport and handling will follow these methods:

- No herbicides will be stored on-site.
- Only the quantity of herbicide expected for each day's use will be transported.
- Herbicide concentrate will be transported in approved containers in a controlled manner so as to prevent spills. Concentrate will be positioned in delivery or work vehicles so as to be secured and separated from the driving compartment, food, clothing, and safety equipment.
- The mixing of herbicide materials will be conducted at an off-site location or within a controlled space in the O&M Area that is designated on-site. All mixing will take place over a drip/spill containment device and at a distance more than 200 feet from open or flowing water, wetlands, or other sensitive resources.
- Herbicides will not be applied to areas of open or flowing water, wetlands, or other sensitive resources unless authorized by the appropriate regulatory agency.
- All equipment and containers used for herbicide storage, application, and transport will subject to inspection for leaks or damage.
- Emptied herbicide containers will be disposed in accordance with instructions provided on the label.

2.1.4 Herbicide Spills and Cleanup

All spills and inadvertent releases of herbicides will be addressed immediately upon detection. Spill response kits will be readily available in herbicide contractor vehicles and in daily on-site herbicide storage areas.

Spill response will vary depending on a variety of conditions, including location, amount of spill, area impacted by spill, type of herbicide spilled, and more. For each spill the following procedures should be implemented:

- Disseminate the appropriate on-site and agency notifications of a spill.
- Secure the affected area barring pedestrian and vehicle traffic.
- All spill response personnel shall put on the appropriate Personal Protective Equipment (PPE) prior to entering the spill containment area.
- Personnel, while wearing the appropriate PPE and equipped with the necessary tools and equipment, shall stop the herbicide leak or release.
- All materials associated with spill response, including the released herbicide, affected soils and plants, absorptive material, clothing, and PPE shall be removed and containerized according to appropriate regulations and procedures.

All generated spill response containers shall be transported, following appropriate regulations, and disposed legally at an approved disposal facility.

2.1.5 Worker Safety and Spill Reporting

All contractors responsible for herbicide use, transport, application, and control at the site will hold the appropriate certifications. Such certifications shall be made available. Contractors transporting herbicides to the site shall also have legible Safety Data Sheets (SDS) and labels on-site. All herbicide spills and inadvertent releases shall be reported in accordance with all applicable laws and regulations.

2.2 Pest Management

Pests, such as rodents, tend to thrive in areas with higher vegetative growth, particularly those providing both shelter from predation and a source of high-quality food. Consequently, vegetation management is the preferred method to manage pest populations on the Facility site.

The Facility site may potentially support special status wildlife species during Project operations. These species include the San Joaquin kit fox (*Vulpes macrotis mutica*), Western burrowing owl (*Athene cunicularia*) and Swainson's hawk (*Buteo swainsoni*). The Facility proposes to meet the goal of pest

management while protecting sensitive wildlife species by preferentially supporting ecological pest control practices on-site, as further described below.

The Fresno County Agricultural Commissioner's office provides guidance regarding the identification and control of pests. Additional information is provided in Section 4.

2.2.1 Preventive Controls

2.2.1.1 Vegetation Management

Rodent populations flourish in areas with uncontrolled vegetation growth, as tall, dense stands of weeds provide shelter and food resources for rodents.

Establishment of the Facility would make the site less attractive to rodents by limiting vegetation from growing there and by not providing cover for them to hide. The UC Davis Integrated Pest Management (IPM) guidance recommends removing weeds, heavy mulch, and dense vegetative cover to make habitat for rodents less suitable. As described in Section 2.1, weed control measures would be implemented supporting the reduction of habitat available to pest rodent species. Mowing and/or spraying with herbicides will manage the growth of uncontrolled and/or invasive vegetation on-site.

2.2.1.2 Facilitate Predation by Natural Predators

To support the potential wildlife habitat value of the site during Facility operations, the Facility proposes to manage rodent populations through natural predator-prey techniques. The site may provide foraging habitat for several predator species of rats, voles, and other rodents: northern harrier; Swainson's and ferruginous hawks; prairie falcon, and golden eagle. Northern harrier prey on small mammals, especially mice, rats, voles, shrews, rabbits, and song birds, in addition to small reptiles and amphibians. Major prey for hawk species include California voles, valley pocket gophers, rabbits, deer mice, and California ground squirrels (Estep 1989). Prairie falcons prey on small birds, mammals, and reptiles, particularly ground squirrels. Golden eagles prey on small- to medium-sized mammals, including hares, rabbits, jackrabbits, ground squirrels, prairie dogs, and marmots, in addition to some larger prey. Implementation of weed management practices would support optimum hunting habitat for predator species by ensuring vegetation does not grow too tall to limit visual spotting of or access to prey.

2.2.1.3 Avoiding Rodent Attractants

Review of the UC Davis IPM guidance for rat control indicates that solar arrays do not provide significant habitat favored by rats. No potential food sources would be present in the array area, and the solar arrays would not provide cover for their nests. Burrowing rodents such as Norway rats are found along building foundations and in moist areas in and around garden and fields. Areas around building foundations will be monitored for signs of rodents and pest removal options will be used where appropriate. Additionally, water use will be minimal during operations of the facility thereby minimizing attraction to the site by rodents seeking water sources.

The most successful and long-lasting form of rodent control in structures is exclusion, or “building them out.” The Facility will seal cracks and openings in building foundations and any openings for water pipes, electric wires, sewer pipes, drain spouts, and vents. The Project will ensure that doors, windows, and screens fit tightly. Their edges can be covered with sheet metal if gnawing is a problem. Coarse steel wool, wire screen, and lightweight sheet metal are excellent materials for plugging gaps and holes. Norway and roof rats are likely to gnaw away plastic sheeting, wood, caulking, and other less sturdy materials.

Because rats and house mice are excellent climbers, openings above ground level must also be plugged. Rodent proofing against roof rats, because of their greater climbing ability, usually requires more time to find entry points than for Norway rats. Roof rats often enter buildings at the roofline, so the Facility will ensure that access points in the roof are sealed. If roof rats are traveling on overhead utility wires, contact a pest control professional or the utility company for information and assistance with measures that can be taken to prevent this.

Strict trash policies will be enforced at the Facility site; workers shall be trained in the requirements of utilizing approved, rodent-proof trash containers which will be emptied regularly. Standing water will also be avoided in dust spraying or other water-use operations.

2.2.2 Pest Removal Options

The construction and operation of the Facility would significantly reduce the number of invasive pests on the site; however, preventive controls are not always completely successful. Pest rodent populations may need to be managed through pest removal practices. To support the ecological value of the site, the priority of the Facility is to manage rodent populations through the vegetation/natural predator-prey techniques discussed above. While this approach to pest management is preferred, should rodent populations persist and create operational problems or risks to human health (e.g., chewing through electrical wiring or exposing employees to nests and droppings) then more active management measures may be employed.

Trapping would be the preferred active management technique should avoidance and predator/prey techniques fail to provide sufficient management. Trapping would be employed for 3-6 months and evaluated for success before other management options are considered. Trapping would be done in accordance with management methods such as those provided in the University of California, Davis *Integrated Pest Management for Home Gardeners and Landscape Professionals (for Rats and/or Voles)* guidelines (UC Davis IPM).

The use of rodenticides would be restricted and they would only be employed should other management techniques fail. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation. If rodent control must be conducted, zinc phosphide will be used because of its proven lower risk to San Joaquin Kit Fox. Bait stations shall be enclosed so the opening is

accessible for the target rodent (i.e., 2-inch diameter for ground squirrel), but the openings will be at an elevated angle so that bait remains inside the station under all conditions.

3 Training and Recordkeeping

All workers will complete required WEAP training before starting work. WEAP training will include a section on weed spread and colonization and rodent control. Construction management will designate staff that will be trained to identify noxious weeds and will be responsible for operating and maintaining equipment to control weeds and rodents. Weed management contractors/personnel that are responsible for applying herbicides will obtain all of the required training and permits and will hold and provide evidence of all necessary certifications. Site staff will maintain records of any herbicide use on the Facility site.

4 Specific Guidance for Fresno County

The Fresno County Agricultural Commissioner's office (FCAC) provides information on the identification and control of pests known to occur in Fresno County. The FCAC should be periodically consulted for changes in information or assistance in the identification and control of pests on the Facility site. This PMP should be updated, as warranted, to reflect pertinent changes in information that will assist in the control of pests on the Facility site. Fresno County-specific pest management information can be found on the FCAC website¹.

4.1 Weed Management

The FCAC has identified several non-native, invasive and noxious weed species that occur in Fresno County. By their nature, these species have the potential to spread and cause economic damage to neighboring crops or livestock. Special attention should be paid to the early identification and control of these species, listed below. The FCAC can provide additional assistance in the identification and control of these species.

- Hoary Cress (*Cardaria draba*)
- Perennial Pepperweed (*Lepidium latifolium*)
- Purple Starthistle (*Centaurea calcitrapa*)

As with general vegetation management, the use of mechanical or chemical treatments to control noxious weeds would consider actions necessary to protect special status species that may be present on the Facility site.

4.2 Pest Management

As described in Section 2, due to the potential for special status species to occur on the Facility site, the Facility will preferentially support ecological pest control practices. Ecological pest control practices are the least invasive pest control methods and provide natural predator/prey opportunities for special status species that may occur on the Facility site.

¹ <https://www.co.fresno.ca.us/departments/agricultural-commissioner/pest-management>

The FCAC provides general information on the control and identification of pests known to occur in Fresno County. The FCAC should be periodically consulted for updated information on pests that have the potential to occur on the Project site.

5 References

California Department of Food and Agriculture. *Plant Health and Pest Prevention Services (PHPPS): Integrated Pest Control (IPC) – Noxious Weeds Program*. Available at http://www.cdfa.ca.gov/phpps/ar/ipc_nw.html.

California Department of Pesticide Regulation. Website: <http://www.cdpr.ca.gov/>.

California Department of Pesticide Regulation; Product/Label Database Queries & Lists. Website: <http://www.cdpr.ca.gov/docs/label/labelque.htm>.

California Invasive Plant Council. 2006. California Invasive Plant Inventory. Cal-IPC Publication 2006-02. California Invasive Plant Council, Berkeley. Available at: www.calipc.org.

Estep, J.A. 1989. Biology, movements, and habitat relationships of the Swainson's Hawk in the Section Report, 53pp.

James, L., J. Evans, M. Ralphs, and R. Child, editors. 1991. *Noxious Range Weeds*. Westview Press. Boulder, CO.

Mac, M.J., P.A. Opler, C.E. Puckett Haecker, and P.D. Doran. 1998. Status and Trends of the Nation's Biological Resources. 2 vols. U.S. Department of the Interior, U.S. Geological Survey, Reston, VA. Available on the internet at: <http://www.nwrc.usgs.gov/sandt/SNT.pdf>. Accessed on April 22, 2015.

Sheley, R., J. Petroff, M. Borman, 1999. *Introduction to Biology and Management of Noxious Rangeland Weeds*, Corvallis, OR.

University of California, Davis. June 2010. "Integrated Pest Management for Home Gardeners and Landscape Professionals – Voles (Meadow Mice)." Pest Notes Publication 7439. Website: <http://www.ipm.ucdavis.edu/PDF/PESTNOTES/pnvoles.pdf>.

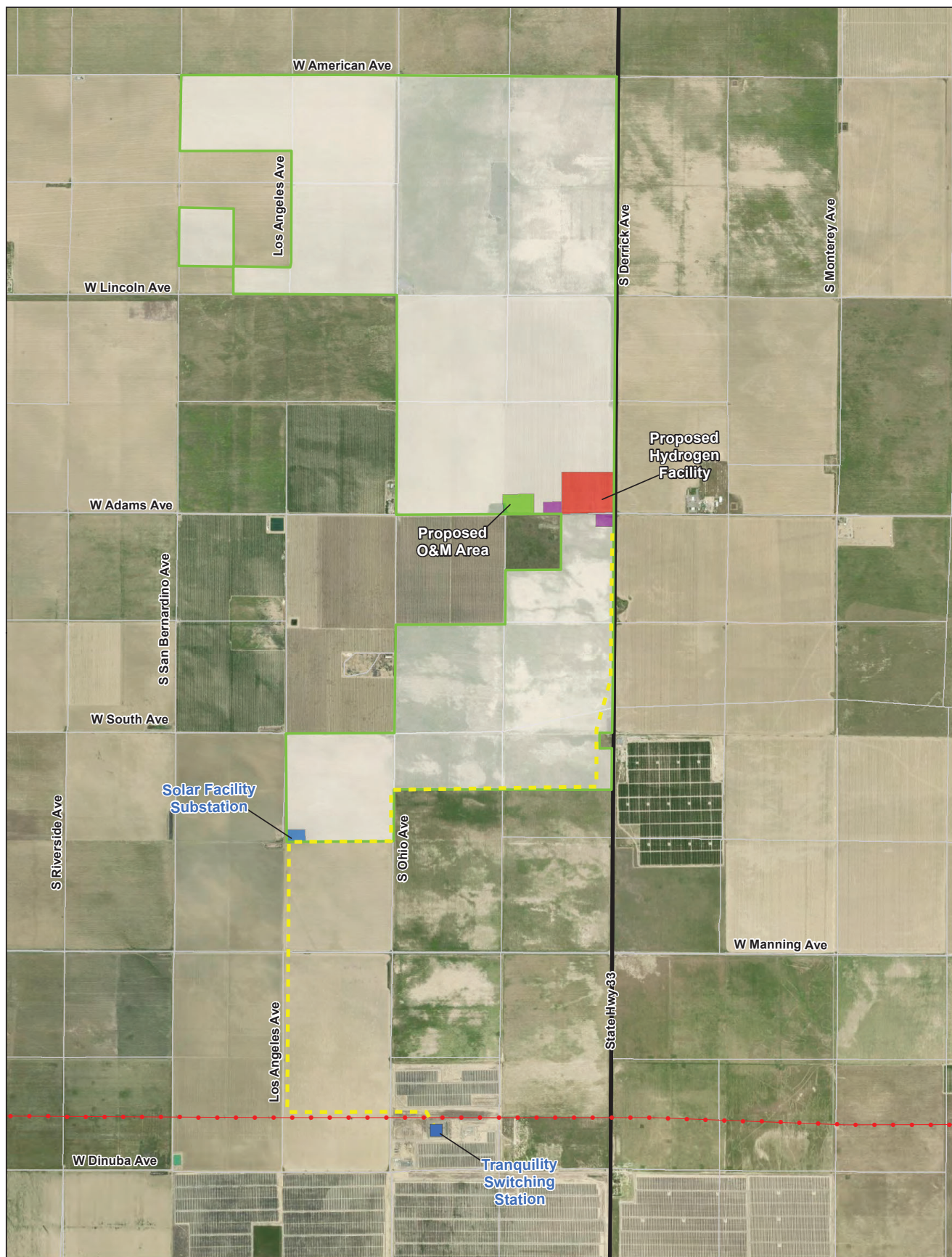
University of California, Davis. January 2003. Integrated Pest Management for Home Gardeners and Landscape Professionals – Rats. Pest Notes Publication 74106. Website: <http://www.ipm.ucdavis.edu/PMG/PESTNOTES/pn74106.html>.

United States Department of Agriculture). *Inventory of California State-Listed Noxious Weeds*. Available at <http://plants.usda.gov/java/noxious?rptType+State&statefips+06>. Accessed December 2009.

United States Environmental Protection Agency, Controlling Rodents and Regulating Rodenticides Website: <http://www2.epa.gov/rodenticides>.

FIGURES

Figure 1: Project Site Plan



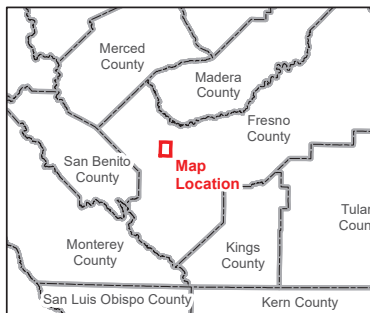
LEGEND

Project Components

- Gen-Tie / Electric Service Line Route
- Heartland Hydrogen Project
- Solar Facility Substation
- Solar Facility Substation (Alternative)
- Hydrogen Facility
- Solar Facility O&M Area
- PV Array

General Features

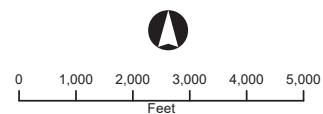
- Switching Station
- Road
- State Highway
- Existing 230 kV Transmission Lines
- County Boundary



HEARTLAND HYDROGEN PROJECT

Site Map

Map Extent: Fresno County, CA



B2 Reclamation Plan



PRELIMINARY CLOSURE, DECOMMISSIONING, AND RECLAMATION PLAN

HEARTLAND SOLAR PROJECT FRESNO COUNTY, CA

SUBMITTED TO:

Fresno County Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, California 93721

PREPARED BY:

Heartland Solar 1, LLC

August 2025



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1.1	Purpose of the Reclamation Plan	1
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2	Guidance for Reclamation Plan Contents	3
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3.5	Post-Demolition Site Restoration	8
4	Project Decommissioning Costs and Bonding	9

FIGURES

Figure 1:	Regional Vicinity
Figure 2:	Site Map
Figure 3:	Preliminary Site Layout

APPENDICES

Appendix A	Reclamation Cost Estimate
Appendix B	Landowner Notification Letters

Acronyms and Abbreviations

Applicant	Heartland Solar 1, LLC
Project	Heartland Solar Project
PV	photovoltaic
Reclamation Plan	Closure, Decommissioning, and Reclamation Plan

1 Introduction

Heartland Solar 1, LLC (Applicant), a wholly owned indirect subsidiary of Clearway Energy Group LLC, proposes to construct, operate, maintain, and decommission the Heartland Solar Project (Project), which consists of renewable photovoltaic (PV) solar energy generation and energy storage system facilities on approximately 2,362 acres of private land in western Fresno County.

1.1 Purpose of the Reclamation Plan

The purpose of this preliminary Closure, Decommissioning, and Reclamation Plan (Reclamation Plan) is to establish the methodologies that could be employed for decommissioning and reclamation activities associated with the Project. The actual actions implemented in the solar facility closure will be determined based on the expected future use of the site. Therefore, a more detailed and final Reclamation Plan will be developed in advance of the start of decommissioning activities.

This Reclamation Plan has been developed in compliance with a requirement in Fresno County Development Services Division's *Solar Facility Guidelines* to "provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements." The Guidelines provide specific direction on the contents of the Reclamation Plan, which are discussed in further detail starting in Section 2.

The Project is expected to operate at a minimum for the term of its Power Purchase Agreement or other energy contracts. For the purpose of developing this Reclamation Plan, it is required that when the Project is decommissioned, all solar facility structures and electrical equipment will be removed from the site and the disturbed areas will be reclaimed for purposes of restoring the site to its present-day conditions, to the extent feasible.

This preliminary Reclamation Plan addresses the following:

- Project Description
- Regulatory Criteria
- Decommissioning and Reclamation Activities
 - Pre-Decommissioning
 - Removal of Facilities
 - Hazardous Waste Management
 - Debris Management, Disposal, and Recycling
 - Post-Demolition Site Restoration
- Project Reclamation Costs and Bonding

As mentioned above, because this document addresses Project actions that will occur well in the future,

it will be updated and finalized in the months prior to the scheduled decommissioning. This will ensure the final Reclamation Plan addresses the proposed future land use of the site and the applicable rules and regulations in place at that time.

1.2 Project Location and Overview

The Project proposes to construct, own, operate, and eventually decommission an approximately 300-megawatt solar PV power generation facility on rural agricultural lands south of Mendota in Fresno County, California. The Project will consist of a 300-megawatt solar facility along with associated infrastructure including a substation, battery energy storage system, generation-tie line, and operation and maintenance building. The Project will interconnect to the electrical grid at Pacific Gas and Electric's Tranquillity Switching Station, located approximately two miles south of the Project site. The proposed solar facility is intended to operate year-round.

The regional vicinity of the Project is depicted in **Figure 1** and the Project site map is depicted in **Figure 2**.

2 Guidance for Reclamation Plan Contents

Fresno County’s Solar Facility Guidelines provides the following guidance on the minimum content for reclamation plans¹. Where necessary, reference is made to other sections of the Reclamation Plan where more detailed information is provided:

1. Description of present use of the site;

The site is intermittently used for dry-farm agriculture and related activities, such as seasonal livestock grazing. According to information provided by Westlands Water District, the Project property is non-irrigable and thus only capable of being dry farmed. The site has either been dry farmed or lain fallow during the past ten years.

2. Describe the proposed alternate use of the land (all equipment to be installed above and underground, structures, fencing, etc.);

The Project will include the following main elements: modular PV solar panels on horizontal, single-axis trackers; direct current to alternating current power inverters mounted on concrete pads; three-phase transformers mounted on concrete pads, a medium-voltage (34.5 kilovolt) collection system either overhead or underground, electric substations, a battery energy storage system, a 230-kilovolt generation-tie line, a control/administration building and parking lot, meteorology towers, security fencing and lighting and other on-site facilities as required. Onsite detention or retention basins will be constructed to contain storm water runoff from areas of the Project site.

3. Duration of the alternate use of the property (specify termination date);

The Project is expected to be in commercial operation for approximately 35 years from the commencement of operations, with a potential for continued use in accordance with Fresno County permitting requirements, which will require an amendment to the approved and potential Conditional Use Permits.

4. Address ownership of the property (lease or sale);

The Project properties will be owned in fee title as follows:

Facility	Property Owner
Heartland Solar Facility	Heartland Solar 1, LLC

¹ <https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/photovoltaic-facilities/Solar-Reclamation-Plans> Accessed on April 24, 2025.

5. Describe how the subject property will be reclaimed to its previous agricultural condition (if applicable), specifically:

- a. Timeline for completion of reclamation after solar facility lease has terminated (identify phasing if needed);
- b. Handling of any hazardous chemicals/materials to be removed;
- c. Removal of all equipment, structures, buildings and improvements at and above grade;
- d. Removal of any below-grade foundations;
- e. Removal of any below-grade infrastructure (cables/lines, etc.) that are no longer deemed necessary by the local public utility company;
- f. Detail any grading necessary to return the site to original grade;
- g. Type of crops to be planted; and,
- h. Irrigation system details to be used (existing wells, pumps, etc. should remain throughout the solar facility use)

Section 3, Decommissioning and Reclamation Procedures (below), provides a discussion of the procedures that will be used to return the Project site back to pre-construction conditions. It should be noted that although the property has been historically used for agricultural production it no longer has rights to water delivery from the Westlands Water District, the present property owner. In consideration of these restrictions, this Reclamation Plan contemplates decommissioning of the Project and stabilization of the site and does not propose additional actions to restore agricultural capacity to the property beyond its present condition.

6. A Site Plan shall be submitted along with the text of the Reclamation Plan showing the location of equipment, structures, above and underground utilities, fencing, buffer area, reclamation phasing, etc.;

Figure 2 – Site Map shows the site plan for the Project.

7. An engineering cost estimate of reclaiming the site to its previous agricultural condition shall be submitted for review and approval;

Information for the engineering cost estimate to implement the Reclamation Plan is provided in **Appendix A.**

8. Financial assurances equal to the cost of reclaiming the land to its previous agricultural condition shall be submitted to ensure the reclamation is performed according to the approved plan. Financial assurances shall be made to the County of Fresno and may take the form of cash, letter of credit, or bond that complies with Section 66499 of the California Government Code, et. seq;

See Section 4 below.

9. Evidence that all the owners of Record have been notified of the proposed Reclamation Plan.

Project site landowners including Westlands Water District, Luna Valley Land Holdings LLC, Pacific Gas and Electric, and RE Tranquillity Landco LLC have been notified of the submission of all documents pertaining to the Conditional Use Permit including this Reclamation Plan. Copies of these notifications have been attached to this Reclamation Plan (**Appendix B**).

3 Decommissioning and Reclamation Procedures

The procedures described for decommissioning and reclamation are designed to promote public health and safety, environmental protection and compliance with applicable regulations. It is assumed that decommissioning will begin approximately 35 years after Project operation is initiated. The Project decommissioning plan may incorporate the sale of some of the solar facility components via the used equipment market and recycling of components. Decommissioning will be conducted in accordance with a Final Reclamation Plan that will be developed in the months prior to decommissioning being initiated. Equipment associated with decommissioning and reclamation will include cranes, excavators, backhoes, flat-bed trucks, low-bed trucks, and water trucks.

This Reclamation Plan assumes that all equipment and facilities within and associated with the Project will be removed.

3.1 Pre-Decommissioning Activities

Pre-decommissioning activities will be conducted to prepare the Project for demolition. This will include assessing the existing site conditions and development of a Final Reclamation Plan and schedule as described above.

Pre-decommissioning activities will include removing hazardous materials from the site including residues that occur in equipment. All operational liquids and chemicals are expected to be removed and disposed of as discussed in Section 3.4. Hazardous material and petroleum containers, pipelines, and other similar structures shall be rinsed clean, when feasible, and the waste liquid collected for off-site disposal.

Locations for decommissioned structures, non-hazardous waste, and debris will be designated on the Final Reclamation Plan to facilitate the decommissioning process and off-site removal.

3.2 Removal of Facilities

Site decommissioning and equipment removal is anticipated to require approximately one year and up to 70 workers. Access roads, fencing, electrical power, and other Project infrastructure may temporarily remain in place for use by the decommissioning and restoration workers until no longer needed. Therefore, these components will be the last to be removed prior to site rehabilitation.

Above- and Below-Ground Facilities

Structures that need to be dismantled during decommissioning include the onsite substations, onsite operations and maintenance area, onsite battery energy storage system, perimeter fence, solar field,

and transformers and inverters. These structures will be dismantled and moved to designated areas for salvage, recycling or disposal at an approved landfill.

Above-ground structures will be removed through mechanical or other approved methods. Below-ground structures will be removed or, upon agency approval, may remain in place to minimize soil disturbance. Below-ground facilities/utilities that potentially may be removed include pipelines, electrical lines and conduits, and concrete slabs.

Stormwater retention basins will be filled and brought to grade level.

Generation-Tie Transmission Lines

If the generation-tie transmission lines will not continue to be utilized for another purpose at the time of Project decommissioning, the lines will be removed. Decommissioning of the generation-tie will consist of removal of all structures associated with the construction of the transmission line(s) to include but not limited to overhead conductors and the removal of poles. All steel will be recycled, and the foundations will be removed to a depth up to 3 feet below the ground surface or as otherwise obligated by any real estate agreements. Aluminum from overhead conductors will be recycled.

Roads

Access and on-site roads will remain in place to accomplish decommissioning at the end of the Project's life and will be one of the last Project components to be removed. Any graveled roads or areas—if not left in place for future uses—will be removed and the material used to fortify existing perimeter roads. The compacted native soil roads in the solar field will not need to be removed but may be deep-chiseled to alleviate soil compaction.

3.3 Debris Management, Disposal, and Recycling

All removed material and demolition debris will be placed in designated locations within the Project. Each stockpile will be transported off-site to either a used equipment market, off-site recycling center, or approved landfill depending on the material type. Debris will be broken down into manageable sizes so that transportation is simplified.

3.4 Hazardous Waste Management

All disposal and transportation of hazardous waste will be conducted under compliance with applicable regulations as required. In areas where no record of hazardous waste exposure occurred, a visual inspection will be conducted. If a concern is identified, further evaluation of the area shall occur and the area or structure will be treated accordingly. A licensed state waste contractor will be used to ensure that all required laws and regulations have been met and to address any remaining requirements needed to successfully close the Project.

3.5 Post-Demolition Site Restoration

After removal of existing structures, the Project area will be restored to topographic conditions similar to pre-construction. The site will be chiseled and disced to loosen compacted soils. A rangeland seed mix of grasses and forage crops will be broadcast on the property to revegetate the site. Revegetation will assist in preventing soil erosion and dust.

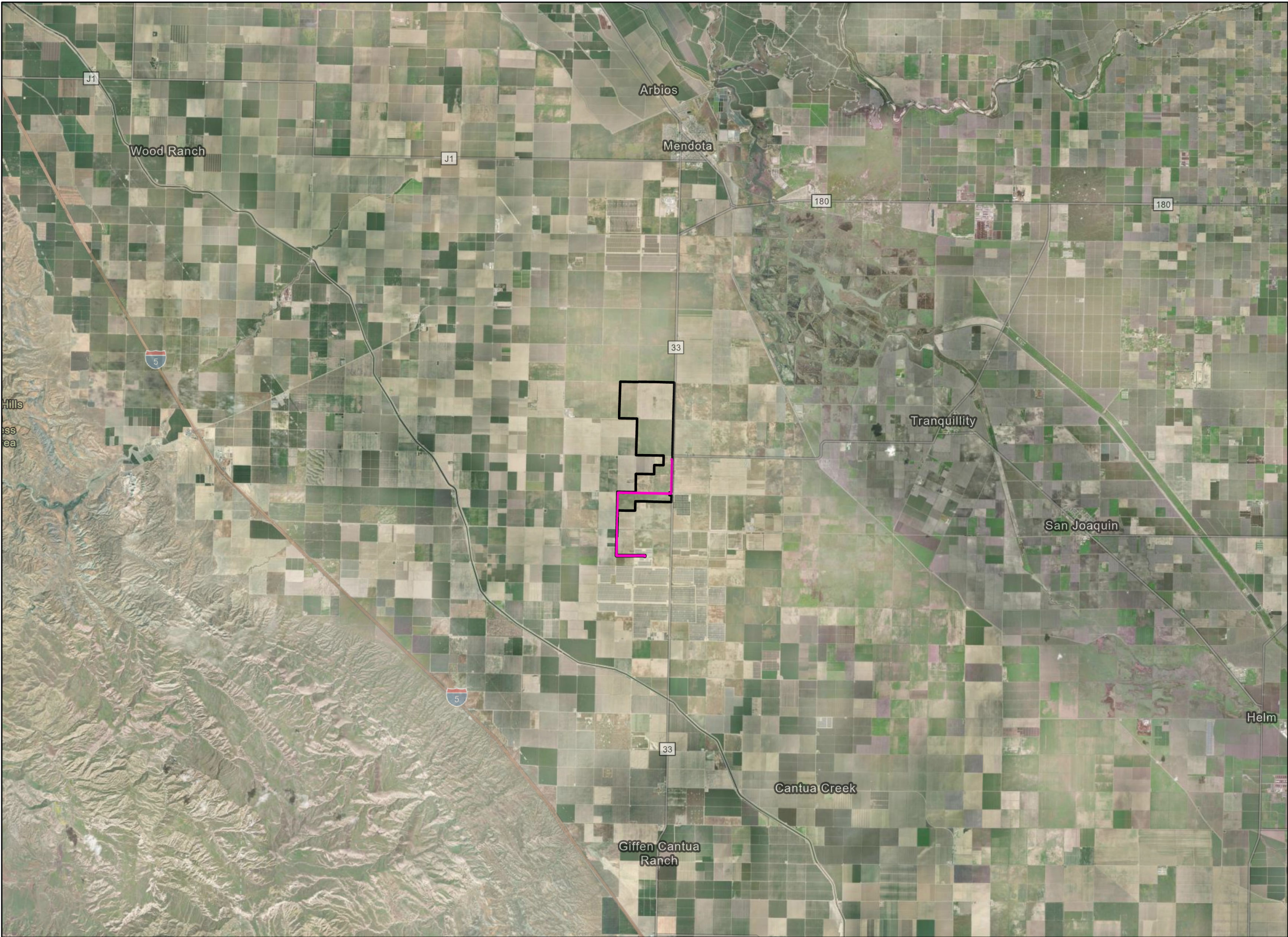
4 Project Decommissioning Costs and Bonding

Prior to the issuance of any construction-related permits (e.g., grading permits), the Applicant will provide financial assurance in an amount sufficient to ensure restoration of the Project land to its previous conditions, to the extent feasible, in accordance with the approved Reclamation Plan. Financial assurances shall be made to the County of Fresno and may take the form of cash, parent guaranty, or bond that complies with Section 66499 of the California Government Code, et seq.

The financial assurance instrument will be based on a decommissioning cost estimate provided by the Applicant based on the final, approved design of the Project. At that time, this Reclamation Plan will be updated to include the final site layout and decommissioning cost estimate. The preliminary site layout is shown in **Figure 3** and will be updated with the approved site layout and the cost estimate for reclamation of the Project is included as **Appendix A**.

FIGURES

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**Clearway Energy
Heartland Solar Project**

**Figure 1
Regional Vicinity**

Fresno County, CA

Proposed Features

- Gen-tie Line
- Project Site



NOT FOR CONSTRUCTION

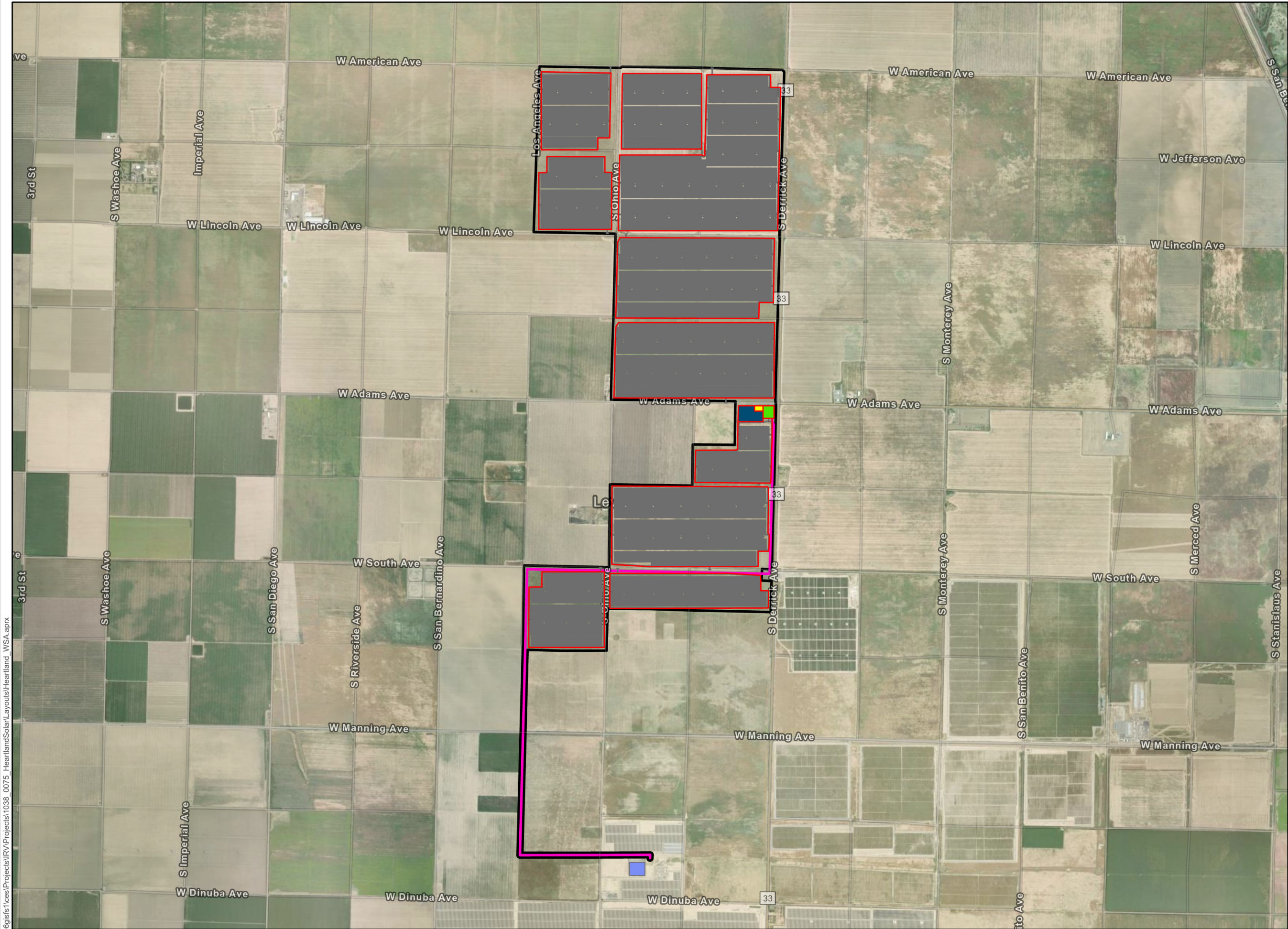
Reference Map



1:160,000 NAD 1983 StatePlane California IV FIPS 0404 Feet

0 1 2 Miles

Source: ESRI, USDA NAIP, US CENSUS, BTS



Clearway Energy
Heartland Solar Project

Figure 2
Site Map

Fresno County, CA

Proposed Features

- Gen-tie Line
- Fencelines
- Tranquillity Switching Station
- Roads
- Inverters
- Trackers
- BESS Area
- O&M Building
- Project Substation
- Project Site



NOT FOR CONSTRUCTION

Reference Map



1:35,000 NAD 1983 StatePlane California IV FIPS 0404 Feet



Source: ESRI, USDA NAIP, US CENSUS, BTS

APPENDIX A

RECLAMATION COST ESTIMATE

*[Final estimate to be provided in
final Reclamation Plan, to be
approved prior to issuance of
construction permits]*

Reclamation Item	Total Cost (\$)
Equipment & Facilities Mobilization / Demobilization	127,400.00
Project Site Support	611,078.40
Substation Retirement	302,134.37
Transmission Line Retirement	635,436.86
Operations and Maintenance Building Removal	39,455.39
Direct Current Storage Retirement	440,047.97
Solar Array Retirement	10,664,270.44
Inverter / Transformer Removal	34,335.43
Remove Inverter / Transformer Foundations	25,109.35
Underground Cable Removal	94,303.53
Site Restoration – Spot Grade Disturbed Areas	1,282,216.40
Contractor Markups	2,209,647.20
Total	\$16,465,435.34

APPENDIX B

LANDOWNER NOTIFICATION LETTERS

August 5, 2025

RE Tranquillity LandCo LLC
HA Sustainable Infrastructure Capital, Inc.
1 Park Place, Suite 200 Annapolis, MD 21401
Attn: Legal Department

Subject: Landowner Notification of Reclamation Plan and Consent to Clearway Energy Group's Land Use Entitlements Submittal(s)

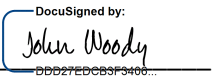
To whom it may concern:

RE Tranquillity LandCo LLC (the "Owner") is the owner of record for the property located in Fresno County, California ("the County"), identified as APN(s) 028-101-82S, formerly 028-101-79S (the "Property"). Clearway Energy Group (or its affiliate) is submitting one or more applications to the County for a conditional use permit and reclamation plan agreement for a 300 MW renewable energy project that includes related gen-tie facilities with respect to the Property. This letter provides the Owner with notice of such submittals, and to subsequent actions thereon by the County.

If you have any questions or concerns, please contact Sarah Linden at Sarah.Linden@clearwayenergy.com.

Sincerely,

Heartland Solar 1, LLC

By: 
John Woody, Vice President

August 5, 2025

Pacific Gas and Electric Company
Attn: Electric Grid Interconnection – Contract Management
300 Lakeside Drive
Oakland, CA 94612

Subject: Landowner Notification of Reclamation Plan and Consent to Clearway Energy Group's Land Use Entitlements Submittal(s)

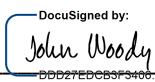
To whom it may concern:

Pacific Gas and Electric (the "Owner") is the owner of record for the property located in Fresno County, California ("the County"), identified as APN(s) 028-101-81S (the "Property"). Clearway Energy Group (or its affiliate) is submitting one or more applications to the County for a conditional use permit and reclamation plan agreement for a 300 MW renewable energy project [that includes related gen-tie facilities] with respect to the Property. This letter provides the Owner with notice of such submittals, and to subsequent actions thereon by the County.

If you have any questions or concerns, please contact Sarah Linden at Sarah.Linden@clearwayenergy.com.

Sincerely,

Heartland Solar 1, LLC

By: 
John Woody

August 5, 2025

Westlands Water District
286 W Cromwell Ave
Fresno, CA 93711

Subject: Landowner Notification of Reclamation Plan and Consent to Clearway Energy Group's Land Use Entitlements Submittal(s)

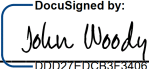
To whom it may concern:

Westlands Water District (the "Owner") is the owner of record for the property located in Fresno County, California ("the County"), identified as APN(s) 028-140-38ST, 028-140-37ST, 028-140-36ST, 028-140-32ST, 028-140-23T, 028-160-22ST, 028-160-20ST, 028-160-19ST, 028-160-17ST, 028-160-16ST, 028-170-18T, 028-170-17T, 028-170-61ST, 028-170-60ST, 028-170-48ST, 028-170-46ST, 028-170-44ST, 028-170-42ST, 028-170-47ST, 028-170-45ST, 028-170-43ST, 028-170-41ST, 028-060-41ST, 028-060-33ST, 028-060-32ST (the "Property"). Clearway Energy Group (or its affiliate) is submitting one or more applications to the County for a conditional use permit and reclamation plan agreement for a 300 MW renewable energy project with respect to the Property. This letter provides the Owner with notice of such submittals, and to subsequent actions thereon by the County.

If you have any questions or concerns, please contact Sarah Linden at Sarah.Linden@clearwayenergy.com.

Sincerely,

Heartland Solar 1, LLC

By: 
John Woody

August 5, 2025

Luna Valley Land Holdings LLC
100 California Street Suite 650
San Francisco, CA 94111

Subject: Landowner Notification of Reclamation Plan and Consent to Clearway Energy Group's Land Use Entitlements Submittal(s)

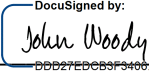
To whom it may concern:

Luna Valley Land Holdings LLC (the "Owner") is the owner of record for the property located in Fresno County, California ("the County"), identified as APN(s) 028-060-77 and 028-100-85 (the "Property"). Clearway Energy Group (or its affiliate) is submitting one or more applications to the County for a conditional use permit and reclamation plan agreement for a 300 MW renewable energy project [that includes related gen-tie facilities] with respect to the Property. This letter provides the Owner with notice of such submittals, and to subsequent actions thereon by the County.

If you have any questions or concerns, please contact Sarah Linden at Sarah.Linden@clearwayenergy.com.

Sincerely,

Heartland Solar 1, LLC

By: 
John Woody

Appendix C

Agricultural Resources



180 Grand Avenue
Suite 1050
Oakland, CA 94612
510.839.5066 [phone](#)
510.839.5825 [fax](#)

esassoc.com

technical memorandum

date July 12, 2022

to Marissa Parker and David Randall, Fresno County

cc Elijah Shoemake and Chris Hogan, Plug Power; Louis De Rosa, Candela Renewables; Mark Stout, Stout Power; and James White, Irish Hills

from Jill Feyk-Miney, ESA

subject Land Evaluation and Site Assessment (LESA) for the Heartland Hydrogen Project

Introduction and Purpose

The Land Evaluation and Site Assessment (LESA) Model is a point-based approach for rating the relative importance of agricultural land resources based upon specific measurable features. The California LESA Model was developed to provide lead agencies with an optional methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095), including in California Environmental Quality Act (CEQA) reviews.

This LESA report is being prepared as part of environmental review of the Heartland Hydrogen Project and conforms to the LESA Model Instruction Manual (1997; updated in 2011) prepared by the California Department of Conservation (CDOC). The California Agricultural LESA Model evaluates measures of soil resource quality, a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, the factors are rated, weighted, and combined, resulting in a single numeric score. The project score becomes the basis for making a determination of a project's potential significance (CDOC, 1997).

Project Description and Setting

Project Description

Heartland Hydrogen, LLC and Heartland Solar 1, LLC propose to generate hydrogen fuel from renewable sources including solar photovoltaic (PV) power and treated wastewater. The hydrogen facility, solar facility, and water treatment facility together constitute the Heartland Hydrogen Project (Project). Hydrogen fuel production and solar energy generation would occur on Westlands Water District (WWD)-owned land in western Fresno County, and a tertiary wastewater treatment plant would be constructed in the City of Mendota at the existing Mendota

wastewater treatment plant to provide recycled water needed for the hydrogen facility. The Project would rely on the PV solar cells to convert sunlight into electricity, which would be used to split the recycled water into hydrogen and oxygen (electrolysis). The Project also includes an electrical interconnection service line to the existing Tranquillity Switching Station. This analysis focuses on the Fresno County portion of the Project, as the proposed tertiary wastewater treatment plant would be constructed at the existing Mendota wastewater treatment plant, which does not contain agricultural land resources.

Project Site

The Fresno County portion of the Project (referred to as the “Project site” in this memo) is located in an unincorporated area 10 miles east of Interstate 5. It is located east of Los Angeles Avenue, south of W. American Avenue, west of State Route 33 (SR 33, also called S. Derrick Avenue), north of Manning Avenue, and 1.25 miles north of the Tranquillity Switching Station as illustrated in **Figure 1**. It also is located adjacent to the northern boundary of the proposed Sonrisa Solar facility and across SR 33 from the existing Adams East Solar facility. The Project site is zoned AE-20 (Exclusive Agricultural District, 20-acre minimum parcel size). Although historically used for irrigated farming, irrigated farming no longer occurs on the site due to lack of drainage services, salt accumulation in the soil, and a legal covenant that precludes irrigation. None of the land receives an allocation of surface water from WWD. In the past 15 years, the Project site has been intermittently dry-farmed for grain or forage crops or has lain fallow. Abandoned irrigation and drainage features are present throughout the site but are not in use. When the property is not leased for dry farming, WWD cultivates the property to control weeds and pests.

Surrounding Uses

Existing agricultural uses, including non-irrigated fields owned mostly by the WWD, generally surround the Project site. These properties generally have a land use pattern of dry farming and fallowing rotation that is similar to the Project site. Neighboring agricultural uses include orchards and forage and grain crops. Multiple solar energy facilities are operating or under development in the surrounding area, including the existing Tranquillity and Adams East solar projects; the Luna Valley Solar Project, which the County approved in November 2021; and the proposed Scarlet and Sonrisa solar projects.

California LESA Model

The LESA Model is split into two sections, the Land Evaluation Section and Factors and the Site Assessment Factors. The California LESA Model is weighted so that 50 percent of the total LESA score of a given project is derived from the Land Evaluation factors, and 50 percent from the Site Assessment factors. The factors and resulting Project scores are presented below.

Land Evaluation Factors

The LESA Model includes two land evaluation factors, which are separately rated: the land capability classification (LCC) and the Storie Index rating. This section of the LESA report analyzes these factors in relation to Project-specific information.

Land Capability Classification Rating

The USDA Land Capability Classification (LCC) Rating indicates the suitability of soils for most kinds of crops. Groupings are made according to the limitations of the soils when used to grow crops, and the risk of damage to soils when they are used in agriculture. Soils are rated from Class 1 to Class 8, with soils having the fewest limitations receive the highest rating (Class 1). Specific subclasses are also utilized to further characterize soils.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

- Class 1 soils have slight limitations that restrict their use.
- Class 2 soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices.
- Class 3 soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both.
- Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.
- Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.
- Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Capability subclasses are soil groups within one class. They are designated by adding a small letter, *e*, *w*, *s*, or *c*, to the class numeral, for example, 2*e*. The letter *e* shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained; *w* shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); *s* shows that the soil is limited mainly because it is shallow, droughty, or stony; and *c*, used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry (NRCS, 2022).

Table 1 summarizes the numeric conversions of the LCC units in the context of the LESA Model. The Project's LCC and LCC point ratings are presented in Table 3 below.

TABLE 1
NUMERIC CONVERSION OF LAND CAPABILITY CLASSIFICATION UNITS

LCC	LCC Point Rating
1	100
2e	90
2s,w	80
3e	70
3s,w	60
4e	50
4s,w	40
5	30
6	20
7	10
8	0

NOTES:
LCC= land capability classification
SOURCE: CDOC, 1997

Storie Index Rating

The Storie Index Rating provides a numeric grade (based on a 100-point scale) of the relative degree of suitability or value of a given soil for intensive agriculture. The rating is based exclusively on soil's inherent characteristics and qualities, including its profile characteristics, texture of the surface layer, slope, and other factors including drainage, microrelief, fertility, acidity, erosion, and salt content. For simplification, Storie Index ratings have been combined into six grade classes as follows: Grade 1 (excellent), 100 to 80; grade 2 (good), 79 to 60; grade 3 (fair), 59 to 40; grade 4 (poor), 39 to 20; grade 5 (very poor), 19 to 10; and grade 6 (nonagricultural), less than 10 (NRCS, 2022). The Project's site soil types and Storie Index are listed in **Table 2**.

TABLE 2
STORIE INDEX RATING AND NRCS FARMLAND CLASSIFICATION OF THE SOILS ON THE PROJECT SITE

Soil Type on Project Site	Storie Index ^a	Storie Index Grading Class	NRCS Farmland Classification
Tranquillity clay, saline-sodic, wet, 0 to 1 percent slopes	21	Grade 4 – Poor	Farmland of Statewide Importance
Ciervo clay, saline-sodic, wet, 0 to 1 percent slopes	30	Grade 4 – Poor	Farmland of Statewide Importance
Posochanet clay loam, saline-sodic, wet, 0 to 1 percent slopes	73	Grade 2 – Good	Farmland of Statewide Importance
Cerini sandy loam, 0 to 2 percent slopes, MLRA 17	88	Grade 1 – Excellent	Prime Farmland, if irrigated
Calflax clay loam, saline-sodic, wet, 0 to 1 percent slopes, MLRA 17	65	Grade 2 – Good	Farmland of Statewide Importance

NOTES:

^a The Storie Index information was determined from the current soil survey information available at the U.S. Department of Agriculture Natural Resources Conservation Service website: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

SOURCE: NRCS, 2022

Land Evaluation Worksheet

Table 3 presents the Land Evaluation Worksheet for the Project site and the resulting LCC and Storie Index ratings.

TABLE 3
LAND EVALUATION WORKSHEET – LCC AND STORIE INDEX RATING SCORES

A	B	C	D	E	F	G	H
Soil Map Unit	Project Acres	Proportion of Project Area	LCC ^a	LCC Rating	LCC Score	Storie Index ^a	Storie Index Score
Tranquillity clay, saline-sodic, wet, 0 to 1 percent slopes	1,232	0.52	7w	10	5.2	21	10.9
Ciervo clay, saline-sodic, wet, 0 to 1 percent slopes	222	0.09	7s	10	0.9	30	2.7
Posocharnet clay loam, saline-sodic, wet, 0 to 1 percent slopes	96	0.04	7s	10	0.4	73	2.9
Cerini sandy loam, 0 to 2 percent slopes, MLRA 17	24	0.01	7c	10	0.1	88	0.9
Calfax clay loam, saline-sodic, wet, 0 to 1 percent slopes, MLRA 17	767	0.33	7s	10	3.3	65	21.5
Totals	2,341	1.0		LCC Total	10.0	Storie Index Total	38.9

NOTES:

^a The LCC and Storie Index information was determined from the current soil survey information available at the U.S. Department of Agriculture Natural Resources Conservation Service website: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

SOURCE: CDOC, 1997; ESA, 2022

In application of the land evaluation tool of the LESA Model, the total LCC score equates to 10.0 and the total Storie Index score equates to 38.9. The LCC ratings for all Project soils are 7w, 7s, or 7c, all of which would be rated 3w or 3s (or 1 for 7c) if irrigated; however, the Project site has been taken out of irrigated production as a result of a legal settlement with the U.S. Bureau of Reclamation and is subject to a non-irrigation covenant.

Site Assessment Factors

This second part of the LESA Model focuses on analysis of the Project site with respect to the following four factors, each of which is rated individually: (1) project size rating; (2) water resources availability rating; (3) surrounding agricultural land rating; and (4) surrounding protected parcel land rating.

Project Size Rating

The Project Size rating relies upon acreage figures that were tabulated under the LCC Rating in Table 4. The Project Size rating is based upon identifying acreage figures for three separate groupings of soil classes within the Project site, and then determining which grouping generates the highest Project Size Score (see **Table 4**). A higher score generally indicates better suitability for commercial agricultural operations.

TABLE 4
PROJECT SIZE SCORING

LCC Class I or II Soils		LCC Class III Soils		LCC Class IV or lower	
Acres	Score	Acres	Score	Acres	Score
80 or above	100	160 or above	100	320 or above	100
60-79	90	120-159	90	240-319	80
40-59	80	80-119	80	160-239	60
20-39	50	60-79	70	100-159	40
10-19	30	40-59	60	40-99	20
Fewer than 10	0	20-39	30	Fewer than 40	0
		10-19	10		
		Fewer than 10	0		

NOTES:

LCC= land capability classification

SOURCE: CDOC, 1997

The Project Size rating recognizes the role that farm size plays in the viability of commercial agricultural operations. In general, larger farming operations can provide greater flexibility in farm management and marketing decisions. Larger operations tend to have greater impacts upon the local economy through direct employment. In terms of agricultural productivity, the size of the farming operation can be considered not just from its total acreage, but the acreage of different quality lands that comprise the operation. Lands with higher quality soils lend themselves to greater diversity in crop selection and the potential for greater economic return per acre unit. The Project Size rating is based upon identifying acreage figures for three separate groupings of soil classes within a project site, and then determining which grouping generates the highest Project Size Score. The Project Site Scoring for the Project is presented in **Table 5**. The highest score is 100.

TABLE 5
PROJECT SIZE SCORING SUMMARY

Soil Type on Project Site	Project Acres	LCC Class ^a	Score
Tranquillity clay, saline-sodic, wet, 0 to 1 percent slopes	1,232.2	7w	100
Ciervo clay, saline-sodic, wet, 0 to 1 percent slopes	222.2	7s	60
Posocharnet clay loam, saline-sodic, wet, 0 to 1 percent slopes	96.1	7s	20
Cerini sandy loam, 0 to 2 percent slopes, MLRA 17	24.3	7c	0
Calflax clay loam, saline-sodic, wet, 0 to 1 percent slopes, MLRA 17	766.9	7s	100

NOTES:

^a The LCC information was determined from the current soil survey information available at the U.S. Department of Agriculture Natural Resources Conservation Service website:
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

SOURCE: NRCS, 2022; ESA, 2022

Water Resources Availability Rating

The Water Resources Availability Rating is based upon identifying the various water sources that may supply a given property, and then determining whether different restrictions in supply are likely to take place in years that are characterized as being periods of drought and non-drought. The Water Resources Availability Score is scored on a scale of 1–100. **Table 6** presents the Project’s water resources availability and scoring.

Although historically used for irrigated farming, irrigated farming now is precluded on the Project site. As such, none of the land receives an allocation of surface water from WWD. In the past 15 years, the Project site has been intermittently dry-farmed for grain or forage crops or has lain fallow. Because the Project site cannot legally be irrigated, the highest possible score is 25.

TABLE 6
WATER RESOURCES AVAILABILITY

A	B	C	D	E
Project Portion	Water Source	Proportion of Project Area	Water Availability Score ^a	Weighted Availability Score (C x D)
All	Not irrigated	1.0	25	25

NOTES:

^a The maximum score where irrigated production is not feasible was used.

SOURCE: CDOC, 1997; ESA, 2022

Surrounding Agricultural Land Rating and Surrounding Protected Parcel Land Rating

Determination of the surrounding agricultural land use rating is based upon the identification of a project's "Zone of Influence" (ZOI), which is defined as that land near a given project, both directly adjoining and within a defined distance away, that is likely to influence, and be influenced by, the agricultural land use of the subject project site. The LESA Model rates the potential significance of the conversion of an agricultural parcel that has a large proportion of surrounding land in agricultural production more highly than one that has a relatively small percentage of surrounding land in agricultural production.

The Surrounding Protected Resource Land Rating is essentially an extension of the Surrounding Agricultural Land Rating and is scored in a similar manner. Protected resource lands are those lands with long term use restrictions that are compatible with or supportive of agricultural uses of land including: publicly owned lands maintained as park, forest, or watershed resources; Williamson Act contracted lands; and lands with natural resource easements that restrict the conversion of such land to urban or industrial uses.

The ZOI is the amount of surrounding lands up to a minimum of 0.25-mile from the Project site boundary. **Table 7** presents the Surrounding Agricultural Land and Surrounding Protected Parcel Land scoring for the Project, and the ZOI for the Project is illustrated in Figure 1.

TABLE 7
SURROUNDING AGRICULTURAL LAND AND SURROUNDING PROTECTED PARCEL LAND

A	B	C	D	E	F	G
Total Acres	Acres in Agriculture	Acres of Protected Resource Land	Percent in Agriculture (A/B)	Percent Protected Land (A/C)	Surrounding Agriculture Land Score	Surrounding Protected Resource Land Score
5,552	4,701	1,163	85%	21%	90	0

SOURCE: CDOC, 1997; Fresno County, 2021; ESA, 2022

Final LESA Scoring

The California LESA Model is weighted so that 50 percent of the total LESA score of a given project is derived from the Land Evaluation factors, and 50 percent from the Site Assessment factors. **Table 8** provides the calculation of a final LESA score of 44.53 for the Project.

TABLE 8
FINAL LESA SCORE SHEET

	Factor Scores	Factor Weight	Weighted Factor Scores
Land Evaluation Factors			
Land Capability Classification	10.0	0.25	2.50
Storie Index	38.9	0.25	9.73
<i>Land Evaluation Subtotal</i>	--	0.50	12.23
Site Assessment Factors			
Project Size	100	0.15	15.00
Water Resource Availability	25	0.15	3.80
Surrounding Agricultural Land	90	0.15	13.50
Protected Resource Land	0	0.05	0
<i>Site Assessment Subtotal</i>	--	0.50	32.30
		Final LESA Score	44.53

Results and Conclusion

The LESA Scoring Model Thresholds determine the significance of a project based on the total LESA score and scoring decision criteria shown in **Table 9**.

TABLE 9
LESA MODEL SIGNIFICANCE DETERMINATION

Total LESA Score	Scoring Decision
0-39 Points	Not Considered Significant
40-59 Points	Considered Significant <u>only</u> if LE <u>and</u> SA subscores are each <u>greater</u> than or equal to 20 points
60-70 Points	Considered Significant <u>unless</u> either LE or SA subscore is <u>less</u> than 20 points
80-100 Points	Considered Significant
NOTES:	
LE= Land Evaluation; SA=Site Assessment	
SOURCE: CDOC, 1997	

The Project's Site Assessment score exceeds 20 points; however, its Land Evaluation score is below the 20-point threshold. Therefore, based on LESA model results, the Project would cause a less-than-significant impact on agricultural resources.

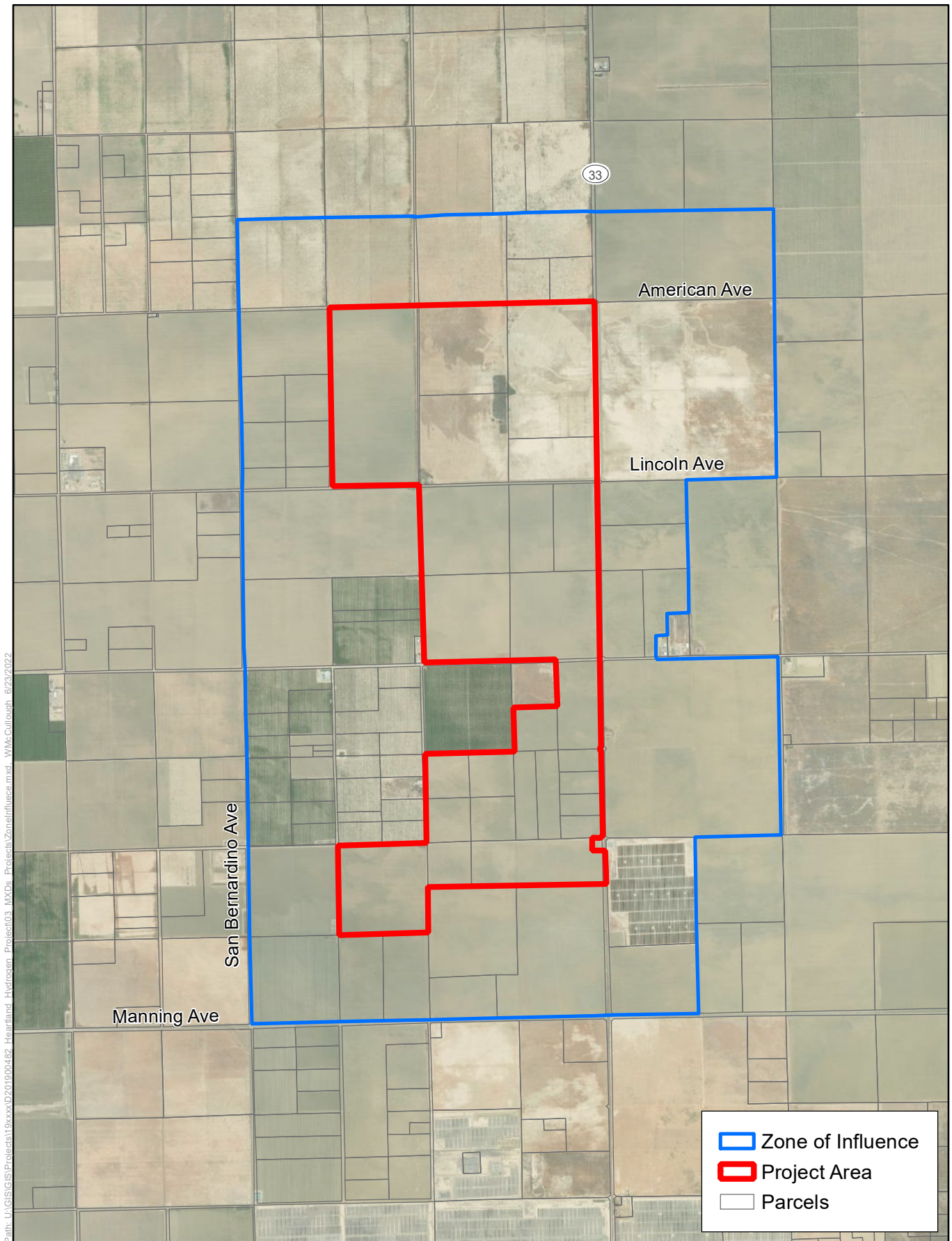
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Heartland Hydrogen Project. 201900482

Figure 1
Project Site and Zone of Influence Map