

ROSEMARY SOLAR AND ENERGY STORAGE COMPLEX

Final Environmental Impact Report

EIR No. 8575

CUP Nos. 3795, 3796, 3797, and 3798

State Clearinghouse No. 2024110253

Prepared for
Fresno County Department of
Public Works and Planning

January 2026



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January 2026

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Acronym or Abbreviation	Definition
AMM	avoidance and minimization measure
Applicant	Rosemary Solar, LLC
APM	Applicant Proposed Measure
BNLL	blunt-nosed leopard lizard
Board	Central Valley Flood Protection Board
CalGEM	State of California Natural Resources Agency Department of Conservation, Geologic Energy Management Division
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
County	County of Fresno
CPUC	California Public Utilities Commission
CUP	conditional use permit
DEIR	draft environmental impact report
ESA	Environmental Science Associates
ESS	energy storage system
FEIR	final environmental impact report
gen-tie	generation-tie
HCP	habitat conservation plan
HHD	heavy-heavy duty
kV	kilovolt
MHD	medium-heavy duty
MMRP	mitigation monitoring or reporting program
MWac	megawatts alternating current
NOA	notice of availability
NOC	notice of completion
NOP	notice of preparation
O&M	operation and maintenance
PG&E	Pacific Gas and Electric Company
PG&E Project	Facility and infrastructure improvements to be constructed, owned, and operated by the Pacific Gas and Electric Company
PRC	Public Resources Code

Acronym or Abbreviation	Definition
Project	Rosemary Project and the PG&E Project collectively
Rosemary Project	Rosemary Solar and Energy Storage Complex Project
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
State Water Board	State Water Resources Control Board
SWHA	Swainson's hawk
WWD	Westlands Water District

CHAPTER 1

Introduction

1.1 Purpose of this Document

This final environmental impact report (Final EIR) (EIR No. 8575) is an informational document that examines and discloses the potential environmental impacts of the Rosemary Solar and Energy Storage Complex Project (Rosemary Project) and facility and infrastructure improvements to be constructed, owned, and operated by the Pacific Gas and Electric Company (PG&E) (PG&E Project). The Rosemary Project and the PG&E Project collectively are referred to in this EIR as the “Project.”

This Final EIR consists of the draft environmental impact report (DEIR) published August 27, 2025, together with the responses to comments provided in Chapter 2. The DEIR detailed the Project; evaluated and described the potential environmental impacts associated with Project construction, operation and maintenance (O&M), and decommissioning; identified those impacts that could be significant; and presented mitigation measures that, if adopted, would avoid or minimize these impacts. The DEIR also evaluated alternatives to the Project, including a No Project Alternative, Alternative 1: West Kamm Avenue Setback Alternative; Alternative 2: On-Site Substation Technology Alternative; Alternative 3: Distributed Generation Alternative; and Alternative 4: Alternative Location.

As lead agency for purposes of the California Environmental Quality Act (CEQA) and its implementing regulations (the CEQA Guidelines), the County of Fresno (County) is preparing this EIR to document its analysis of the Project’s potential direct, indirect, and cumulative effects. Although the County is analyzing the environmental impacts of the PG&E Project in this EIR as part of the whole of the Project, it does not have land use jurisdiction over the PG&E Project. Instead, PG&E would be subject to oversight by the California Public Utilities Commission (CPUC), which is a responsible agency for purposes of this EIR.

The County will rely on this EIR, along with other information in the formal record, in deciding whether to approve, approve with modifications, or deny land use applications for the Rosemary Project that require discretionary approval, including four unclassified conditional use permits (CUP Nos. 3795, 3796, 3797, and 3798).¹ The County will use this Final EIR, in conjunction with other information developed in the County’s formal record, when considering whether to certify the Final EIR and whether to approve Rosemary Solar, LLC’s applications to the County for necessary land use approvals. Other agencies with trustee responsibilities or permitting authority over the Project (such as CPUC with respect to the PG&E

¹ The Unclassified CUP process allows the County to consider, in its discretion, uses that would be essential or desirable, but that are not allowed as a matter of right within a zoning district. Photovoltaic solar power generation and public utility facilities may be conditionally permitted in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) zoning district with the issuance of a CUP.

Project) may also rely on this EIR in deciding whether to approve permits or issue other necessary approvals.

1.2 Project Overview

Rosemary Solar, LLC proposes to construct, operate, maintain, and decommission the Rosemary Project as comprised of four facilities, each on a distinct site: Rosemary 1, Rosemary 2, and Rosemary 3 would collectively generate up to approximately 140 megawatts alternating current (MWac) and would have the capacity to store 140 MWac of energy for up to 8 hours. The fourth site would host shared facilities. Related facilities and infrastructure would include O&M buildings, parking, an on-site substation, and an up to 2-mile-long generation-tie (gen-tie) line via one of four possible paths to deliver power to the existing PG&E 70 kilovolt (kV) Crescent Substation. To support the Rosemary Project, PG&E could construct, own, and operate facility and infrastructure improvements, including reconductoring 5 linear miles of the PG&E Helm to Crescent 70 kV electric transmission line and raising a portion of the existing PG&E Crescent Switching Station-Schindler 70 kV power line that runs perpendicular to the proposed Rosemary Project gen-tie line.

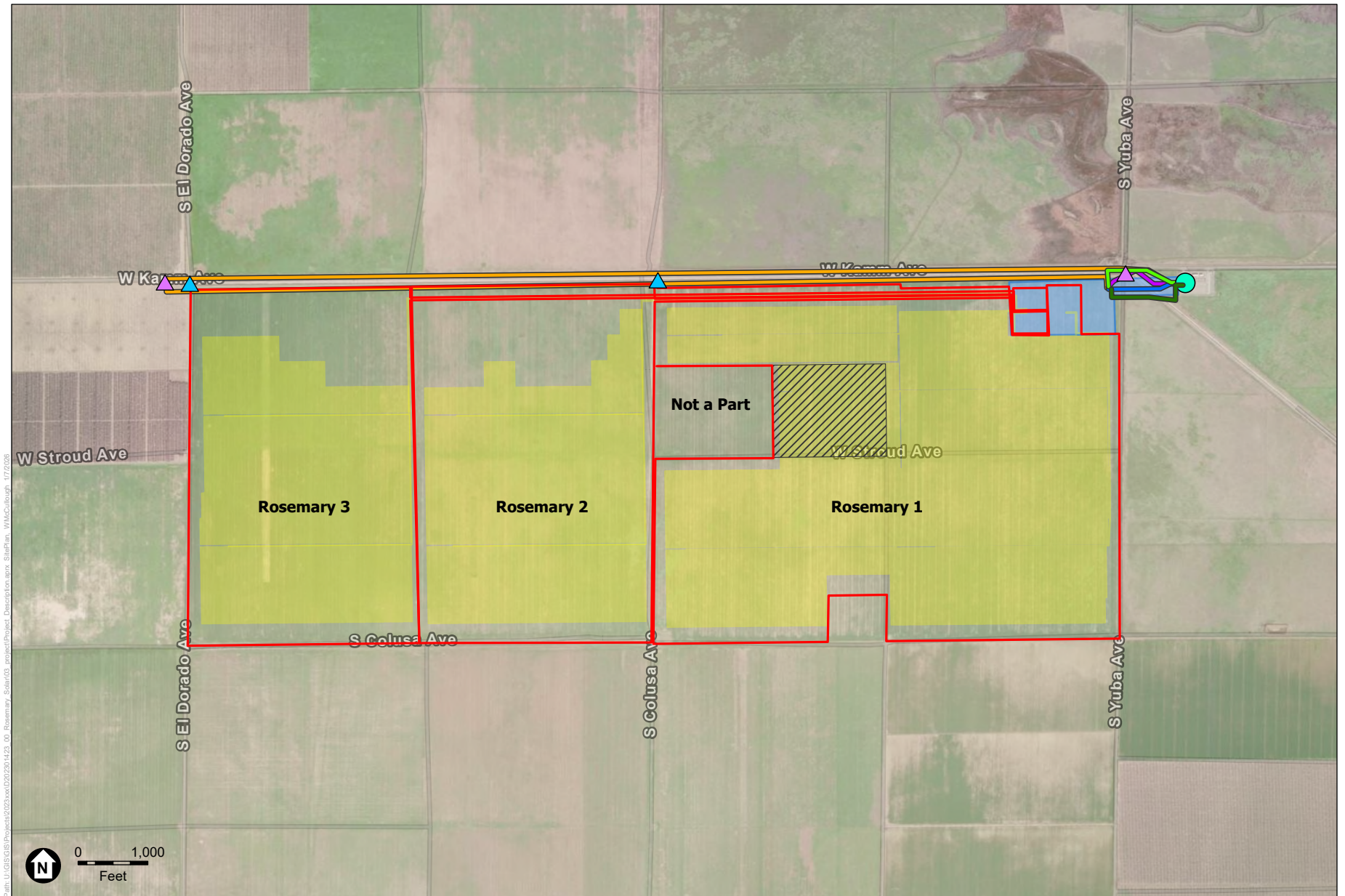
The Project site (including the Rosemary Project site and the PG&E Project site) is in unincorporated western Fresno County, west of State Route 145 (also called Lassen Avenue), approximately 25 miles southwest of Fresno, 6 miles east of Cantua Creek, 5 miles south of San Joaquin, and 3.8 miles west of Helm. The PG&E Project site is adjacent to (east and north of) the Rosemary Project site. As described and analyzed in the DEIR, the Rosemary Project site would consist of approximately 1,172 acres consisting of the assessor's parcels identified in DEIR Table 2-1, *Project Components and Parcels* (p. 2-4).

1.3 Changes to the Rosemary Project

After the public comment period closed for the DEIR, Rosemary Solar, LLC proposed two changes to the Rosemary Project. The PG&E Project remains unchanged. Briefly, the Applicant's proposed changes to the Rosemary Project are:

1. To include a fifth potential gen-tie line route from the Rosemary Project site to the existing PG&E 70-kilovolt Crescent Switching Station ("Option 5"), and
2. To include three additional parcels within the Rosemary Project site that were not identified as part of the Project in the DEIR.

See **Figure 1-1**, *Rosemary Project (As Revised)*.



SOURCE: ESA, 2025



- Gen-Tie Option 1
- Gen-Tie Option 2
- Gen-Tie Option 3
- Gen-Tie Option 4
- Gen-Tie Option 5
- Photovoltaic Array

- Existing Crescent Substation
- ▲ Primary Access Point
- ▲ Secondary Access Point
- Proposed Project Boundary
- Added Parcels

Rosemary Solar and Energy Storage System Complex

Figure 1-1
Rosemary Project (As Revised)

1.3.1 Description of Proposed Rosemary Project Changes

Gen-tie Option 5 is proposed within assessor's parcel number (APN) 040-080-46S, approximately 60 feet south of Gen-tie Option 1, which was described and analyzed in the DEIR. APN 040-080-46S is privately-owned and immediately adjacent to and south of PG&E's existing Crescent Switching Station. A single pole would be constructed, maintained, and ultimately decommissioned in the northwest corner of APN 040-080-46S before the line would head north into the PG&E parcel. The proposed route would entail up to 0.2-acre of construction-related temporary disturbance, the presence during the project's operation and maintenance (O&M) period of a single pole with above- and below-ground dimensions consistent with those described in the project description included as DEIR Chapter 2, and that the pole and wires connecting the new pole to the Rosemary Project site and the switching station would be removed and the disturbed area reclaimed during the Rosemary Project decommissioning and site reclamation period. Reclamation would occur in accordance with the provisions of a County-approved reclamation plan. No revision of work crew or equipment assumptions, and no extension of the anticipated schedule stated in the Draft EIR would be required for this work.

The Rosemary Project site boundary described and analyzed in the DEIR includes a "not a part" within Rosemary 1 that consists of three parcels: a 40-acre parcel (APN 040-150-09) that is subject to a Williamson Act contract that is noted on the County assessor's map as AP-4745 and two 20-acre parcels (APN 040-150-30 and 040-150-31), neither of which is subject to a Williamson Act contract. The Applicant proposes to include APN 040-150-30 and 040-150-31 (but not APN 040-150-09) within the boundary of Rosemary 1. This proposed change would not affect the Rosemary Project's generation capacity, but rather would alleviate spacing constraints attendant to the initially proposed site layout. Except for the addition of 40 acres, no change to the Rosemary Project or its implementation would result.

1.3.2 Recirculation is Not Required

The County has analyzed the proposed changes to determine whether the DEIR adequately analyzes the impacts that would result if the changes were approved, or whether the changes would trigger a requirement to recirculate the DEIR pursuant to CEQA Guidelines section 15088.5. The analysis is documented in Appendix A, *Analysis of Proposed Changes to the Rosemary Project*. On the basis of that analysis, the County has determined that recirculation of the DEIR is not necessary because the proposed changes to the Rosemary Project would not require a change in the DEIR that would deprive the public of a meaningful opportunity to comment on the environmental analysis or a feasible way to mitigate or avoid a potential significant adverse environmental effect. The proposed changes would cause no new significant impact and no more severe a significant impact than was identified in the DEIR, and no new or revised mitigation measures would be needed to address potential impacts of the proposed changes. Because the DEIR adequately analyzes the impacts that would result if the changes were approved, CEQA does not require recirculation of the DEIR prior to certification.

1.4 Contents of the Final EIR

Consistent with CEQA Guidelines section 15132, this Final EIR consists of the following elements:

- a) The DEIR.
 - b) Comments received on the DEIR.
 - c) A list of persons, organizations, and public agencies that commented on the DEIR.
 - d) The County's responses to significant environmental points raised in the review and consultation process.
 - e) Other information added by the County.
-

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CHAPTER 2

Responses to Comments

2.1 Public Review of the Draft EIR

The County of Fresno (County) advised interested parties that a draft environmental impact report (DEIR) for the Rosemary Project and PG&E Project (together, the Project) was available for review by filing a notice of completion (NOC) of the DEIR with the Governor's Office of Land Use and Climate Innovation's State Clearinghouse on August 27, 2025, by publishing notice of the availability (NOA) of the DEIR in *The Business Journal* on August 27, 2025, by posting the DEIR on the County's website (<http://www.co.fresno.ca.us/EIR>), and by mailing notification of the document's availability to the Project's distribution list. The NOA briefly described the Project, identified locations where the DEIR and referenced documents would be available for review, and solicited comments on the DEIR during the comment period. The comment period began on August 27, 2025, and concluded October 10, 2025. All interested parties were invited to submit written comments regarding the adequacy and accuracy of the analysis and determinations made in the DEIR. Responses to comments received are provided in this Chapter 2. Public notices about the DEIR and a copy of the list used in distributing it are included in **Appendix B**.

2.2 Availability of the Final EIR

A copy of the final environmental impact report (Final EIR) is being provided to all who commented on the DEIR. The NOA of the Final EIR and details about how to access it are also being provided to all others identified on the County's distribution list for this Project. Recipients of the Final EIR are identified in **Appendix C**.

An electronic copy of the Final EIR is available on the County's website: <http://www.co.fresno.ca.us/EIR>. Printed and electronic copies of the Final EIR, as well as electronic copies of reference materials, are available for review during normal working hours at the Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno.

A printed copy of the Final EIR, which includes an electronic copy of the Final EIR and copies of all reference materials relied upon in its drafting, will be provided to the libraries listed below with a request that the materials remain available for public review for at least 60 days:

- Fresno County Main Library, Reference Department, 2420 Mariposa Street, Fresno; and
- Fresno County San Joaquin Branch Library, 8781 S. Main Street, San Joaquin.

Electronic copies of the Final EIR and all documents referenced in the Final EIR also are available upon request by contacting Jeremy Shaw at 559.600.4207 or by email at jshaw@FresnoCountyCA.gov.

2.3 Approach to Comment Responses

The County received nine letters regarding the DEIR. Copies of the letters are provided in Section 2.4, *Responses to Comments on the Draft EIR*.

TABLE 2-1
COMMENTERS ON THE ROSEMARY SOLAR AND ENERGY STORAGE COMPLEX PROJECT DRAFT EIR

Letter	Name	Agency or Interested Party	Date
A	Lori Schmitz, Environmental Scientist	State Water Resources Control Board (State Water Board)	September 3, 2025 September 23, 2025
B	Jeff Kimber, Supervising Oil and Gas Engineer	State of California Natural Resources Agency Department of Conservation, Geologic Energy Management Division (CalGEM)	September 5, 2025, email with August 28, 2025, letter September 16, 2025, email with September 15, 2025, letter
C	Dave Padilla, Branch Chief, Local Development Review	California Department of Transportation (Caltrans)	September 17, 2025
D	Jamie Silva, Environmental Program Manager	Central Valley Flood Protection Board (Board)	October 8, 2025
E	Julie A. Vance, Regional Manager	California Department of Fish and Wildlife (CDFW)	October 9, 2025
F	Mark Montelongo, Director of Policy and Government Affairs, and Daniel Martinez, Program Manager	San Joaquin Valley Air Pollution Control District (SJVAPCD)	October 9, 2025
G	Sophia Markowska, Senior California Representative	Defenders of Wildlife	October 10, 2025
H	Danielle Wilson, Contract Senior land Planner	Pacific Gas and Electric Company (PG&E)	October 10, 2025
I	Stephen Farmer, Chief Administrative Officer	Westlands Water District (WWD)	October 10, 2025

SOURCE: Compiled by Environmental Science Associates in October 2025.

Under the California Environmental Quality Act (CEQA), the lead agency “shall evaluate comments on environmental issues” received from people who have reviewed a DEIR and prepare written responses that “describe the disposition of each significant environmental issue that is raised by commenters” (Public Resources Code Section 21091[d]; CEQA Guidelines Section 15088[c]). The responses to comments in this chapter are intended to provide clarification and refinement of information presented in the DEIR.

2.4 Responses to Comments on the Draft EIR

In this section, individual pieces of correspondence received on the DEIR are followed by responses to the comments they contain.

From: [Shaw, Jeremy](#)
To: [Laren Cyphers \(laren.cyphers@longroadenergy.com\)](#)
Cc: [Janna Scott](#)
Subject: FYI: Fresno County, Rosemary Solar and Energy Storage System Complex, Water Provider
Date: Wednesday, September 3, 2025 4:11:36 PM
Attachments: [image001.png](#)
Importance: High

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Sent: Wednesday, September 03, 2025 2:52 PM
To: Shaw, Jeremy <jshaw@fresnocountyca.gov>
Subject: Fresno County, Rosemary Solar and Energy Storage System Complex, Water Provider

Jeremy,

Fresno County is circulating and Environmental Impact Report for the Rosemary Solar and Energy Storage System Complex.

The project will include an operation and maintenance (O&M) building. O&M water requirements will include use for sinks and toilets in a proposed O&M building. The analysis in the document assumes piped plumbing and an on-site water tank could be installed near the O&M building to serve these facilities as part of the Project.

Westlands Water District (WWD) was identified as the probable supplier of the Rosemary Project's construction and operational water requirements. WWD will supply 6.3-acre feet of water for operational requirements. Groundwater supplies would be transported to the Project site using water trucks and stored onsite.

WWD has agreed to provide up to 635 AFY of District water to be extracted on the site during construction for a period of up to 2 years. WWD will also allow up to 9.8 AFY of District water to be extracted on the Project site for O&M purposes, in accordance with District Rules.

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) § 116275 subd. [h], is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

"Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes." Health & Saf. Code § 116275 subd. [e].

A-1

A-2

How many people will be served water by the Project at least 60 days out of the year (E.g. employees that use the O&M building)?

A-3

If the number is more than 25:

Is WWD providing raw water as a wholesaler or public water system?

For clarification, as the information above seems to be conflicting- Will the water being delivered by trucks or pumped from wells onsite?

A-4

Thanks for your answer to the first question and possibly the second set of questions if the number requirement is met!

This information will help me determine if a Division of Drinking Water comment letter may be needed.

Lori Schmitz



Lori Schmitz

Environmental Scientist

DIVISION OF FINANCIAL ASSISTANCE
Administration/Operator Certification Branch | Loans & Grants /
Environmental / Special Project Review

Email: Lori.Schmitz@waterboards.ca.gov

Phone: +1 (916) 449-5285

State Water Resources Control Boards

1001 I Street, Sacramento CA 95814

Website: www.waterboards.ca.gov

Follow: [X](#) | [YouTube](#) | [Facebook](#) | [LinkedIn](#)

From: [Shaw, Jeremy](#)
To: [Laren Cyphers \(laren.cyphers@longroadenergy.com\)](#)
Cc: [Janna Scott](#)
Subject: FYI: Fresno County, Rosemary Solar and Energy Storage System Complex, Number of People Served
Date: Tuesday, September 23, 2025 4:43:00 PM
Attachments: [image001.png](#)
Importance: High

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Sent: Tuesday, September 23, 2025 3:49 PM
To: Shaw, Jeremy <jshaw@fresnocountyca.gov>
Subject: Fresno County, Rosemary Solar and Energy Storage System Complex, Number of People Served

Jerney,

It seems like the applicant was unable to determine that the number of employees that would be using the water at the O & M building is less than 25 people 60 days out of the year- so I have made it through my list of other reviews and am starting the more thorough review of this EIR today, assuming our District has a discretionary action for this Project.

If you have any other insight on this one, please be sure to send it along.

Thanks!

Lori Schmitz

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Sent: Thursday, September 18, 2025 8:58 AM
To: jshaw@fresnocountyca.gov
Subject: RE: Fresno County, Rosemary Solar and Energy Storage System Complex, Water Provider

Jeremey,

Please let me know the answers to the questions below this week.

If a public water system will not be formed, I will not need to send a comment letter on this document. If I don't know if one will be formed or one will be formed I will need to send a comment letter to make sure any discretionary decisions by are District are

covered and any hydrology and water quality issues are addressed.

Lori Schmitz

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>

Sent: Wednesday, September 3, 2025 2:52 PM

To: jshaw@fresnocountyca.gov

Subject: Fresno County, Rosemary Solar and Energy Storage System Complex, Water Provider

Jeremy,

Fresno County is circulating and Environmental Impact Report for the Rosemary Solar and Energy Storage System Complex.

The project will include an operation and maintenance (O&M) building. O&M water requirements will include use for sinks and toilets in a proposed O&M building. The analysis in the document assumes piped plumbing and an on-site water tank could be installed near the O&M building to serve these facilities as part of the Project.

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WWD has agreed to provide up to 635 AFY of District water to be extracted on the site during construction for a period of up to 2 years. WWD will also allow up to 9.8 AFY of District water to be extracted on the Project site for O&M purposes, in accordance with District Rules.

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) § 116275 subd. [h], is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

"Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes." Health & Saf. Code § 116275 subd. [e].

How many people will be served water by the Project at least 60 days out of the year

(E.g. employees that use the O&M building)?

If the number is more than 25:

Is WWD providing raw water as a wholesaler or public water system?

For clarification, as the information above seems to be conflicting- Will the water being delivered by trucks or pumped from wells onsite?

Thanks for your answer to the first question and possibly the second set of questions if the number requirement is met!

This information will help me determine if a Division of Drinking Water comment letter may be needed.

Lori Schmitz



Lori Schmitz

Environmental Scientist

DIVISION OF FINANCIAL ASSISTANCE
Administration/Operator Certification Branch | Loans & Grants /
Environmental / Special Project Review

Email: Lori.Schmitz@waterboards.ca.gov

Phone: +1 (916) 449-5285

State Water Resources Control Boards
1001 I Street, Sacramento CA 95814
Website: www.waterboards.ca.gov

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2.4.1 Letter A: State Water Resources Control Board

- A-1 This summary of Project details is consistent with information provided in DEIR Chapter 2, *Project Description* (page 2-1 et seq.). See, for example, DEIR Section 2.5.5.1, *Water*, and Appendix J, *Water Supply Assessment*.
- A-2 The County acknowledges receipt of these excerpts from the Health and Safety Code regarding public water systems and human consumption as well as the context for the State Water Resources Control Board's (State Water Board's) input that the excerpts provide. Because comment does not bear on the adequacy or accuracy of the DEIR, no change to the DEIR has been considered in response. However, the information provided has been included in the formal record where it may be available for review by decision-makers and members of the public.
- A-3 Fewer than 25 people would be using the water at the operation and maintenance (O&M) building. DEIR Section 2.5.7, *Rosemary Project Operation and Maintenance*, states on page 2-23 that the "project would employ approximately eight full-time employees for facility operation: four for Rosemary 1 and two each for Rosemary 2 and 3. Additionally, up to 16 part-time employees would be needed for vegetation management, panel washing, contract maintenance, and other similar tasks. The average number of O&M workers at the Rosemary Project site would be 10 people per day, with a peak number of 16 people per day."
- A-4 Because fewer than 25 people would be served by Project water 60 days out of the year, the questions in this comment do not apply to the Project.
- A-5 Receipt of the State Water Board's September 23, 2025, email is acknowledged. See Responses A-1 through A-4, which address the questions raised.

From: CalGEMCentralCSWR@DOC
To: [Maria Hensel](#)
Cc: [Jeremy Shaw \(jshaw@fresnocountyca.gov\)](mailto:jshaw@fresnocountyca.gov)
Subject: RE: Rosemary Solar EIR Notice of Availability
Date: Friday, September 5, 2025 2:12:12 PM
Attachments: [image001.png](#)
[2025-08-28_Maria Hensel_Fresno_LetterSigned.pdf](#)

Good afternoon,

We would like to inform you of an update to our process regarding construction site well reviews.

The Division will no longer be reviewing the abandonment of oil wells as part of this process. Instead a formal letter will be attached to all requests identifying oil wells on the premises and stating that it is our recommendation to not impede access to any wells that have been abandoned and buried. Furthermore, any and all wells that have access impeded or are to be built over should be evaluated by a qualified petroleum professional. If it is deemed that any well(s) requires abandonment or re-abandonment the responsible party must submit a Notice of Intention to the Division through WellSTAR.

B-1

Thank you,



**Construction Site Well Review
Team**

California Department of Conservation
CalGEM | Central District
11000 River Run Blvd. Bakersfield, CA 93311
E:
CalGEMCentralCSWR@conservation.ca.gov

From: Maria Hensel <MHensel@esassoc.com>
Sent: Wednesday, August 27, 2025 12:16 PM
To: Maria Hensel <MHensel@esassoc.com>
Cc: Jeremy Shaw (jshaw@fresnocountyca.gov) <jshaw@fresnocountyca.gov>
Subject: Rosemary Solar EIR Notice of Availability

Some people who received this message don't often get email from mhensel@esassoc.com. [Learn why this is important](#)

Greetings,

You are receiving this email because you have provided your email to the County of Fresno for the purpose of receiving notices about the CEQA process for the Rosemary Solar and Energy Storage System Complex. This message is to notify you that the Draft Environmental Impact Report (EIR) for the project is now available for public review. The Draft EIR may be accessed in electronic form on the County's website via this link: [EIR 8575 Rosemary Solar - County of](#)

[Fresno](#). Details about how to access and provide comments on the Draft EIR are included in the attached Notice of Availability. Thank you for your interest and consideration.

Best regards,

Jeremy Shaw, Planner
County of Fresno, Department of Public Works and Planning
Development Services and Capital Projects Division
Phone: 559-600-4207
Fax : 559-600-4200
jshaw@fresnocountyca.gov



Gavin Newsom, Governor
Jennifer Lucchesi, Director

August 28, 2025

VIA ELECTRONIC MAIL

Fresno County Department of Public Works and Planning
Maria Hensel
2220 Tulare St.
Suite B
Fresno, CA 93721

mhensel@eassoc.com

Assessor Parcel Number(s): Multiple

Project Location Address: West of State Route 145, approximately 25 miles southwest of Fresno, 6 miles east of Cantua Creek and 3.8 miles west of Helm

PROJECT TITLE: Rosemary Solar and Energy Storage Complex

Public Resources Code (PRC) section 3208.1 establishes re-abandonment responsibility when previously plugged and abandoned oil, gas or geothermal wells 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 previously abandoned oil, gas, and geothermal wells.

B-2

The California Geologic Energy Management Division (CalGEM) has received the above-referenced project dated August 27, 2025. To assist local permitting agencies, property owners, and developers in making safe and practical land use decisions regarding potential development near oil, gas, or geothermal wells, CalGEM provides a table in the attached enclosure of the wells within the parcel boundary or in its vicinity, based on CalGEM's Well Finder database (<https://maps.conservation.ca.gov/doggr/wellfinder/>).

CalGEM categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking at the landowner's expense if there is a need to access a well. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment (consisting of well servicing rig, pumping equipment, pipe trailer) to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Impermeable

B-3

Fresno County Department of Public Works and
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08/28/2025
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barriers such as asphalt, concrete, and plastic may trap hazardous gases and liquids underneath and could create a safety hazard if built over a well that later develops a leak.

↑ B-3
cont.

CalGEM recommends that any well for which access is impeded or built over, against CalGEM's advice, should be evaluated by a qualified petroleum professional for compliance with the statutory objectives of isolating all hydrocarbon-bearing strata; protecting underground and surface waters; prevention of subsequent damage to life, health, property, and other resources; and prevention of loss of oil, gas, or reservoir energy. CalGEM recommends that wells that do not meet these standards are abandoned or re-abandoned prior to construction. The well information can be accessed through CalGEM's Well Finder database mentioned above. PRC section 3208, subdivision (a), provides the primary statutory authority for CalGEM to oversee adequate abandonment of wells. Additionally, CalGEM has developed the regulatory guidance for operators to be followed during well abandonment, which are listed within California Code of Regulation, title 14 (CCR) section 1723 and associated sub-sections (for onshore wells), and section 1745 and associated sub-sections (for offshore wells).

B-4

There is no guarantee that a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. Due to the inability to predict all subsurface conditions or changes, it always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. CalGEM acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantee that such abandoned wells will not leak.

CalGEM advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations in Latitude and Longitude, NAD 83 decimal format, and leak testing results should be provided to CalGEM. CalGEM expects any wells found leaking to be reported to CalGEM immediately.

B-5

PRC section 3208.1 gives CalGEM the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

B-6

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future

Fresno County Department of Public Works and
Planning
08/28/2025
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problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake construction that impedes access, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.
3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

Should any wells require abandonment or re-abandonment, the responsible party must submit a Notice of Intention (NOI) to CalGEM through WellSTAR. The NOI form can be accessed in the 'Plugging and Abandonment' section of the following link:
https://www.conservation.ca.gov/calgem/for_operators.

No well work may be performed on any oil, gas, or geothermal well without written approval from CalGEM. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. CalGEM also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR section 1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below the surface of the ground. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from CalGEM is required before work can start.

CalGEM makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, CalGEM recommends that information regarding the below identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

B-6
cont.

B-7

B-8

Fresno County Department of Public Works and
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Page 4 of 5

2. CalGEM recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

↑
B-8
cont.

As indicated in PRC section 3106, CalGEM 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 CalGEM's authority to order work on wells pursuant to PRC sections 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC sections 3236, 3236.5, and 3359 for violations within CalGEM's jurisdictional authority. CalGEM does not regulate grading, excavations, or other land use issues.

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B-9

Should you have any questions, or if any wells are encountered that were not part of this letter, contact CalGEM at (661) 322-4031 or via email at CalGEMCentralCSWR@conservation.ca.gov.

↑
B-10

Sincerely,



Jeff Kimber
Supervising Oil and Gas Engineer

Enclosure

Fresno County Department of Public Works and
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08/28/2025
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Enclosure: The wells listed below are reported to be located within and nearby the
parcel boundary and may have future access impeded.

APN No.	API No.	Well Name
Multiple	0401922131	Tres Pecos 1-23
Multiple	0401923393	Stroller 1-24
Multiple	0401923804	Gentle 1

B-11

From: [Shaw, Jeremy](#)
To: [Janna Scott](#)
Cc: [Laren Cyphers \(laren.cyphers@longroadenergy.com\)](#); [Emily McCrorie](#)
Subject: FYI: SCH 2024110253 Rosemary Solar and Energy Storage System Complex
Date: Tuesday, September 16, 2025 10:25:26 AM
Attachments: [image001.png](#)
[2025-09-15_Jeremy Shaw_Kern_LetterSigned.pdf](#)

From: CalGEMCentralCSWR@DOC <CalGEMCentralCSWR@conservation.ca.gov>
Sent: Tuesday, September 16, 2025 10:07 AM
To: Shaw, Jeremy <jshaw@fresnocountyca.gov>
Cc: Jeffries, Randall@DOC <Randall.Jeffries@conservation.ca.gov>
Subject: SCH 2024110253 Rosemary Solar and Energy Storage System Complex

Good morning,

We would like to inform you of an update to our process regarding construction site well reviews.

The Division will no longer be reviewing the abandonment of oil wells as part of this process. Instead a formal letter will be attached to all requests identifying oil wells on the premises and stating that it is our recommendation to not impede access to any wells that have been abandoned and buried. Furthermore, any and all wells that have access impeded or are to be built over should be evaluated by a qualified petroleum professional. If it is deemed that any well(s) requires abandonment or re-abandonment the responsible party must submit a Notice of Intention to the Division through WellSTAR.

B-12

Thank you,



**Construction Site Well Review
Team**

California Department of Conservation
CalGEM | Central District
11000 River Run Blvd. Bakersfield, CA 93311
E:
CalGEMCentralCSWR@conservation.ca.gov



California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
Jennifer Lucchesi, Director

September 15, 2025

VIA ELECTRONIC MAIL

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

jshaw@FresnoCountyCA.gov

Assessor Parcel Number(s): Multiple
Project Location Address: West Kamm Ave and Yuba Ave

PROJECT TITLE: SCH 2024110253 Rosemary Solar and Energy Storage System Complex

Public Resources Code (PRC) section 3208.1 establishes re-abandonment responsibility when previously plugged and abandoned oil, gas or geothermal wells 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 previously abandoned oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received the above-referenced project dated August 27, 2025. To assist local permitting agencies, property owners, and developers in making safe and practical land use decisions regarding potential development near oil, gas, or geothermal wells, CalGEM provides a table in the attached enclosure of the wells within the parcel boundary or in its vicinity, based on CalGEM's Well Finder database (<https://maps.conservation.ca.gov/doggr/wellfinder/>).

CalGEM categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking at the landowner's expense if there is a need to access a well. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment (consisting of well servicing rig, pumping equipment, pipe trailer) to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Impermeable barriers such as asphalt, concrete, and plastic may trap hazardous gases and liquids underneath and could create a safety hazard if built over a well that later develops a

B-13

2220 Tulare Street, Sixth Floor Fresno, CA 93721
09/15/2025
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leak.

CalGEM recommends that any well for which access is impeded or built over, against CalGEM's advice, should be evaluated by a qualified petroleum professional for compliance with the statutory objectives of isolating all hydrocarbon-bearing strata; protecting underground and surface waters; prevention of subsequent damage to life, health, property, and other resources; and prevention of loss of oil, gas, or reservoir energy. CalGEM recommends that wells that do not meet these standards are abandoned or re-abandoned prior to construction. The well information can be accessed through CalGEM's Well Finder database mentioned above. PRC section 3208, subdivision (a), provides the primary statutory authority for CalGEM to oversee adequate abandonment of wells. Additionally, CalGEM has developed the regulatory guidance for operators to be followed during well abandonment, which are listed within California Code of Regulation, title 14 (CCR) section 1723 and associated sub-sections (for onshore wells), and section 1745 and associated sub-sections (for offshore wells).

There is no guarantee that a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. Due to the inability to predict all subsurface conditions or changes, it always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. CalGEM acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantee that such abandoned wells will not leak.

CalGEM advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations in Latitude and Longitude, NAD 83 decimal format, and leak testing results should be provided to CalGEM. CalGEM expects any wells found leaking to be reported to CalGEM immediately.

PRC section 3208.1 gives CalGEM the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

B-13
cont.

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2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake construction that impedes access, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.
3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

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CalGEM makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, CalGEM recommends that information regarding the below identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. CalGEM recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered

B-13
cont.

2220 Tulare Street, Sixth Floor Fresno, CA 93721
09/15/2025
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during development.

As indicated in PRC section 3106, CalGEM 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 CalGEM's authority to order work on wells pursuant to PRC sections 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC sections 3236, 3236.5, and 3359 for violations within CalGEM's jurisdictional authority. CalGEM does not regulate grading, excavations, or other land use issues.

Should you have any questions, or if any wells are encountered that were not part of this letter, contact CalGEM at (661) 322-4031 or via email at CalGEMCentralCSWR@conservation.ca.gov.

Sincerely,



Jeff Kimber
Supervising Oil and Gas Engineer

Enclosure

↑
B-13
cont.

2220 Tulare Street, Sixth Floor Fresno, CA 93721
09/15/2025
Page 5 of 5

Enclosure: The wells listed below are reported to be located within and nearby the parcel boundary and may have future access impeded.

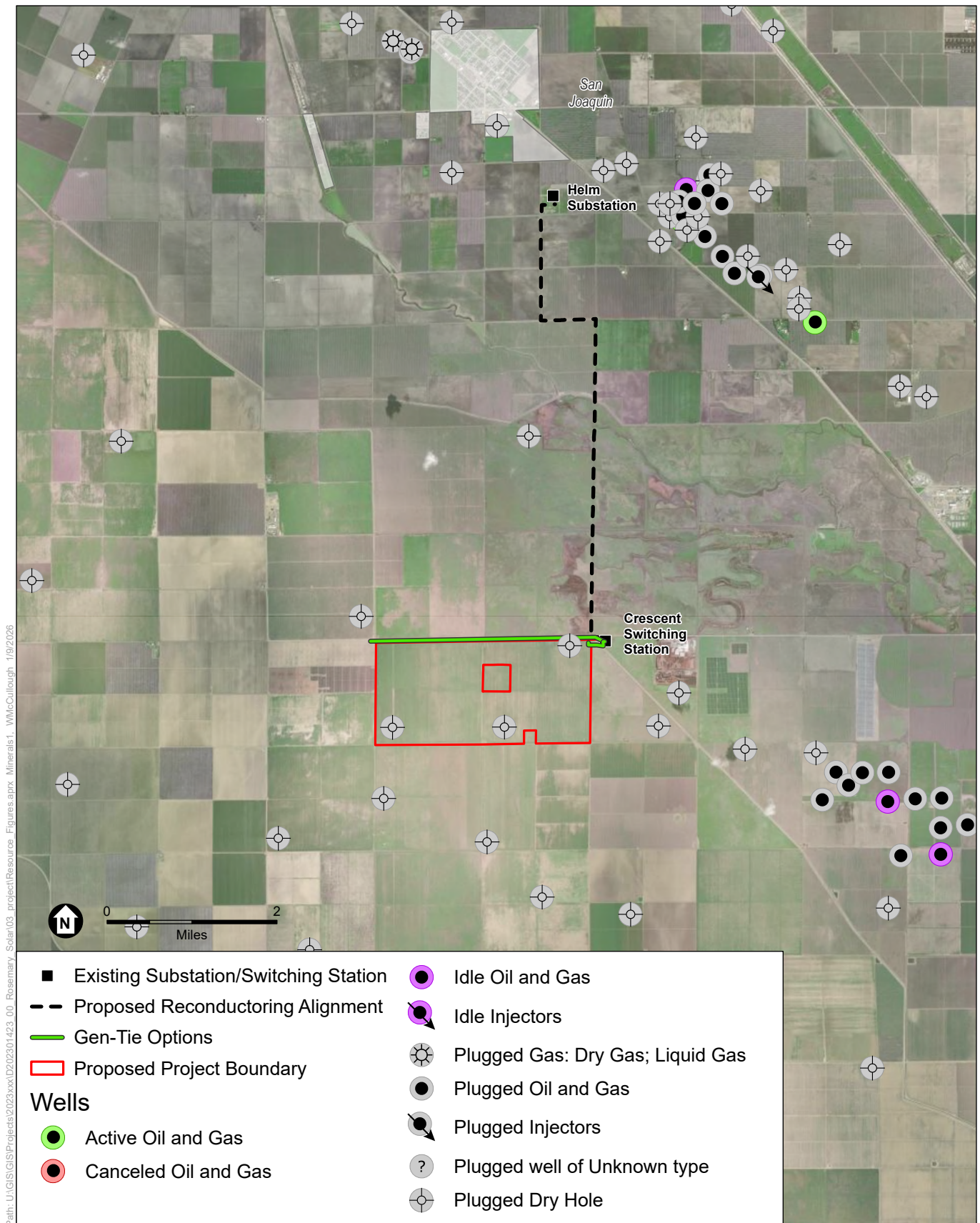
Township, Range, Section	API No.	Well Name
T16S, R17E, Section 19	0401906158	S.P.L. 75-19
T16S, R17E, Section 19	0401920257	Bravo 1-19
T16S, R17E, Section 23	0401906155	Noble 55-23

2.4.2 Letter B: State of California Natural Resources Agency Department of Conservation, Geologic Energy Management Division

- B-1 The County has included this update regarding State of California Natural Resources Agency Department of Conservation, Geologic Energy Management Division's (CalGEM's) process for construction site well reviews as part of the Project record, where it may be considered by decision-makers and members of the public generally. However, because the comment does not provide input that is specific to the adequacy or accuracy of the DEIR, the County has made no changes to the DEIR in response to this comment.
- B-2 The well re-abandonment provisions of Public Resources Code Section 3208.1 do not affect the adequacy or accuracy of the DEIR. Nonetheless, receipt of this information is acknowledged and has been included in the public record, where it is accessible to all.
- B-3 DEIR Section 2.3.1.1 (page 2-5) explains that the Project "site includes unvegetated areas including roads (paved and unpaved), canals and agricultural ditches, and multiple out-of-service wells." The County has considered the list of wells identified by CalGEM as within or near the Project boundary and has overlayed the Project site location and well location data in Final EIR Figure 2-1, *Wells On and Near the Project Site*, to further inform consideration of the Project and its potential impacts.

Of the three identified wells, Final EIR Figure 2-1 shows that all are plugged, dry holes. The Project would not build over or impede access to wells located outside the Project boundary and would maintain sufficient access to wells located within it. More specifically, as described in DEIR Chapter 2, *Project Description*, the Project does not propose to construct housing, landscaping, trees, pools, patios, sidewalks, or decking that could obstruct access (DEIR, page 2-1 et seq.). Proposed fencing could accommodate any necessary access, no buildings are proposed in a location within the site that would prevent or impede access to a well, and internal roadways in the area of the existing well would be unpaved. Accordingly, no change to the DEIR has been made in response to this comment.

- B-4 See Response B-3, which explains that the Project would not build over or impede access to any well, regardless of whether it may start leaking and require access in the future. Therefore, CalGEM's well abandonment recommendations and the related provisions of state law are acknowledged, but do not affect the adequacy or accuracy of the DEIR.
- B-5 The County recognizes CalGEM's authority to regulate wells independent of the County's CEQA process for the Project. Any liquid or gas leakage that may be detected in testing prior to Project development would not have been caused by the Project and would not support a conclusion that the Project would cause a potential significant impact subject to mitigation. CalGEM's advice that wells within the Project site be tested for leaks is acknowledged and has been included in the record, where it may be considered by decision-makers and members of the public, including the Project proponent. However, the recommendation does not indicate any inadequacy or inaccuracy in the DEIR. No change has been made to the DEIR in response to this comment.



Rosemary Solar and Energy Storage System Complex

Figure 2-1
Wells On and Near the Project Site

- B-6 The County recognizes CalGEM's authority to regulate wells independent of the County's CEQA process for the Project. Although this input has been included in the record, no responsive change has been made to the DEIR.
- B-7 The County recognizes CalGEM's authority to regulate wells independent of the County's CEQA process for the Project. Although this input has been included in the record, no responsive change has been made to the DEIR.
- B-8 The County recognizes CalGEM's authority to regulate wells independent of the County's CEQA process for the Project. Although these recommendations have been included in the record, no change has been made to the DEIR in response to this comment.
- B-9 The County recognizes CalGEM's authority to regulate wells independent of the County's CEQA process for the Project. Although this input has been included in the record, no responsive changes have been made to the DEIR.
- B-10 CalGEM's contact information on the Project's mailing list has been supplemented to include these additional contact details.
- B-11 See Response B-3 and Final EIR Figure 2-1, which shows the location of these wells relative to the Project site.
- B-12 See Response B-1, which acknowledges this input about CalGEM's change in process.
- B-13 See Responses B-2 to B11, which address the comments in this letter, dated September 15, 2025. The County received a substantially similar letter from CalGEM dated August 28, 2025.

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



September 17, 2025

FRE-145-19.85
Rosemary Solar
DEIR
GTS: [34505](#)

SENT VIA EMAIL

Mr. Jeremy Shaw, Project Planner
Fresno County
2220 Tulare Street, Suite B
Fresno, CA 93721

Dear Mr. Shaw:

Thank you for the opportunity to review EIR 8575 - Rosemary Solar and Energy Storage Complex.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

Given the nature of the proposed project and that the project is four miles from any part of the State Highway System (SHS), it is anticipated that the proposed project will have minimal impact on the SHS and Caltrans has no comment.

If you have any other questions, please call Elizabeth Yelton, Transportation Planner at (559) 365-5140.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Padilla'.

Mr. DAVE PADILLA, Branch Chief,
Local Development Review

C-1
C-2
C-3

"Provide a safe and reliable transportation network that serves all people and respects the environment"

2.4.3 Letter C: California Department of Transportation

- C-1 Thank you for the agency's review of County EIR No. 8575, which relies in part on the California Department of Transportation's (Caltrans's) expertise and reference materials. See, for example, DEIR Section 3.2, *Aesthetics*, which relies on information presented in Caltrans's *Scenic Highway Guidelines*; DEIR Section 3.6, *Cultural and Tribal Cultural Resources*, which relies on information presented in two Caltrans reference documents, including *A Historical Context and Archaeological Research Design for Agricultural Properties in California* and *Refined Geoarchaeological Model and Sensitivity Assessment of Prehistoric Site Potential for Caltrans District 6 in Part of South-Central California*; and DEIR Section 3.14, *Noise and Acoustics*, which relies on multiple Caltrans noise protocols as well as the *Caltrans Transportation and Construction Vibration Guidance Manual*. Caltrans input received following issuance of the notice of preparation (NOP) is summarized and considered in DEIR Section 3.18, *Transportation*, and included in the scoping report provided in DEIR Appendix A.
- C-2 Caltrans's conclusion that the Project would have minimal impact on the state highway system is consistent with conclusions reached in the DEIR. See DEIR Section 3.2, *Aesthetics*, and Section 3.18, *Transportation*, which conclude that the Project would have a less-than-significant impact on scenic highway resources and transportation-related resources and considerations, respectively.
- C-3 Caltrans's contact information on the Project's mailing list has been supplemented to include Elizabeth Yelton's contact details.

Docusign Envelope ID: 376452E5-CD67-4308-BC1A-B02853456807

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Ste. 170
SACRAMENTO, CA 95821
(916) 574-0609



October 8, 2025

Jeremy Shaw
Planner
Fresno County Division of Public Works and Planning
2220 Tulare Street, Suite B
Fresno, CA 93721
jshaw@fresnocountyca.gov

Subject: Comments for the Draft Environmental Impact Report, Rosemary Solar and Energy Storage System Complex (EIR 8575), SCH# 2024110253, Fresno County

Dear Jeremy Shaw,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Rosemary Solar and Energy Storage System Complex Project (proposed project).

The project proposes to construct, operate, maintain, and decommission a photovoltaic solar electricity generating facility and battery energy storage system. The proposed project involves installing a reconductoring line and replacing or improving existing utility poles along Crescent Ditch and crossing Fresno Slough. Additionally, the project proposes installing a generation-tie line that will cross Crescent Ditch. The proposed project is located on the Crescent Ditch and the Fresno Slough, regulated streams that are within the Board's permitting authority. Therefore, a Board permit may be required. Board permit information, including information on how to schedule a pre-application meeting with Board staff, is available on the [Permitting at the Central Valley Flood Protection Board website](#).

Section ES.4 Permits and Approvals, Table ES-1 on page ES-6 and Section 2.7 Permits and Approvals, Table 2-3 on page 2-3 of the Draft EIR lists the anticipated permits and approvals that may be required for the proposed project. Board staff recommend including a permit from the Board in these sections. Board permit information is available on the [Permitting at the Central Valley Flood Protection Board website](#).

California Code of Regulations, Title 23 provides standards that govern the design and construction of projects that affect the flood control works and floodways. Board staff recommends that you review Title 23 Standards, including Sections 112 (Streams Regulated and Nonpermissible Work Periods), 23 (Pipelines, Conduits, and Utility Lines), and 124 (Abandoned Pipelines and Conduits). Any deviation or variation from these standards will require approval from the Board.

D-1
D-2
D-3
D-4

Docusign Envelope ID: 376452E5-CD67-4308-BC1A-B02853456807

Fresno County
October 8, 2025
Page 2

Responsibility of the Board

The Board is the State's regulatory agency responsible for enforcing appropriate standards for the construction, maintenance, and operation of the flood control system that protects life, property, and habitat in California's Central Valley.

↑
D-4
cont.

Board Permit

Per Title 23, Section 6, approval by the Board is required for all proposed work or uses, including the alteration of levees within any area for which there is an Adopted Plan of Flood Control within the Board's jurisdiction. In addition, Board approval is required for all proposed encroachments within a floodway, on adjacent levees, and within any Regulated Stream identified in Title 23, Table 8.1. Specifically, Board jurisdiction includes the levee section, the waterward area between project levees, a minimum 10-foot-wide strip adjacent to the landward levee toe, the area within 30 feet from the top of bank(s) of Regulated Streams, and inside Board's Designated Floodways. Activities outside of these limits which could adversely affect Federal-State flood control facilities, as determined by Board staff, are also under the Board's jurisdiction. Permits may also be required for existing unpermitted encroachments or where it is necessary to establish the conditions normally imposed by permitting, including where responsibility for the encroachment has not been clearly established or ownership or uses have been changed.

Flood Impacts Analysis

Pursuant to Title 23, Section 15, the Board may deny a permit if the proposed project could:

- Jeopardize directly or indirectly the physical integrity of levees or other works
- Obstruct, divert, redirect, or raise the surface level of design floods or flows, or the lesser flows for which protection is provided
- Cause significant adverse changes in water velocity or flow regimen
- Impair the inspection of floodways or project works
- Interfere with the maintenance of floodways or project works
- Interfere with the ability to engage in flood fighting, patrolling, or other flood emergency activities
- Increase the damaging effects of flood flows
- Be injurious to, or interfere with, the successful execution, functioning, or operation of any adopted plan of flood control
- Adversely affect the SPFC, as defined in Water Code

D-5

The Board, as a Responsible Agency under the California Environmental Quality Act (CEQA), will review and consider the environmental effects of the proposed project identified in the DEIR, and will reach its own conclusions on whether and how to approve the project involved (14 CCR 15096, subd. (a)). This includes direct impacts to facilities under construction, as well as indirect impacts from the proposed project to surrounding facilities. Accordingly, the comments herein are intended to assist in the development of a robust CEQA document capable of supporting the Board's permitting process.

Closing

The potential risks to public safety, including increased flood risks, need to be considered when developing proposed projects that seek to modify flood control works or the hydrology of the

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D-6

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water ways. Board staff is available to discuss any questions you have regarding the above comments. Please contact Jordan Robbins at (916) 524-3454, or via email at Jordan.Robbins@cvflood.ca.gov if you have any questions.

↑ D-6
| cont.
| D-7

Sincerely,

Jamie Silva

Jamie Silva
Environmental Program Manager

cc: Office of Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

2.4.4 Letter D: Central Valley Flood Protection Board

- D-1 This summary of Project details is consistent with information provided in DEIR Chapter 2, *Project Description*. See, for example, DEIR Figure 2-1, *Project Location* (page 2-3), which shows the Project site in proximity to the Crescent Ditch and the Fresno Slough.
- D-2 The County acknowledges receipt of the information provided about the Central Valley Flood Protection Board's (Board's) permitting authority and processing, and has included it in the record where it will be accessible for the Project proponent's review and use.
- D-3 Table ES-1 (DEIR, page ES-6) and Table 2-3 (DEIR, page 2-3) both present information about permits and approvals that are expected to be required for the Project to proceed. Each table has been updated to clarify that the Project may require a permit from the Board. The specific information added is shown below. See Final EIR Section 3.2.1, *Executive Summary*, and Final EIR Section 2.3.2, *Project Description*, respectively.

<u>Central Valley Flood Protection Board</u>	Board approval would be needed for any proposed work located within a Board-Adopted Plan of Flood Control, including: • <u>Between or in the vicinity of any Federal Project Levees within a State Plan of Flood Control.</u> • <u>Within 100 feet of a non-leveed Regulated Stream listed in California Code of Regulations, Title 23, Waters, Division 1, Article 8, Table 8.1.</u> • <u>Within a Designated Floodway that has been adopted by the Board.</u> • <u>Within a Sacramento San Joaquin Drainage District (SSJDD) Easement.</u>
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- D-4 The County acknowledges receipt of the information provided about regulations governing the design and construction of projects that affect the flood control works and floodways, and about the Board's related enforcement authority. As indicated in Response D-3, the DEIR has been updated to reflect that a Board permit may be needed.
- D-5 See Response D-3 regarding updates made to the DEIR to reflect that Board permitting may be needed for the Project. DEIR Section 1.2 (page 1-2) explains that a "*Responsible Agency* is a public agency, other than the lead agency, that has responsibility for carrying out or approving a project." In its role as CEQA lead agency, the County recommended that the State Clearinghouse notify the Board as a potential responsible agency for the Project by marking an "X" on the NOC of the NOP for the Project. Further, DEIR Section 6.3 (page 6-3) identifies the Board as the first in the list of regional and local agencies notified about the DEIR.
- D-6 The DEIR analyzes potential impacts on public safety, including flood risk. See DEIR Section 3.11 (page 3-11 et seq.), which concludes that the Project would cause a less-than-significant impact relating to flooding.
- D-7 The Board's contact information on the Project's mailing list has been supplemented to include Jordan Robbins's contact details.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
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(559) 243-4005
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 9, 2025

Jeremy Shaw
Fresno County Department of Public Works and Planning
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JShaw@FresnoCountyCA.gov

Subject: **Rosemary Solar and Energy Storage System Complex (Project)**
Unclassified Conditional Use Permit Application Nos. 3795, 3796, 3797,
and 3798 & EIR No. 8575
Draft Environmental Impact Report (DEIR)
State Clearinghouse No. 2024110253

Dear Jeremy Shaw:

The California Department of Fish and Wildlife (CDFW) received a DEIR from Fresno County, as Lead Agency, for the Project pursuant to 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, 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

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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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.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

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: Rosemary Solar, LLC

Objective: The Project proposes to construct, operate, maintain, and decommission a 140-megawatt (MW) solar and energy storage complex and 140 MW alternating current (ac) battery energy storage facility. The Project would include O&M buildings, parking, and an onsite substation. Four separate facilities are proposed as part of the Project, each on a distinct site, totaling approximately 1,172 acres. An approximately 2-mile-long transmission (generation-tie) line would deliver power via one of four possible pathways to the existing Pacific Gas and Electric Company (PG&E) owned 70 kilovolt (kV) Crescent Substation, which would be the Project's point of interconnection with the grid.

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E-4
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The Project also includes an evaluation of the impacts of reconductoring approximately five miles of the PG&E Helm to Crescent 70 kiloVolt (kV) electric transmission line (PG&E Transmission Line) to facilitate Project interconnection. These activities, which would be conducted by PG&E, would include replacing or improving poles within an approximately 50-foot-wide corridor, pulling and tensioning of new conductor, and using equipment storage, storage and laydown areas and a helicopter landing zone with a temporary two-acre footprint.

Location: The Project is located in a rural area of Fresno County, approximately 25 miles southwest of Fresno and approximately five miles south of the City of San Joaquin. The Project is located in U.S. Geological Survey (USGS) San Joaquin 7.5-minute quadrangle in Section 19, Township 16 South and Range 17 East, Sections 23 and 24 of Township 16 South and Ranges 16 East of the Mount Diablo Base Meridian. The Project site is bounded by W. Kamm Avenue to the north, S. El Dorado Avenue to the west, W. Conejo Avenue to the south, and S. Yuba Avenue to the east.

Timeframe: Construction would occur over approximately 18 months.

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 Final Environmental Impact Report (FEIR).

As stated in the DEIR, the Project site contains several natural and agricultural habitats including tilled row crops and fallow fields. Annual grassland and seasonal wetlands are also present within and surrounding the PG&E Transmission Line, which may provide habitat for a number of special-status species. Based on a review of the Project description and habitat assessments within the DEIR, California Natural Diversity Database (CNDDB) records, aerial imagery, and the Biological Resources Evaluation (BRE), several special-status species could potentially be impacted by Project activities.

Currently, the DEIR acknowledges that the Project site is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts for these species to a less than significant level. CDFW has concerns about the ability of some of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take of the State and federally endangered Fresno kangaroo rat (*Dipodomys nitratooides exilis*); the State and federally endangered and fully protected blunt-nosed leopard lizard (*Gambelia sila*); the State threatened Swainson's hawk (*Buteo swainsonii*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); and the



E-5
cont.



E-6

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State special animal and federally endangered Buena Vista Lake ornate shrew (*Sorex ornatus relictus*).

↑ E-6
cont.

Fresno Kangaroo Rat

The Project site is within the historic range of the Fresno kangaroo rat (FKR) and, as documented in the DEIR, the PG&E Transmission Line footprint contains suitable grassland habitat for the species. While there are currently no known extant populations, recent surveys in FKR range have been limited and the status of FKR populations is unknown. As noted in the DEIR, portions of the PG&E Transmission Line are located near the Fresno Slough, which may provide connectivity to where the species was last found.

↑ E-7

Currently, the DEIR includes Avoidance and Minimization Measure (AMM) 20 from the San Joaquin Valley Habitat Conservation Plan (SJVHCP) to mitigate for potential impacts to Fresno kangaroo rat within the PG&E Transmission Line footprint. However, the SJVHCP does not include FKR as a covered species and AMM 20 is intended to avoid and minimize impacts to different covered species, specifically giant kangaroo rat (*Dipodomys ingens*) and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*). As implementation of AMM 20 would have the potential to result in the unauthorized take of FKR, CDFW recommends that if FKR are detected during surveys or at any time during construction, immediate consultation with CDFW occur to discuss the Project and development of mitigation measures such as take avoidance, minimization, and mitigation. CDFW also continues to recommend that PG&E consult with CDFW for guidance on appropriate FKR survey methodology if Project activities are anticipated to occur within the suitable FKR habitats adjacent to Fresno Slough and north of West Kamm Avenue (west of the rail alignment).

↑ E-8

Blunt nosed leopard lizard

Blunt-nosed leopard lizard (BNLL) are known to occur within the Mendota Wildlife Area and Kerman Ecological Reserve (CDFW 2025) and the Fresno Slough and north of West Kamm Avenue, all of which contain suitable grassland and upland scrub habitat to support the species. As such, CDFW recommends PG&E implement the following measures within the portions of the PG&E Transmission Line route that occur within suitable BNLL habitat adjacent to Fresno Slough and north of West Kamm Avenue (west of the rail alignment):

↑ E-9

Recommended Mitigation Measure 1: BNLL Surveys

Prior to any transmission line related impacts in the above referenced areas, CDFW recommends that a qualified biologist conduct protocol surveys in accordance with the “Approved Survey Methodology for the Blunt-nosed Leopard Lizard” (CDFW 2019)

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prior to Project activities that result in ground disturbance within areas of suitable habitat. This survey protocol, designed to optimize BNLL detectability, reasonably assures CDFW that ground disturbance will not result in take of this fully protected species.

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E-10
cont.

Recommended Mitigation Measure 2: BNLL Avoidance Buffer

Based on unpublished data from Dr. David Germano documenting that “male BNLL have home ranges up to 52 acres and that female BNLL have home ranges exceeding 98 acres, the known maximum home range sizes observed for the species, the unknown specific footprint of the individual BNLL’s home range relative to where the lizard was observed on the surface, and the unknown location of the lizard underground when construction commences.” Based on this information, CDFW often considers full avoidance of BNLL to include a minimum 395-acre buffer around each BNLL detection, but this buffer varies by the size and type of project-related ground disturbance. This buffer size is further supported by a 2018 study from Tennant, Germano, et al. titled “Investigating blunt-nosed leopard lizard population size, demographics, space use, and future population trends on Department Ecological Reserves” (Tennant 2018). Among other findings, this study recorded female BNLL in competitive areas dispersing over a kilometer before returning back to their home range. One surveyed female BNLL individual was identified 1.34 kilometers from the original detection point (Tennant 2018).

E-11

Based on the linear footprint of the PG&E Transmission Line, duration of PG&E-related activities, and limited amount of ground disturbance activities typically associated with transmission line reconductoring, CDFW recommends that any BNLL detection, known or potentially occupied burrows, or egg clutch sites have a minimum 50-foot buffer. Additionally, if BNLL, known or occupied burrows, or egg clutch sites are detected, CDFW recommends that an appropriate number of qualified biologists be present during all ground disturbing activities, including ingress and egress to the PG&E Transmission Line, to ensure that BNLL above ground are not impacted; and that any individual that may enter an area of construction activity be allowed to leave unobstructed on its own.

Recommended Mitigation Measure 3: BNLL Consultation

With the passage of Senate Bill No. 147, the incidental take of BNLL may be authorized for certain categories of projects. If BNLL protocol surveys find that the PG&E Transmission Line is occupied by BNLL, or PG&E chooses to assume presence for BNLL, consultation with CDFW is recommended to discuss how to implement activities and avoid take; or if avoidance is not feasible, to acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b).

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Swainson's Hawk

The DEIR notes that there is foraging habitat for Swainson's hawk (SWHA) throughout the Project site and multiple SWHA were detected during reconnaissance surveys within the Project site and vicinity. The DEIR also notes the closest suitable SWHA nest tree is located approximately one mile from the Project solar facility, although, several potential nesting trees are located within or adjacent to the PG&E Transmission Line. Currently, Mitigation Measure (MM) 3.5-7 is proposed to mitigate for potential impacts to SWHA within and adjacent to the solar facility and includes measures for a SWHA preconstruction surveys and delineation of a 0.25-mile no-disturbance buffer for active SWHA nests. CDFW does not concur that MM 3.5-7 buffer is sufficient to mitigate for potential significant impacts to SWHA and avoid unauthorized take of the species. As such, CDFW recommends MM 3.5-7 be modified to include the following:

Recommended Mitigation Measure 4: SWHA Surveys Prior to Construction

CDFW recommends that the preconstruction surveys detailed in MM 3.5-7 be conducted within the Project site and a 0.5-mile buffer of the Project site following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000).

Recommended Mitigation Measure 5: SWHA Avoidance Buffer

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum 0.5-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 6: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a 0.5-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

The DEIR also notes that moderate quality SWHA foraging habitat is present throughout the Project site and that foraging habitat would be maintained as 806 acres of the Project site where panel installation will take place would be restored to its original

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vegetation level to the amount feasible. While CDFW acknowledges that site revegetation may result in the site continuing to support some level of SWHA foraging, foraging by SWHA between constructed solar panels has yet to be documented. As such, CDFW recommends MM 3.5-7 be modified to include the following:

Recommended Mitigation Measure 7: SWHA Foraging Habitat Mitigation

As suitable foraging habitat was documented within the Project site, 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 ¾ 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 ½ acre of HM land for each acre of development is advised.

E-17
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Western Burrowing Owl

The California Fish and Game Commission (FGC) approved burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now considered a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

E-18

The DEIR and included BUOW Survey Report provided in Appendix F indicate that the Project site contains suitable BUOW habitat and a number of BUOW, including breeding pairs, were observed along the San Luis Drain and around the PG&E Crescent substation outside of the Project site. In addition to these observations, the Project solar facility, while currently disturbed by agricultural activity, may have the potential for BUOW to occupy the site once agricultural activities have ceased. Currently the DEIR provides MM 3.5-5 to mitigate for potential impacts to BUOW in the Project solar facility boundary, and AMM 18 to mitigate for impacts to BUOW along the PG&E Transmission Line. MM 3.5-5 includes BUOW survey, avoidance, and minimization measures and

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states that inactive burrows would be excavated by hand, and active burrows would have a 100 meter and 50 meter no-disturbance buffer implemented during the breeding and non-breeding season, respectively. AMM 18 includes BUOW avoidance and minimization measures and states that, "If western burrowing owls are present at the site, a qualified biologist will work with O&M staff to determine whether an exclusion zone of 160 feet during the non-nesting season and 250 feet during the nesting season can be established. If it cannot, an experienced burrowing owl biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls".

E-19
cont.

CDFW does not concur that MM 3.5-5 and AMM 18 are sufficient to mitigate for potential significant impacts to BUOW and prevent the unauthorized take of the species. In particular, implementation of the no-disturbance buffers outlined in MM 3.5-5 and AMM 18, and excavation measures outlined in MM 3.5-5, would have a strong potential to result in the unauthorized take of the species absent acquisition of an Incidental Take Permit (ITP) for the Project pursuant to Fish and Game Code Section 2081(b). As such, CDFW recommends MM 3.5-5 and AMM 18 be modified to include the following:

Recommended Mitigation Measure 8: BUOW Preconstruction Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) be repeated the survey season immediately prior to construction.

E-20

Recommended Mitigation Measure 9: BUOW Avoidance Buffer

Should a BUOW or known BUOW burrow (active or inactive) be detected, either during preconstruction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 10: BUOW Take Authorization

If a BUOW or known BUOW burrow (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the

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acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

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cont.

Crotch's Bumble Bee

The DEIR notes that suitable Crotch's bumble bee (CBB) habitat is present within the PG&E Transmission Line route and MM 3.5-6 is provided to mitigate for potential significant impacts to the species. While CDFW concurs with the portion of MM 3.5-6 that requires preconstruction surveys and the implementation of avoidance buffers around active nests, CDFW recommends the surveys follow the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species document (CDFW 2023), and in the event an active CBB is detected, CDFW be consulted to discuss how to avoid take. If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

E-22

Buena Vista Lake Ornate Shrew

The transmission line portion of the Project site is within the known geographic range of Buena Vista Lake ornate shrew (BVLS). BVLS are known to occupy moist habitats with suitable cover, such as salt grasses, and can be found in drier grassland and desert scrub habitat within a few hundred feet of seasonal or permanent water sources. The Fresno Slough and surrounding lands provided suitable grassland and seasonal wetland habitat to support this species. As such, CDFW recommends PG&E implement the following measures within the portions of the PG&E Transmission Line route that occur within suitable BVLS habitat adjacent to Fresno Slough and north of West Kamm Avenue (west of the rail alignment):

E-23

Recommended Mitigation Measure 11: BVLS Surveys

Prior to any transmission line related impacts in the above referenced areas, CDFW recommends that a qualified biologist implement an appropriate BVLS survey protocol to assess the presence/absence of BVLS. CDFW recommends that this protocol incorporate focused surveys in all areas of potentially suitable habitat prior to implementation Project activities associated with the PG&E Transmission Line.

Recommended Mitigation Measure 12: BVLS Consultation

If surveys indicate the presence or potential presence of BVLS, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

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Editorial Comments and/or Suggestions

Battery Energy Storage System Evaluation: The proposed Project includes installation of an approximately 140 MW battery energy storage system (BESS) on the Project site. CDFW is aware of recent catastrophic fires resulting from lithium-ion BESS operations at BESS facilities within California. As such, these BESS systems warrant a careful evaluation for potential fire-related impacts to biological resources within and surrounding the Project site. Lithium-ion BESS fires can release an array of toxic chemicals into the air (Mylenbusch et al. 2023). In addition to potential human health concerns, these emissions may also impact air quality for nearby wildlife, and harmful particulate matter may settle into soils or waterways, possibly affecting soil-dwelling organisms, burrowing mammals, and aquatic life. Concentrations of toxic gases and particulates may be highest in the immediate vicinity of the fire, and the risk of explosion exists, making the area hazardous for firefighters. Further, the use of water for fire suppression is not always appropriate and may exacerbate the fire.

E-24

As such, CDFW recommends a thorough analysis of the BESS component of the Project to evaluate the potential impacts of a catastrophic BESS fire on biological resources within and surrounding the Project site. CDFW recommends the evaluation detail the Project-specific measures that would be implemented to reduce the risk of catastrophic fire, and to carefully consider BESS siting, spacing, battery life and degradation, and the most appropriate fire protection/suppression system.

Lake and Streambed Alteration: The PG&E Transmission Line work area contains numerous potential streams and associated hydrologic features including the Fresno slough. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant 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 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 and may include those that are highly modified such as canals and retention basins. 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.

E-25

Currently, MM 3.5-8 is proposed to mitigate for potential impacts to streams and associated hydrologic features and requires submittal of a Habitat Restoration Plan to CDFW for written approval at least 30 days prior to completion of Project activities. CDFW would like to note that any plan approvals associated with impacts to streams

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and associated hydrologic features would be determined during the Fish and Game Code section 1602 notification process.

↑ E-25
cont.

Nesting birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

The BRE notes that several species of nesting birds were observed within the Project Site, including the State species of special concern northern harrier (*Circus cyaneus*) and loggerhead shrike (*Lanius ludovicianus*), and the State watch list prairie falcon (*Falco mexicanus*). The DEIR currently includes MM 3.5-7 for potential impacts to nesting birds within the Project site and states the typical avoidance buffers around active nests are 250 feet for non-listed passerine species and 500 feet for non-listed raptor species. CDFW recommends adhering to these buffers unless there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

E-26

CNDDDB: Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project site.

E-27

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>.

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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).

E-29

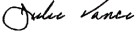
CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist Fresno County in identifying and mitigating Project impacts on biological resources.

If you have any questions, please contact Ren Cotter, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 767-0956 or by electronic mail at Ren.Cotter@wildlife.ca.gov.

E-30

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment (MMRP)

ec: **State Clearinghouse**
Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

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California Department of Fish and Wildlife. 2019. Approved survey methodology for the blunt-nosed leopard lizard. California Department of Fish and Game, Sacramento, California, USA.

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Mylenbusch, I., K. Claffey, and B. Chu. Hazards of lithium-ion battery energy storage systems (BESS), mitigation strateies, minimum requirements, and best practices. Process Safety Progress, 2023:1–10.

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E-31

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Attachment 1

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

**PROJECT: Rosemary Solar and Energy Storage System Complex by
Rosemary Solar, LLC**

SCH No.: 2024110253

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Project Site PG&E Transmission Line Area	
BNLL	
Recommended Mitigation Measure 1: BNLL surveys	
Recommended Mitigation Measure 3: BNLL Take Consultation	
SWHA	
Recommended Mitigation Measure 4: SWHA preconstruction focused survey	
Recommended Mitigation Measure 6: SWHA Take Consultation	
Recommended Mitigation Measure 7: SWHA Foraging Habitat Mitigation	
BUOW	
Recommended Mitigation Measure 8: BUOW surveys prior to construction	
Recommended Mitigation Measure 10: BUOW take authorization	
BVLS	
Recommended Mitigation Measure 11: BVLS surveys	
Recommended Mitigation Measure 12: BVLS Consultation	
<i>During Construction</i>	
Project Site and PG&E Transmission Line	
BNLL	
Recommended Mitigation Measure 2: BNLL avoidance buffer	
SWHA	
Recommended Mitigation Measure 5: SWHA avoidance buffer	
BUOW	
Recommended Mitigation Measure 9: BUOW avoidance buffer	

E-32

2.4.5 Letter E: California Department of Fish and Wildlife

- E-1 The summary provided of the California Department of Fish and Wildlife’s (CDFW’s) role in the CEQA process for this Project is consistent with the description provided in DEIR Section 1.2, *Purpose of this Document and Its Use by Agencies*, which explains (page 1-2) that “the California Department of Fish and Wildlife (CDFW) is both a Responsible Agency with permitting authority and a Trustee Agency for fish and wildlife resources that are held in trust by statute for the people of the State.” The DEIR also recognizes CDFW’s authority under the Fish and Game Code. See, for example, DEIR Section 3.5.1.3, *Regulatory Setting*, regarding the California Endangered Species Act and other laws governing biological resources (page 3.5-40 et seq.). Further, the DEIR discloses that “An incidental take permit would be needed for the Rosemary Project and/or the PG&E Project before any authorized take of a state-listed species could occur. A Section 1602 Lake and Streambed Alteration Agreement would be needed before for the PG&E Project lawfully could substantially divert or obstruct the natural flow of any river, stream, or lake, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake” (DEIR Table ES-1, page ES-6, and Table 2-3, page 2-37).
- E-2 This comment provides details that are consistent with information presented in the DEIR. The nesting bird-related provisions of Fish and Game Code Sections 3503, 3503.5, and 3513 are summarized in DEIR Section 3.5.1.3, *Regulatory Setting* (page 3.5-41).
- E-3 CEQA Guidelines Section 15380(d) says, “A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision(b).” The County is aware of and has considered this provision of the CEQA Guidelines.
- E-4 See Response E-1, which acknowledges CDFW’s role as a responsible agency for purposes of the CEQA process for this Project.
- E-5 The summary of the Project provided in this comment is consistent with details provided in DEIR Chapter 2, *Project Description* (page 2-1 et seq.). However, to clarify, the comment suggests that the proposed generation tie (gen-tie) line would be “approximately” 2 miles long, while DEIR Section 2.1 (page 2-1) provides greater specificity: “four potential gen-tie line routes range in length between 800 linear feet and approximately 2 linear miles.” Figure 2-1 (DEIR, page 2-3) shows the four gen-tie line routing options. Regarding Project location, see DEIR Section 2.2 (page 2-2) and Figure 2-1 (page 2-3). Regarding the 18-month construction schedule, see DEIR Section 2.5.6.3 (page 2-22).
- E-6 The comment correctly notes that the DEIR describes agricultural and natural habitats that could be affected by the Project. See DEIR Section 3.3.1.2 (page 3.3-1), which describes agriculture-related elements of the environmental setting, and DEIR Section 3.5.1.2 (page 3.5-1 et seq.), which describes the environmental setting more specifically for purposes of the analysis of biological resources. The environmental setting as it relates to special-status species begins on DEIR page 3.5-31.

The comment also correctly notes that descriptions and analysis documented in the DEIR rely on a variety of resources, including technical reports, California Natural Diversity Database (CNDDDB) records, aerial imagery, and CDFW reference materials. DEIR Appendix F includes Biological Resources Technical Reports in Appendices F1 and F3 for the Rosemary Project and PG&E Project, respectively; and Aquatic Resources Delineation Reports in Appendix F2 and F4, for the Rosemary Project and PG&E Project, respectively. As explained on DEIR page 3.5-31, Appendix F5 contains a table summarizing CNDDDB results regarding the special-status species with potential to occur on the Project site. CNDDDB occurrences within 5 miles of the Project site are shown on DEIR Figure 3.5-3 (page 3.5-32). DEIR Section 3.5.5, *References*, identifies underlying reference materials as including aerial imagery (page 3.5-67) and multiple sources attributed to CDFW (page 3.5-66).

Potential impacts on biological resources are evaluated in DEIR Section 3.5.3.3, *Direct and Indirect Effects of the Project* (page 3.5-47 et seq.), and Section 3.5.3.4, *Cumulative Effects* (page 3.5-62 et seq.). Specifically, regarding the Project's potential impacts on species identified as a candidate, sensitive, or special-status species by CDFW, see the analysis provided in connection with significance criterion a) in each of these sections. The County acknowledges this summary statement of concern regarding mitigation measures for the identified species and addresses each below.

- E-7 As noted in the comment, Fresno kangaroo rat (*Dipodomys nitratoides exilis*) has potential to occur within the PG&E Project site (along the proposed reconductoring route) in suitable grassland habitat, especially near the Fresno Slough.
- E-8 CDFW correctly notes that the PG&E San Joaquin Valley Operation & Maintenance Habitat Conservation Plan (San Joaquin Valley HCP)¹ does not include Fresno kangaroo rat as a covered species; thus, avoidance and minimization measure (AMM) 20 does not include this species. Although Fresno kangaroo rat is not a covered species, San Joaquin Valley HCP AMM 20 (DEIR, page 3.5-46) would protect this species, if present. AMM 20 provides for small mammal surveys for San Joaquin antelope squirrel or giant or Tipton kangaroo rat with avoidance and monitoring, or if necessary, trapping by a qualified biologist, in consultation with CDFW. These measures are similarly protective of the Fresno kangaroo rat, an endangered rodent of similar size that also uses burrow habitat, and would reduce impacts on Fresno kangaroo rat, if found, to a less-than-significant level.
- E-9 Blunt-nosed leopard lizard (BNLL) (*Gambelia sila*) was assessed for the DEIR and considered low potential (see Appendix F-2, *Special Status Wildlife Species Potential for Occurrence*, in DEIR Appendix F3, *PG&E Project Biological Resources Technical Report*) due to the relative lack and degraded state of scrub habitat along the PG&E reconductoring route. CDFW notes the presence of this species at Mendota and Kerman wildlife areas, which are found approximately 10 miles north; three records are presumed extant, but the species has not been identified at these sites since 1976–1981 as identified on the CNDDDB list provided in the DEIR. There are no

¹ PG&E (Pacific Gas & Electric Company). 2006. *Final PG&E San Joaquin Valley Operation & Maintenance Habitat Conservation Plan*. December 2006. Available: https://ecos.fws.gov/docs/plan_documents/thcp/thcp_838.pdf. Accessed October 23, 2025.

CNDDDB or iNaturalist records for this species north of West Kamm Avenue. On the basis of this evidence, and because CEQA does not authorize the imposition on mitigation obligations for impacts determined to be less than significant, the County has not revised the DEIR to include CDFW's recommended mitigation measure 1.

- E-10 As noted in Response E-9, the County has not revised the DEIR to include CDFW's recommended mitigation measure 1. The DEIR's conclusion that the Project would not have a significant impact on BNLL is further supported by the fact that BNLL, if present, would be protected by PG&E HCP AMM 17 (DEIR, page 3.5-45), which provides for a qualified biologist to conduct preconstruction surveys for covered reptiles and amphibians before excavation activities and provides an exclusion zone in the event of potentially occupied habitat.
- E-11 The County has not revised the DEIR to include CDFW's recommended mitigation measure 2 because, as explained in Response E-9, the Project would not cause a potential significant impact on BNLL. Further supporting a conclusion that the PG&E Project would not result in a potential significant impact, PG&E would adhere to CDFW's recommended buffer of 50 feet surrounding any BNLL occurrence during construction of the proposed reconductoring route. This buffer size corresponds to the one in AMM 24, which is included (like other AMMs relied upon in the DEIR for this Project) in the PG&E San Joaquin Valley HCP.
- E-12 The County has not revised the DEIR to include CDFW's recommended mitigation measure 3 because, as explained in Response E-9, the Project would not cause a potential significant impact on BNLL. CDFW notes the potential for incidental take permits for fully protected species such as BNLL is not a possibility in California. Accordingly, PG&E would adhere to the San Joaquin Valley HCP AMMs to avoid impacts, in consultation with CDFW.
- E-13 This comment correctly summarizes the known occurrences of Swainson's hawk (SWHA) (*Buteo swainsoni*) relative to the Project components.
- E-14 In response to CDFW's recommended mitigation measure 4, which requests clarification of the survey area for SWHA and a 0.5-mile avoidance buffer for SWHA, Mitigation Measure 3.5-7 (DEIR, page 3.5-54) has been modified as follows:

Mitigation Measure 3.5-7: Protection of Nesting Birds, Including Swainson's Hawk

Before any work is conducted from February 15 to September 15, a qualified biologist with expertise in birds shall conduct a preconstruction survey to determine whether any birds are nesting in or near the work area. The preconstruction survey shall be conducted no earlier than seven days before the start of work from February 15 through May, and no earlier than 15 days before the start of work from June through September 15. Swainson's hawk nest surveys shall include the Project site and a 0.5-mile buffer, following the survey methodology of the Swainson's Hawk Technical Advisory Committee (2000).² If active nests are found during the survey, the biologist shall determine an appropriately sized buffer around the nest in which no work would be allowed until the young have successfully fledged. The size of the nest buffer

² Swainson's Hawk Technical Advisory Committee. 2000. *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. May 31, 2000.

shall be determined by the qualified biologist, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance, in coordination with CDFW. Typical nest buffers range in size from 250 feet for passerine birds, 500 feet for common raptors, and 0.25-mile for Swainson's hawk. The nest buffer would remain in place until the breeding season has ended, or a qualified biologist has determined that the birds have fledged.

This clarification also has been made in DEIR Table ES-2, *Summary of Impacts and Mitigation Measures* (DEIR, page ES-15). See Final EIR Section 3.2.1, *Executive Summary*, and Final EIR Section 3.2.5, *Biological Resources*, respectively.

- E-15 Mitigation Measure 3.5-7 has been modified as requested in CDFW's recommended mitigation measure 5. See Response E-14; see also Final EIR Section 3.2.1, *Executive Summary*, and Final EIR Section 3.2.5, *Biological Resources*.
- E-16 The County acknowledges CDFW's recommendation that discussion occurs under specified circumstances regarding how take could be avoided, and has included this comment in the record where it may be considered by the Project proponent. See DEIR Table ES-1 in Section ES.4 (page ES.6) and Table 2-3 in Section 2.7 (page 2-37), each of which identifies incidental take authorization as potentially required. No change has been made to the DEIR in response to CDFW's recommended mitigation measure 6.
- E-17 The County has not revised the DEIR in response to CDFW's recommended mitigation measure 7, which suggests mitigation for loss of SWHA foraging habitat. The DEIR analyzes the impacts of SWHA habitat loss on DEIR page 3.5-54. The analysis concludes that impacts would be less than significant based on CDFW's determination that the Rosemary Project site is considered moderate quality habitat; because the permanent impacts that would occur to 127 acres on the Project site would constitute only 0.8 percent of the suitable foraging habitat within 10 miles of the Project site; and because foraging potential would be reduced but not eliminated on an additional 806 acres of moderate quality foraging habitat within the Rosemary Project site boundary due to the installation of solar panel arrays and retention basins. The conclusion that impacts would be less than significant is supported by specifics of the Project as proposed, including Rosemary Project Applicant-Proposed Measure (APM) 2.5.9.3 (DEIR, pages 2-24 and 2-25), technical information provided in DEIR Appendix F1, and by studies and other input cited in the DEIR.
- E-18 This comment provides details that are consistent with information presented in the DEIR. See, for example, DEIR Section 3.5.1.2 (page 3.5-35), which identifies Western burrowing owl (*Athene cunicularia hypugae*) as a state-listed species of special concern and a state candidate for listing as threatened species. Provisions of state law speak for themselves, including the provisions of Fish and Game Code Section 2074.2 regarding public hearings on petitions for listing, consideration of such petitions at meetings, and necessary findings; and the provisions of Fish and Game Code Section 2085, regarding the applicability of Fish and Game Code Article 3's take prohibition to candidate species.
- E-19 This comment provides details that are consistent with information presented in the DEIR, including in DEIR Appendix F. See, for example, DEIR Section 3.5.1.2, *Environmental Setting*

(page 3.5-35), Figure 3.5-3, *CNDDDB Occurrences within 5-Miles of the Project* (DEIR, page 3.5-32), and Figure 3.5-4, *Burrowing Owl Survey Results* (page 3.5-36). See also, the burrowing owl survey reports and results provided in DEIR Appendix F1, *Rosemary Project Biological Resources Technical Report*.

The specifics of PG&E's proposed AMM 18 are described beginning on DEIR page 3.5-45. AMM 18 would be implemented as part of the PG&E Project and is not a CEQA mitigation measure. In the context of Impact 3.5-3 (DEIR, page 3.5-52), the DEIR concludes that impacts of the PG&E Project (including AMM 18 and a host of other AMMs in combination with the PG&E worker environmental awareness program set forth in DEIR Section 2.6.7.5 [page 2-35 et seq.]) on special-status terrestrial wildlife species, including burrowing owl, would be less than significant with no mitigation required.

The County identified Mitigation Measure 3.5-5, Burrowing Owl Protection Measures, in the context of Impact 3.5-2 (DEIR, page 3.5-48 et seq.). This impact concluded that the Rosemary Project would have a potential significant adverse impact due to a substantial adverse direct or indirect impact on special-status terrestrial wildlife species, and that this impact could be reduced to a less-than-significant level with the implementation of the measure.

- E-20 CDFW's recommended mitigation measures 8 and 9 suggest modification of AMM 18 (DEIR, pages 3.5-45 and 3.5-46) and Mitigation Measure 3.5-5 (DEIR, pages 5.5-51 and 3.5-52) to adhere to the Staff Report on Burrowing Owl Mitigation.³ Mitigation Measure 3.5-5 does adhere to the *survey methodology* provided in the 2012 staff report; however, because the 2012 staff report's guidance on *buffer sizes* is based on a study of oil drilling installations in Alberta, Canada, where terrain conditions differ from the San Joaquin Valley, Mitigation Measure 3.5-5 does not adhere to the 2012 staff report's guidance on buffer sizes. Instead, the buffers provided in DEIR Mitigation Measure 3.5-5 and AMM 18 are consistent with earlier California Department of Fish and Game (CDFG) guidance,⁴ which notes that if "the level and duration of disturbance will be brief and tolerance of human activity by individual owls at the site is high, then buffer zones may be smaller in size." These conditions describe the Rosemary Project site, where the burrowing owls are residing along a concrete channel, adjacent to a substation and roadway. As shown below, a citation to CDFG 2008 has been added to the mitigation measure below, and the mitigation measure has been further modified to note that the qualified biologist may initiate consultation with CDFW in the event that owls appear to be disturbed. See also, Final EIR Chapter 3, *Revisions to the Draft EIR*, in Section 3.2.1, *Executive Summary*, and Section 3.2.5, *Biological Resources*.

Mitigation Measure 3.5-5: Burrowing Owl Protection Measures

A qualified biologist shall conduct a pre-construction survey for burrowing owls 14 to 30 days prior to construction in accordance with current CDFW protocol (CDFG 2012). The survey shall cover all accessible grassland areas within 500 feet of the area to be disturbed by

³ CDFG (California Department of Fish and Game). 2012. *Staff Report on Burrowing Owl Mitigation*. March 7, 2012. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>. Accessed October 21, 2025.

⁴ CDFG (California Department of Fish and Game). 2008. *Guidance for Burrowing Owl Conservation*. April 14, 2008. Page 10. Available: https://thebirdersreport.com/BUOW_Guidance_14_April_2008-CDFG.pdf. Accessed October 21, 2025.

construction, checking for adult and juvenile burrowing owls and signs of burrowing owl occupation (e.g., whitewash, pellets, bones, or feathers).

A qualified biologist shall provide a pre-construction worker education program to contractors and their employees that describes the life history and species protection measures that are in effect to avoid impacts on burrowing owls that could occur on-site during construction.

If inactive burrowing owl burrows are detected any time of the year, the burrows may be excavated with a shovel to prevent burrowing owls from re-using them during construction. The burrows' inactive status will be determined by the approved biologist through monitoring prior to burrow excavation. If active (occupied) burrowing owl burrows are detected, no ground-disturbing activities, such as vegetation clearance, grading, or other construction activities, will be permitted within a no-disturbance buffer around the burrow. In accordance with CDFG (2008) guidance, the size of any employed no-disturbance buffers will be 330 feet (100 meters) from the active burrow during the breeding season (February 1 to August 31) and 165 feet (50 meters) from the active burrow during the nonbreeding (winter) season (September 1 to January 31), unless otherwise authorized by a qualified biologist as described below.

Depending on the level of disturbance, a smaller buffer may be established by a qualified biologist based on the visibility and sensitivity responses of each individual burrowing owl and may include the placement of visual buffers.

If the qualified biologist determines that disturbance is occurring and there is a potential for take of burrowing owl that cannot be avoided, the Project owner shall consult with CDFW regarding the potential for take of burrowing owl and comply with any Incidental Take Permit issued by CDFW.

E-21 See Response E-16, which explains that Mitigation Measure 3.5-5 (DEIR, pages 3.5-51 and 3.5-52) would require the Project owner to consult with CDFW and comply with any Incidental Take Permit requirements if a qualified biologist determines that the potential for take cannot be avoided.

E-22 Consistent with this input, Mitigation Measure 3.5-6 (DEIR, page 3.5-53) already states that PG&E shall seek take coverage under the California Endangered Species Act for Crotch's bumblebee (*Bombus crotchii*) if a no-disturbance buffer cannot be maintained. Mitigation Measure 3.5-6 otherwise is modified in response to this comment as set forth below. See also, Final EIR Chapter 3, *Revisions to the Draft EIR*, in Section 3.2.1, *Executive Summary*, and Section 3.2.5, *Biological Resources*.

Mitigation Measure 3.5-6: Protection of Crotch's Bumblebee

No more than 30 days prior to construction, a qualified biologist with expertise in bees shall conduct a Crotch's bumble bee survey in suitable nesting, foraging, and overwintering habitat (grassland) areas that may be impacted by PG&E Project construction, and areas within 100 feet. The survey methodology shall follow the Survey Considerations for California

- Endangered Species Act Candidate Bumble Bee species (CDFW 2023).⁵ A minimum of three surveys shall be conducted over a three-day period within a temperature range of 15°C and 30°C between March 1 and October 31 following the guidance outlined in the California Bumble Bee Atlas. If an active nest is identified, a 45-foot no-disturbance buffer shall be established to reduce the risk of accidental take. If the no-disturbance buffer cannot be maintained, PG&E shall seek take coverage for this species under the California Endangered Species Act.
- E-23 The comment states that the PG&E Project's reconductoring route is within the known range of the Buena Vista Lake ornate shrew, a federally endangered and a California state species of special concern. However, the U.S. Fish and Wildlife Service maps the limit of this species' range as 8 to 10 miles southeast of the Rosemary Project site. The Center for Biological Diversity further defines this species as endemic to the southern Tulare basin, with only known extant populations located near Bakersfield: the Kern National Wildlife Refuge, the Kern Lake Preserve area, the Cole Levee Ecological Preserve, and the Kern Fan recharge area.⁶ Due to being out of range, this species was not included in the DEIR, and has very low potential to occur in the Fresno Slough or area north of West Kamm Avenue. In the unlikely event of this species' occurrence, it would be protected by preconstruction surveys under PG&E AMM 17 (DEIR, page 3.5-45) and AMM 20 (DEIR, page 3.5-46) for reptiles and other small mammals. If found, consultation with CDFW would ensue, as requested in the comment.
- E-24 This comment correctly notes that the Rosemary Project proposes to include a battery energy storage system (ESS), which is described primarily in DEIR Section 2.5.2 (page 2-13). DEIR Section 2.5 (page 2-7) explains that the ESS would occupy an approximately 15-acre area and consist of regularly spaced battery units and related electrical equipment pads. The proposed location of the ESS is shown in Figure 2-2, *Rosemary 1* (DEIR, page 2-8) and Figure 2-6, *Optional Project Site Plan* (DEIR, page 2-12).

The County and other regulatory agencies share CDFW's awareness of recent ESS fires and related hazards within the state. In the context of Impact 3.10-4 (DEIR, page 3.10-18 et seq.), for example, the County evaluates whether the Rosemary Project's proposed ESS would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The analysis considers the rarity, yet seriousness of ESS fires and summarizes information developed and conclusions reached by the California Energy Commission, U.S. Environmental Protection Agency, and local agencies (Monterey and San Diego counties) about the multiple major ESS safety incidents that have occurred within the last 5 years. The analysis also notes distinctions between the proposed ESS and systems that have been subject to prior incidents as well as the proposed Emergency Response Plan (DEIR, page 2-25 et seq.) and other specifics of the Rosemary Project that further reduce the potential for a significant adverse impact to result from

⁵ CDFW (California Department of Fish and Wildlife). 2023. *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*. June 6, 2023. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>. Accessed October 22, 2025.

⁶ Center for Biological Diversity. Undated. Natural History: Buena Vista Lake Ornate Shrew. Available: https://www.biologicaldiversity.org/species/mammals/Buena_Vista_Lake_ornate_shrew/natural_history.html. Accessed October 22, 2025.

construction, O&M, or decommissioning of the ESS. These specifics, in the context of the current regulatory environment,⁷ support a conclusion that the ESS as part of the Rosemary Project would have a less-than-significant impact related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The DEIR also analyzes potential fire-related impacts of ESSs in Section 3.20 (DEIR, page 3.20-1 et seq.). In the context of Impact 3.20-3 (page 3.10-13 et seq.), the County concluded that the Rosemary Project—specifically including the ESS—would cause a less-than-significant impact relating to the exacerbation of wildfire risks. Page 3.20-14 provides this supporting explanation:

“As discussed in Impact 3.10-4, ESSs are equipped with several advanced containment and safety features to help ensure reliability and safety, including robust thermal management solutions to prevent overheating and thermal runaway, fire safety systems (often including smoke, heat, or gas detection systems that automatically shut down the system and notify the fire department), and advanced battery management systems that continuously monitor the strength and performance of each cell, providing real-time diagnostics and ensuring cells operate within safe parameters. Enclosure units are built to be fire-resistant and are often designed to safely vent gases in the case of cell failure. The battery ESS component of the Rosemary Project would comply with U.S. Occupational Safety and Health Administration and California Fire Code requirements such as inclusion of heating, ventilation, air conditioning, fire protection systems, and spill response supplies. In addition, for the Rosemary Project, an emergency response plan would be completed and implemented in accordance with existing state regulations (Health and Safety Code Section 25504[b]; 19 Cal. Code Regs. Section 2731; 22 Cal. Code Regs. Section 66262.34[a][4]; Public Utilities Code Section 761.3). See Section 2.5.9.6 Emergency Action Plan, in Chapter 2, Project Description, for additional details. The contents of the emergency action plan would comply with existing state regulations, would be developed in consultation with the fire department and energy storage system supplier, and would include defined roles and responsibilities and training for local first responders. These features, coupled with independently enforceable safety protocols and regular maintenance, contribute to a decreased risk of ignition at the ESS and high safety standards for today’s ESSs.”

Consistent with CEQA and the recommendation in this comment, the DEIR analyzes potential impacts of the Rosemary Project, expressly including the proposed ESS, on a resource-by-resource basis throughout DEIR Chapter 3, *Environmental Analysis of Project Impacts* (page 3.1-1 et seq.). For example, impacts on air quality are evaluated in DEIR Section 3.4 (page 3.4-1 et seq.), impacts on biological resources are evaluated in Section 3.5 (page 3.5-1 et seq.), impacts on soils are evaluated in Section 3.8 (page 3.8-1 et seq.), and impacts on water quality are evaluated in Section 3.11 (page 3.11-1 et seq.). Because the comment does not include any more specific

⁷ See, DEIR Section 3.10.1.3, *Regulatory Setting* (page 3.10-et seq.), which describes laws, regulations, plans, and policies regulating potential hazards associated with ESS development in California, including Public Utilities Code Section 761.3, Health and Safety Code Section 25504(b), and regulations, including 19 California Code of Regulations Title 19, Section 2731 (19 CCR 2731) and 22 CCR 66262.34(a)(4). See also, DEIR Section 3.20.1.3 (page 3.20-5 et seq.), which summarizes Chapter 12 of the California Fire Code, which governs the installation, maintenance, repair, retrofitting, testing, commissioning, and decommissioning of energy systems, including ESSs; and Public Utilities Code Section 761.3(g), which requires each ESS facility in the state to have an emergency response and evacuation plan that covers the premises of the battery ESS facility.

concern about the DEIR's analysis of ESS impacts, the County does not have enough information to provide a more detailed response.

- E-25 The comment notes that construction work within Fresno Slough or other channels with defined bed and bank would require a CDFW Lake and Streambed Alteration Agreement under Fish and Game Code Section 1602, and further notes that Mitigation Measure 3.5-8 (DEIR, pages 3.5-57 and 3.5-58) provides that the need for a Restoration Plan would be determined during the Fish and Game Code Section 1602 notification process. The analysis of Impact 3.5-6, which is associated with Mitigation Measure 3.5-8, states: "If impacts to state or federal protected wetlands or other waters of the United States and state cannot be avoided, PG&E would be required to obtain any required environmental permits and comply with the conditions of each" (DEIR, page 3.5-57). This is underscored by the disclosure in the table of permits and approvals that are expected to be required for the Project that "Section 1602 Lake and Streambed Alteration Agreement would be needed before for the PG&E Project lawfully could substantially divert or obstruct the natural flow of any river, stream, or lake, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake." (DEIR Table ES-1, page ES-6 and Table 2-3, page 2-37). No change to the DEIR has been made in response to this comment.
- E-26 See Response E-14, which shows revisions made to Mitigation Measure 3.5-7 (DEIR, page 3.5-54) regarding the protection of nesting birds. The revisions shown there address this comment as well.
- E-27 The comment notes that a lack of records in CNDDDB does not indicate that a species is not present, as the database is populated by voluntary submissions of species detections. The County concurs. No change has been made to the DEIR in response to this comment.
- E-28 The County understands the obligation to report special-status species and natural communities detected during Project surveys to CNDDDB. Although this comment does not address the adequacy or accuracy of the DEIR, it has been included in the record where it is available for review and any appropriate action by the Project team.
- E-29 The County is aware of the fee payment obligation incurred upon the filing of a notice of determination and has included this comment in the record where it would be available to all for review. However, since the information provided does not bear on the adequacy or accuracy of the DEIR, no more detailed response to this comment is provided.
- E-30 The inclusion of Ren Cotter's contact details on the Project's mailing list has been confirmed. Thank you for CDFW's participation in the CEQA process for this Project.
- E-31 Multiple references suggested in this comment were relied upon in preparing the DEIR. Regarding the CDFG's 2012 reference regarding burrowing owl, see DEIR Section 3.5, *Biological Resources*, and, more specifically DEIR Section 3.5.5, *References*. Regarding CDFG's 1994 reference regarding SWHA and CDFW's 2023 reference relating to bumble bee species, see DEIR Appendix F1.

- E-32 Regarding the DEIR's analysis of potential impacts on SWHA nesting, see DEIR page 3.5-54, DEIR Appendix F, and Response E-14, which modifies Mitigation Measure 3.5-7 to cite the work of the Swainson's Hawk Technical Advisory Committee (2000).

As indicated in DEIR Appendix F1 and in Response E-9, BNLL is not expected to occur in the Rosemary Project site because no suitable habitat is present there and because no recent records have been reported within 10 miles. Therefore, a detailed investigation consistent with CDFW's 2019 survey methodology⁸ or in light of Tennant et al.'s 2018 investigation⁹ is not warranted.

For a project approved on the basis of an EIR, CEQA requires the lead agency to adopt a mitigation monitoring or reporting program (MMRP) at the time of final project approval. CEQA does not require inclusion of an MMRP in an EIR (Public Resources Code Section 21081.6; 14 Cal. Code Regs. Sections 15122–15131). Nonetheless, the County is providing a draft MMRP in **Appendix D, Draft Mitigation Monitoring and Reporting Program**.

CEQA Guidelines Section 15097(d) anticipates that lead agency and trustee or responsible agencies for a project will coordinate, but usually adopt, different monitoring or reporting programs. CEQA Guidelines Section 15097(d) states: "Lead and responsible agencies should coordinate their mitigation monitoring or reporting programs where possible. Generally, lead and responsible agencies for a given project will adopt separate and different monitoring or reporting programs. This occurs because of any of the following reasons: the agencies have adopted and are responsible for reporting on or monitoring different mitigation measures; the agencies are deciding on the project at different times; each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise."

When a lead agency adopts one or more mitigation measures requested by a responsible or trustee agency, the agency requesting the mitigation measure must submit a proposed monitoring or reporting program for the measure (Public Resources Code Section 21081.6[a][1]; 14 Cal. Code Regs. Section 15097[f]). This comment includes CDFW's proposed MMRP for its requested mitigation measures. As explained in Response E-20 (proposing modification of Mitigation Measure 3.5-5), Response E-22 (proposing modification of Mitigation Measure 3.5-6), and Response E-14 and Response E-15 (each proposing modification of Mitigation Measure 3.5-7), the County has made changes to mitigation measures proposed in the DEIR in response to CDFW's input. The revisions identified in those responses and in Final EIR Chapter 3, *Revisions to the Draft EIR*, are being carried forward into the draft MMRP provided in Final EIR Appendix D, *Draft Mitigation Monitoring and Reporting Program*. However, with respect to CDFW's other requests, the County has determined that the analysis in the DEIR adequately supports the issues raised, and so no change has been made to the DEIR in response to those other CDFW-recommended mitigation measures.

⁸ California Department of Fish and Wildlife, 2019. Approved Survey Methodology for the Blunt-nosed Leopard Lizard. Revised October 2019.

⁹ Tennant, E., D. Germano, J. Stewart, H. Butterfield, and M. Westphal. 2018. *Investigating Blunt-Nosed Leopard Lizard Population Size, Demographics, Space Use, and Future Population Trends on Department Ecological Reserves*. California Department of Fish and Wildlife, Sacramento, California, USA. November 30, 2018.



October 9, 2025

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

Project: Draft Environmental Impact Report for the Rosemary Solar and Energy Storage Complex

District CEQA Reference No: 20251011

Dear Mr. Shaw:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the County of Fresno (County) for the Rosemary Solar and Energy Storage System Complex. Per the DEIR, the project consists of three solar farms with up to 140 MW of photovoltaic generation and 140 MW/8-hour battery storage, supported by an on-site substation, Operations & Maintenance facilities, and a gen-tie line connecting to Pacific Gas and Electric Company (PG&E) Crescent Switching Station, on 1,172 acres (Project). The Project area is bounded by West Kamm Avenue to the north, South El Dorado Avenue to the west, West Conejo Avenue to the south, and South Yuba Avenue to the east, in Fresno County, CA.

F-1

The District offers the following comments at this time regarding the Project:

1) Construction Emissions

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

F-2

2) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors.

F-3

Samir Sheikh
Executive Director/Air Pollution Control Officer

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The Project is expected to result in HHD truck trips from construction activities, as such, the District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

↑
F-3
cont.

3) 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: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. 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.

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F-4
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3a) 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 will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will 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.

3b) District Rule 9510 - Indirect Source Review (ISR)

The Project is 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 space.

The purpose of District Rule 9510 is to reduce the growth in both NOx 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 NOx 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.

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. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application should be submitted for the entire Project.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

3c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolition-renovation/>



F-4
cont.



F-5

3d) 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:
<https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

F-6

3e) 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.

F-7

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at:
<https://ww2.valleyair.org/dustcontrol>

3f) 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, Emulsified Asphalt, Paving and Maintenance Operations) and Rule 8071 (Unpaved Vehicle/Equipment Traffic Areas).

F-8

*San Joaquin Valley Air Pollution Control District
District Reference No: 20251011
October 9, 2025*

Page 5 of 5

4) District Comment Letter

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

F-9

If you have any questions or require further information, please contact Michael Corder by e-mail at Michael.Corder@valleyair.org or by phone at (559) 230-5818.

F-10

Sincerely,

Mark Montelongo
Director of Policy and Government Affairs



Daniel Martinez
Program Manager

2.4.6 Letter F: San Joaquin Valley Air Pollution Control District

- F-1 This summary of Project details is consistent with information provided in DEIR Chapter 2, *Project Description*.
- F-2 The DEIR analyzes Project impacts from construction-related diesel exhaust emissions in DEIR Section 3.4.3.3 (page 3.4-19). See, for example, Impact 3.4-2, where the analysis concluded that the Project construction emissions would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard, and would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Because the Project would not result in a significant impact to air quality, mitigation to control construction-related diesel exhaust emissions is not warranted or recommended.
- F-3 The impact of diesel exhaust emissions on sensitive receptors from overall construction activities would be less than significant as disclosed in DEIR Impacts 3.4-3 and 3.4-4 (page 3.4-28 et seq.). To specifically address Project-related truck emissions on roadways in the area, a truck routing assessment has been conducted as summarized below.

Heavy-heavy duty (HHD) and medium-heavy duty (MHD) truck trips that would occur during construction of the Project would arrive from and depart to areas north and south of the Project sites (for both the Rosemary and PG&E projects) via West Kamm Avenue and State Route 145 (SR 145). West Kamm Avenue is a two-lane undivided local road that provides a connection from SR 145 in the community of Helm, to the Project location approximately 3 miles west of SR 145 (see DEIR Section 3.18.1.2, page 3.1-2). Based on the air emissions model output provided in DEIR Appendix E, daily one-way truck trips to/from the Project site would average between 40 and 132 trips per day for the Rosemary Project and up to 6 trips per day for the PG&E Project. Approximately 65 percent of the trips would be by HHD trucks and 35 percent would be by MHD trucks. The average truck miles traveled per trip would be 35 for the Rosemary Project and 18 for the PG&E Project. It is anticipated that the truck trips would be dispersed throughout the 10-hour workday.

Several residences are east of the Project area along West Kamm Avenue that would be exposed to emissions associated with Project-related truck trips. Assuming the trucks would travel approximately 30 miles per hour along West Kamm Avenue, each one-way trip would travel approximately 45 seconds within 1,000 feet of the residences, including approach and retreat. This would amount to between 0.5 hour and 1.75 hours of a truck traveling within 1,000 feet of the residences each workday over the 18-month construction period. The associated emissions would be comparable to a single piece of heavy construction equipment operating an average of up to 1.5 hours per workday at an average distance of 500 feet from the residences. The truck routing assessment summarized above indicates that the associated truck emissions would be dispersed over time and space to the extent that they would not have a substantial negative effect on the residences along West Kamm Avenue, and so the identification of alternative truck routes is not necessary.

- F-4 This summary of SJVAPCD rules and regulations is consistent with information provided in the DEIR, which summarizes SJVAPCD Rules and Regulations in Section 3.4.1.3 (page 3.4-10 et seq.). For example, Rule 2010 is summarized on DEIR page 3.4-10 and Rule 2201 is discussed on page 3.4-14. Rule 9510 is summarized on DEIR page 3.4-12. District Rule 2520 (Federally Mandated Operating Permits) does not apply to this Project because the Project would not be subject to a federally mandated operating permit, such as those required under the Title V permitting program.
- F-5 No existing buildings would be renovated, partially demolished or removed as part of the Project. Therefore, District Rule 4002 does not apply.
- F-6 To disclose that Rule 4601 would apply to any architectural coatings used under the Project, the following paragraph has been added after the second paragraph on DEIR page 3.4-12:

Rule 4601 (Architectural Coatings)

This rule aims to limit volatile organic compound emissions from architectural coatings. It specifies requirements for storage, cleanup, and labeling of these coatings. Recent amendments to this rule require that operators use coatings with lower volatile organic compound content and implement practices to reduce volatile organic compound escape to the atmosphere.

- F-7 The DEIR anticipates that the Project would be subject to compliance with SJVAPCD Regulation VIII. Regulation VIII's fugitive PM₁₀ (particulate matter less than or equal to 10 microns in diameter) prohibitions are summarized and assumed in DEIR Section 3.4.1.3 (page 3.4-10); further described in Section 3.4.3.2, *Methodology* (page 3.4-17); and factored into the analysis of Impact 3.4-1 regarding implementation of the applicable air quality plan (page 3.4-19 et seq.), Impact 3.4-2 regarding criteria pollutants (page 3.4-20 et seq.), and Impact 3.4-3 (page 3.4-29) regarding Valley fever. Each of these impacts concludes that the Project would result in a less-than-significant impact. This comment has been included in the record, where the Project proponent or others may review the information provided about construction notification forms, Dust Control Plans, and related applications.
- F-8 The information provided in this comment is consistent with disclosures made in the DEIR. See, for example, DEIR Section 3.4.1.3, which summarizes Rule 4102 on page 3.4-10 and Rule 4641 on page 3.4-12.

To disclose that Rule 8071 would apply to Project-related unpaved vehicle travel, the following paragraph has been added after the second paragraph on DEIR, page 3.4-12:

Rule 8071 (Unpaved Vehicle/Equipment Traffic Areas)

This rule aims to limit fugitive dust emissions from unpaved vehicle and equipment traffic areas. It applies to any unpaved vehicle/equipment traffic area and requires visual dust emissions to be limited to 20 percent opacity where 50 or more Average Annual Daily Trips will occur, among other requirements.

- F-9 The SJVAPCD's comment letter has been included in the Final EIR in its entirety and, as a result, is available to the Project proponent as well as decision-makers and others who may have an interest in the Project.
- F-10 The SJVAPCD's contact information on the Project's mailing list has been supplemented to include Michael Corder's contact details.



California Program Office

P.O. Box 401, Folsom, California ,325763

www.defenders.org

October 10, 2025

Jeremy Shaw
Fresno County
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, California 93721

Delivered via email to jshaw@fresnocountyca.gov

Re: Draft Environmental Impact Report for the Proposed Rosemary Solar and Energy Storage System Complex; SCH No. 2024110253

Dear Mr. Shaw,

Thank you for the opportunity to provide comments in response to the Draft Environmental Impact Report (DEIR) for the proposed Rosemary Solar and Energy Storage System Complex (Project). Defenders of Wildlife (Defenders) is dedicated to protecting all wild animals and plants in their natural communities and has nearly 2.1 million members and supporters in the United States, with more than 311,000 residing in California.

G-1

Defenders strongly supports renewable energy generation. A low-carbon energy future is critical for California's economy, communities and environment. As we transition toward a clean energy future, it is imperative that we consider the near-term impacts of renewable energy development on our biodiversity, fish and wildlife habitat and natural landscapes while addressing the long-term impacts of climate change. Therefore, renewable energy projects must be planned, sited, developed and operated to avoid, minimize and mitigate adverse impacts on wildlife and lands with known high-resource values.

The proposed Project is a solar photovoltaic facility that would generate up to 140 MW of renewable energy and includes up to 140 MW of battery storage. The proposed Project would be sited on approximately 1,172 acres, across four facilities on distinct sites in the unincorporated Fresno County portion of the San Joaquin Valley. It is located west of State Route 145, approximately 25 miles southwest of Fresno, 6 miles east of Cantua Creek and 5 miles south of San Joaquin. In addition to the proposed Project, the DEIR evaluates the impacts of reconductoring approximately five miles of the PG&E Helm to Crescent 70 kV electric transmission line to facilitate Project interconnection.

G-1

National Headquarters | 1130 17th Street NW | Washington, DC 20036 | 202-682-9400

Comments

We offer the following comments on the DEIR for the proposed Project.

Project Objectives

Defenders appreciates the inclusion of the objective to “[m]inimize environmental impacts by utilizing land that is disturbed or previously degraded; using existing electrical distribution and transmission facilities, rights-of-way, roads, and other existing infrastructure where practicable....”A “Smart from the Start” approach to renewable energy project siting and development emphasizes the selection of project sites that prioritize minimizing environmental impacts and land disturbance.¹ This minimizes potential Project impacts to special-status species and their habitat. Defenders appreciates the prioritization of minimizing environmental impacts and land disturbance, and we encourage the continued development of projects with objectives that prioritize least conflict siting.

G-1

Protocol Level Surveys

The biological surveys conducted for the proposed Project were limited in scope and did not include comprehensive protocol-level surveys for all sensitive species with potential to occur prior to the development of the DEIR. A desktop evaluation and background research to identify sensitive biological communities and/or special-status species with the potential to occur was performed and a biological reconnaissance survey was conducted to document baseline conditions and special-status species and/or their habitats on the site. Based on the results, burrowing owl (BUOW) and Crotch’s bumble bee protocol-level species-specific surveys were performed.

G-2

No protocol-level surveys were conducted for other sensitive species with the potential to occur, despite the DEIR acknowledging that several special-status wildlife species were determined to be present or have a moderate or high potential to occur in the Project site, including Swainson’s hawk (SWHA). The California Department of Fish and Wildlife (CDFW) specifically recommended that a qualified biologist conduct surveys for nesting SWHA consistent with the full methodology developed by the SWHA Technical Advisory Committee and botanical surveys that adhere to CDFW protocols² as part of the biological studies supporting the DEIR.³ Given that SWHA was identified in the DEIR as either present or having a medium to high potential to occur, protocol-level surveys must be conducted in accordance with CDFW’s recommendations provided during scoping.

G-3

¹ Defenders of Wildlife. 2012. *Smart From the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley*.

² California Department of Fish and Wildlife. 2018. *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities*.

³ California Department of Fish and Wildlife. 2024. *Rosemary Solar and Energy System Complex (Project) Unclassified Conditional Use Permit Application Nos. 3795, 3796, 3797, and 3798 & EIR No. 8575 Notice of Preparation (NOP) SCH No. 2024110253*.

Furthermore, the DEIR acknowledges that nonnative grassland and stream washes on the PG&E Project site provide potential habitat for within Fresno Slough, in particular, being the preferred dispersal habitat for San Joaquin kit fox (SJKF). The DEIR finds there is a moderate potential for SJKF to occurring in these areas of the Project site, yet no protocol-level SJKF-specific surveys were conducted.⁴

G-4

Findings cannot be made without such surveys as they are necessary to provide thorough and accurate results that support informed decision-making and enable identification of appropriate mitigation and avoidance measures for each species. To proceed without conducting species-specific protocol-level surveys is folly, as it is impossible to fully identify the risk of significant impact. Defenders requests SWHA and SJKF species-specific protocol-level surveys and botanical protocol-level surveys be performed that adhere to CDFW guidance.

G-5

If the surveys result in conclusions that differ from those premature conclusions made within the DEIR, then the avoidance, minimization and mitigation measures must be altered to ensure there is no significant impact to these biological resources.

Wildlife Friendly Fencing

Mitigation Measure (MM) 3.5-3 states that following construction, the Project shall utilize wildlife-friendly fence design to allow passage by SJKF and other small mammals, such as by including a 4-to-6-inch gap at ground level or by providing openings at intervals around the facility perimeter. Limiting fence openings to specific portals, rather than maintaining a consistent gap along the entire fence line, significantly restricts movement and limits the ability for continuous SJKF permeability. Therefore, we recommend that the entire perimeter fence be raised to no more than six inches above ground level to allow free passage of SJKF and other small mammals throughout the site. Additionally, fencing should not be electrified in order to prevent injury or mortality to wildlife.

G-6

BUOW Avoidance

MM 3.5-5 states that BUOW buffers will be established at 50 meters for active burrows during the nonbreeding season and 100 meters during the breeding season. The measure further specifies that, depending on the level of disturbance, a smaller buffer may be established by a qualified biologist. This approach does not conform to the CDFW's Staff Report on Burrowing Owl Mitigation, which recommends buffers of up to 500 meters

G-7

⁴ U.S. Fish and Wildlife Service. 2011. *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance*. Sacramento, California.

depending on the type and intensity of disturbance, and does not provide any buffers smaller than 50 meters.⁵ MM 3.5-5 must be revised to be consistent with CDFW guidelines.

Table 1: Burrowing Owl Avoidance Buffers

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting Sites	April 1 – Aug 15	200 meters	500 meters	500 meters
Nesting Sites	Aug 16 – Oct 15	200 meters	200 meters	500 meters
Nesting Sites	Oct 16 – Mar 31	50 meters	100 meters	500 meters

G-7
cont.

Nesting Bird Avoidance

MM 3.5-7 states that if active nests are found during survey work for nesting birds, a qualified biologist shall determine an appropriately sized buffer around the nest within which no work would be allowed until the young have fledged. While the measure provides examples of typical buffer ranges depending on species type, it does not establish a minimum buffer distance that must be adhered to. Defenders requests that specific minimum buffers be included to ensure adequate protection of nesting birds. In particular, we recommend incorporating CDFW's scoping comment guidance for SWHA, which calls for a minimum ½-mile no-disturbance buffer during the nesting season. For all other nesting bird species, buffer distances should be established in consultation with CDFW based on species sensitivity and site-specific conditions.

G-8

Compensatory Mitigation

The DEIR fails to include any discussion of compensatory mitigation, which is an omission given that protocol-level surveys were not conducted for most special-status species with the potential to occur onsite. In the absence of these surveys, species must be assumed to occur within the Project site, and compensatory mitigation must therefore be incorporated to address potential impacts. Deferring or omitting compensatory mitigation undermines the California Environmental Quality Act's requirement for a thorough evaluation of impacts and enforceable mitigation.

We recommend consultation with CDFW to determine the appropriate mitigation ratios for each individual species with the potential to occur, ensuring that adequate measures are in place to offset impacts. This includes potential compensatory mitigation for SJKF, SWHA and BUOW. Specifically, we recommend SWHA compensatory mitigation ratios be assigned and adhere to recommendations from CDFW's scoping comments, which states the following:

G-9

- 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.

⁵ California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

- 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.

↑
G-9
cont.

Conclusion

Thank you once again for the opportunity to provide comments on the DEIR for the proposed Rosemary Solar and Energy Storage System Complex and for considering our comments. Defenders looks forward to reviewing the Final EIR for the Project and requests to be notified when it is available. Please feel free to contact me with any questions.

Respectfully submitted,

Sophia Markowska

Sophia Markowska
Senior California Representative
SMarkowska@defenders.org

2.4.7 Letter G: Defenders of Wildlife

- G-1 The County acknowledges the stated support for renewable energy generation. The DEIR analyzes short-term and long-term impacts on each of the resources identified in CEQA Guidelines Appendix G's environmental checklist. For example, see Section 3.5, *Biological Resources* (page 3.5-et seq.) and, regarding agricultural land as a natural landscape, see Section 3.3, *Agriculture and Forestry Resources* (page 3.3-1 et seq.).
- G-2 This summary of Project details is consistent with information provided in DEIR Chapter 2, *Project Description*.
- G-3 DEIR Section 2.4 (page 2-6) identifies the Project proponent's objectives for the Project, including Objective 6, which is noted in this comment. Consistent with the commenter's preferred "smart from the start" approach, the Project site consists of land designated as having "very low" and "moderately low" conservation value as designated by the San Joaquin Valley Least Conflict Solar Project.

No change has been made to the DEIR in response to the commenter's request that SWHA protocol surveys be required prior to Project construction. No SWHA nests were observed within the Project site during surveys (including along the PG&E Project alignment), and no suitable nest trees are present on the Rosemary Project site. Mitigation Measure 3.5-7 (DEIR, page 3.5-54) would provide for nest surveys prior to construction in or near the work area, with suitable buffers maintained for any active nests found. This measure would protect any SWHA nests and reduce potential impacts to a less-than-significant level.

- G-4 No change has been made to the DEIR in response to the commenter's request that protocol-level surveys be conducted for San Joaquin kit fox (*Vulpes macrotis mutica*) along the PG&E route. The DEIR (page 3.5-52) notes that this species has moderate likelihood in Fresno Slough. The PG&E route would protect this species through implementation of HCP AMM 21, which would avoid potential San Joaquin kit fox dens where possible, or where not possible would require them to be excavated in accordance with federal guidance (DEIR, page 3.5-46, as cited in USFWS 1999). Implementation of this measure would reduce impacts to San Joaquin kit fox, if present, to a less-than-significant level.
- G-5 No change has been made to the DEIR in response to the commenter's suggestion that protocol-level surveys are required for San Joaquin kit fox and SWHA. CEQA does not require exhaustive survey effort, but only that enough information is available to make a determination of impact. In the case of wildlife species that are mobile, survey efforts conducted years before Project implementation would not provide clarity on the locations of these species at the time of construction. This means that the results of any protocol-level survey conducted now would not provide any greater information about the locations of these species in the future, at the time of construction, when impacts on the species could occur. Thus, the DEIR's evaluation of species potential relies on a description of baseline conditions that is based on substantial evidence as well as mitigation measures and AMMs that provide for surveys to occur prior to construction, and avoidance measures if either species is found. CEQA does not require more.

- G-6 The comment does not include facts, reasonable assumptions based on facts, or other substantial evidence supporting a different conclusion than the one reached in the DEIR. Nonetheless, the commenter's suggestion that the wildlife-friendly fencing design required in Mitigation Measure 3.5-3 provides for consistent access by San Joaquin kit fox and not be electrified has been included in the record, where it may be considered by decision-makers and others, potentially including as part of the design phase.
- G-7 See Response E-20, which explains why no change has been made to the DEIR in response to the commenter's request that burrowing owl buffer sizes conform to the recommendations of CDFG (2012) guidance.
- G-8 No change has been made to the DEIR in response to the commenter's request for a mandatory minimum buffer distance for bird nests, if found during preconstruction surveys. The appropriate buffer distance for a particular nest will vary based on the location, surroundings, and disturbance tolerance of the birds. Thus, it is not possible to provide a minimum buffer, though Mitigation Measure 3.5-7 (DEIR, page 3.5-54) does provide typical buffer sizes for different species. Separate from and in addition to the requirements of Mitigation Measure 3.5-7, CDFW and/or USFWS would be consulted pursuant to these agencies' authority under the state and federal Endangered Species Act, respectively, in the case of a listed or special-status bird nest.
- G-9 The comment correctly notes that the DEIR does not recommend compensatory mitigation to offset potential impacts due to loss of suitable habitat for special-status species that have potential to be present. Specifically, regarding the DEIR's conclusion that impacts of SWHA habitat loss would be less than significant, see Response E-17.

The DEIR concludes in the context of Impact 3.5-2 (page 3.5-48 et seq.) that the Project would have a less-than-significant impact with mitigation incorporated as a result of a substantial adverse direct or indirect impact on Western burrowing owl, which was determined to have moderate or higher potential to occur within the Rosemary Project site. Recommended mitigation includes Mitigation Measure 3.5-2, *Designated Biologist During Construction* (pages 3.5-49 and 3.5-50), Mitigation Measure 3.5-3, *Measures for the Avoidance and Protection of Biological Resources* (pages 3.5-50 and 3.5-51), and Mitigation Measure 3.5-5: *Burrowing Owl Protection Measures* (pages 3.5-51 and 3.5-52). These measures would require biological monitoring, speed limits and trash removal, and preconstruction surveys with avoidance of occupied burrows. Together with Rosemary Solar, LLC's voluntary implementation of APMs 2.5.9.3 and APM 2.5.9.5 (DEIR, page 2-24 et seq.), these mitigation measures would reduce potential significant impacts of the Rosemary Project on burrowing owl to a less-than-significant level. Compensatory mitigation generally is considered to be the last step in the CEQA mitigation hierarchy, meaning that it is triggered only after all possible efforts to avoid and minimize environmental impacts have been made. Because the DEIR identifies other measures to reduce the Project's impacts to a less-than-significant level, the County is correct not to have recommended compensatory mitigation in the DEIR for impacts on burrowing owl.

The analysis of Impact 3.5-2 (page 3.5-48 et seq.) also concludes that the Project would have a less-than-significant impact on San Joaquin kit fox. CEQA does not authorize a lead agency to

impose mitigation measures for impacts that have been determined to be less than significant. Accordingly, the County is correct not to have recommended compensatory mitigation in the DEIR for impacts on San Joaquin kit fox.



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 Page 1 of 2 E-mail: dlwz@pge.com

October 10, 2025

Fresno County Department of Public Works and Planning
 Development Services and Capital Projects Division
 Attn: Jeremy Shaw/EIR 8575
 2220 Tulare Street, Suite B
 Fresno, CA 93721
 Email: jshaw@FresnoCountyCA.gov

**RE: Draft Environmental Impact Report for Rosemary Solar and Energy Storage Complex State
 Clearinghouse No. 2024110253; Fresno County EIR 8575 – Response to Request for Comments**

Dear Mr. Shaw:

On behalf of Pacific Gas and Electric Company (PG&E), please find the following response to comments for the Rosemary Solar and Energy Storage Complex State (Project) EIR No. 8575, Draft Environmental Impact Report (DEIR).

The Rosemary Project will interconnect with PG&E's Crescent 70 kV Substation in Fresno County; PG&E's interconnection work includes the construction, operation, and maintenance of a new 70-kilovolt (kV) transmission line, up to approximately 2 miles of which will be located outside of PG&E's substation. Modifications of PG&E's existing Helm to Crescent 70 kV transmission line and Helm Substation located in Kern County will also be required. As such, PG&E respectfully requests the following revisions to the Rosemary Solar DEIR.

H-1

PG&E Comment I – Global Comment

PG&E requests that Applicant Prepared Measures pertaining to the PG&E construction activities be renamed to Construction Measures.

H-2

PG&E Comment II – 2.6.7 PG&E- Proposed Standard Practices and Measures

PG&E requests clarifications regarding what the PG&E- Proposed Standard Practices and Measures are that are referenced in Section 2.6.7. How do they differ from the measures referenced in Section 3.2.4.1? Are the PG&E Proposed Standard Practices and Measures in addition to the APMs referenced in Section 3.2.4.1?

H-3

PG&E Comment III - Section 3.6 Cultural Resources and Tribal Cultural Resources

PG&E Project Survey

PG&E requests that the EIR be revised to clarify which areas were not subject to survey. PG&E is not clear if it is only locations adjacent to the existing substations. Based on the map, this doesn't appear to be correct.

H-4

California Environmental Quality Act

Page 3.6-7

Revise text as follows: ...may be treated *as a unique archaeological resource* in ...

H-5

3.6.3.3 Direct and Indirect Effects of the Project

Revise text as follows: Project features would be installed within the boundaries of these resources, *and this is a reconductor of an existing line so no new visual elements will be introduced.*

H-6

Mitigation Measure 3.6-2: Inadvertent Discovery of Cultural Resources

PG&E requests the EIR identify which tribe is to be contacted in the case of an unanticipated discovery. Same comment throughout where ...consultation with Native American Representative... is referenced.

H-7

Rephrase paragraph two under this section to indicate that the Native American organization may participate in this evaluation at their discretion.

Impact 3.6-2

Revise text as follows: ... with applicable laws *and standard best practices* pertaining to the discovery of

H-8

Impact 3.6-6

Revise text as follows: ...the Project site may contain ~~a significant archaeological record~~ resources that have not been ...

H-9

PG&E Comment IV Section 3.8 Geology, Soils and Paleontological Resources

Revise text as follows: Suggest replacing 'sites' on page 3.8-6 with formations and facies of formations.

H-10

Impact 3.8-1

Revise text as follows: ... ESS, AC collector system, substation *facilities*, overhead/and ...

H-11

Mitigation Measure 3.8-2: Stop Work in the Event Fossils Are Encountered

PG&E request that the text specify this measure is the same paleontologist reference in the previous measure.

H-12

PG&E further requests the EIR specify the agencies that would be notified under this measure.

H-13

We would be happy to discuss these comments further if that would be helpful. Please do not hesitate to contact me at (916) 320-5459 if you have any questions or concerns.

Sincerely,



Danielle Wilson
Contract Senior Land Planner

Cc:
Wendy Nettles, PG&E Supervisor, Environmental Management

2.4.8 Letter H: Pacific Gas & Electric Company

- H-1 The information provided in this comment is consistent with that presented in DEIR Chapter 2, *Project Description*. See, for example, DEIR Section 2.6 (page 2-26 et seq.), *Description of the PG&E Project*.
- H-2 The County acknowledges the stated preference for referring to the Project owner-proposed measures for the PG&E Project as “Construction Measures.” The DEIR refers to measures proposed by PG&E in two ways. First, DEIR Section 2.6.7 (page 2-34 et seq.) refers to standard measures and other best practices as “Standard Practices.” These measures and practices were developed with PG&E input during development of the project description presented in DEIR Chapter 2 (page 2-1 et seq.) with the understanding that PG&E implements them in the ordinary course of work toward helping to ensure Project work crew and public safety and to minimize potential impacts on environmental resources. Second, DEIR 3.5.3.1 (page 3.5-44 et seq.) refers to measures included in the PG&E San Joaquin Valley HCP as Avoidance and Minimization Measures, or AMMs. Acknowledging that PG&E may refer in any way it chooses to the measures it has proposed to implement, the requested terminology change has not been made in the DEIR because the change would have no effect on the clarity of the measures’ requirements or the adequacy or accuracy of the DEIR as a whole.
- H-3 DEIR Section 2.6.7, *PG&E-Proposed Standard Practices and Measures* (page 2-34 et seq.) identifies a list of standard measures and other best practices developed with PG&E input during development of the project description presented in DEIR Chapter 2 (page 2-1 et seq.) with the understanding that PG&E implements these measures and practices in the ordinary course of work toward helping to ensure Project work crew and public safety and to minimize potential impacts on environmental resources. As stated in Section 2.6.7, at a minimum, the standard practices “would be implemented during construction of the PG&E Project.” A comparably intentioned, but different, set of commitments applies exclusively to the Rosemary Project—those are listed in the portion of Chapter 2, *Project Description*, that is specific to the proposed renewable energy project (see DEIR Section 2.5.9, *Rosemary Project Applicant-Proposed Measures*, page 2-24 et seq.).

DEIR Section 3.2.4.1, *Applicant-Proposed Measures and Standard Practices* (page 3.2-16) reminds reviewers, in the specific context of the aesthetics analysis, that the Rosemary Project proponent and the PG&E Project proponent have made the commitments specified in DEIR Section 2.5.9 and DEIR Section 2.6.7, respectively. The reason for the reminder is that the commitments made in those sections are part of the Rosemary Project and the PG&E Project, respectively, and are not mitigation measures for purposes of CEQA. In other words, both the Rosemary Project and the PG&E Project were designed in ways that incline toward avoiding or reducing potential environmental impacts and, as such, are “self-mitigating” to the extent of those commitments. For example, specifically regarding PG&E’s commitments, DEIR Section 3.2.4.1 (page 3.2-16) says that, of the commitments identified in Section 2.6.7, *PG&E-Proposed Standard Practices and Measures*, the actions described in DEIR Section 2.6.7.3 “could reduce potential PG&E Project impacts on aesthetics.” In short, DEIR Section 3.2.4.1 reiterates commitments made as part of the PG&E Project, it does not add to them. Similar reminder

summaries are provided for each of the other resource categories throughout DEIR Chapter 3, *Environmental Analysis of Project Impacts*. For example, regarding agriculture and forestry resources, see DEIR Section 3.3.3.1 (page 3.3-11) and regarding air quality, see DEIR Section 3.4.3.1 (pages 3.4-15 and 3.4-16).

H-4 As stated on DEIR Section 3.6.1.4 (page 3.6-11), ICF conducted an intensive pedestrian survey across the entirety of the PG&E Project site. Approximately 134 acres were intensively surveyed. Less than 2 acres were not surveyed due to private property and dense low-lying crops on either side of South Placer Avenue and inaccessibility to the PG&E Crescent Switching Station on West Kamm Avenue.

H-5 The requested text revision is not necessary because the following sentence defines a unique archaeological resource pursuant to Public Resources Code Section 21083.2.

H-6 In response to this comment, the following sentence in the first paragraph under the impact analysis for criterion a has been revised as shown below. In Final EIR Chapter 3, *Revisions to the Draft EIR*, see also Section 3.2.6, *Cultural Resources*.

“Project features would be installed within the boundaries of these resources, and this is a reconductor of an existing line so no new visual elements will be introduced.”

H-7 As noted in DEIR Section 3.6.1.4 under the heading *Native American Contact* (page 3.6-10), four Native American tribes from the Native American Heritage Commission’s list for this Project location were contacted. In the event of an inadvertent discovery, these same tribes would be informed. No change has been made to the DEIR in response to this comment.

H-8 No change to the DEIR has been made in the analysis of Impact 3.6.2 (DEIR, page 3.6-16) in response to this request. The last paragraph of the analysis, as drafted, already recognizes that Standard Practices would be implemented. It states: “For the PG&E Project, to avoid or substantially reduce potential significant adverse impacts on unknown, buried archaeological resources during construction, PG&E would comply with applicable laws pertaining to the discovery of cultural resources and human remains, and also would implement *Standard Practices*, as described in Section 2.6.7.5, *Worker Environmental Awareness Programs*...”

H-9 Based on PG&E’s comment, the sentence in the first paragraph of the impact analysis for Impact 3.6-6 (DEIR, page 3.6-20) has been revised as shown below. In Final EIR Chapter 3, *Revisions to the Draft EIR*, see also Section 3.2.6, *Cultural Resources*.

“Based on the professional experience of the EIR preparers, research, and the prehistoric context, the area within this 5-mile radius of the Project site may contain a significant archaeological ~~record~~ resources that ~~has~~ have not been well-documented or recorded.”

H-10 In response to this comment, the last sentence in the first paragraph under the heading Paleontological Resources has been revised as shown below. In Final EIR Chapter 3, *Revisions to the Draft EIR*, see also Section 3.2.11.

“Unlike archaeological sites, which are narrowly defined, paleontological formations and facies of formations ~~sites~~ are defined by the entire extent (both aerial and stratigraphic) of a unit or formation.”

- H-11 The analysis of Impact 3.8-1 (DEIR, page 3.8-15), as drafted, includes the suggestion made in this comment. It states: “Specifically regarding the Rosemary Project, an underground DC collector system, PV facility, battery ESS, AC collector system, substation facilities, overhead/and or underground gen-tie line, O&M office and warehouse, water retention basins, a parking area, and access roads would be installed during construction.” No change has been made in response to this comment.
- H-12 No change has been made in response to this comment. A project paleontologist who meets the criteria set forth in Mitigation Measure 3.8-1 (DEIR, page 3.8-21) may be the same or a different person as a project paleontologist who meets the criteria set forth in Mitigation Measure 3.8-2 (DEIR, page 3.8-21).
- H-13 Fresno County, as CEQA lead agency, would be notified for compliance with the measure. See Final EIR Appendix D, *Draft Mitigation Monitoring and Reporting Program*.



Westlands Water District

October 10, 2025

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 Draft Environmental Impact Report (EIR) No. 8575 for the Rosemary Solar and Energy Storage System Complex

Dear Mr. Shaw,

Westlands Water District (District) serves a dual role as both a water district and Groundwater Sustainability Agency (GSA) and is responsible for water management in the Rosemary Solar and Energy Storage System Complex Project (Project). The District owns twenty-five (25) of the “parcels that make up the Rosemary Project site.” (EIR, p. 3.3-6.) The EIR must be adequate for the District’s use in evaluating the Project as a responsible agency under the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21069.) The District reviewed draft EIR No. 8575, State Clearinghouse (SCH) No. 2024110253, the proposal to construct, operate, maintain, and decommission an approximately 140-megawatt alternating current (MWac) solar photovoltaic (PV) energy generation facility, 140 MWac energy storage system, and related facilities and infrastructure on approximately 1,172 acres in western Fresno County. The District offers the following comments.

I-1
I-2
I-3

Groundwater Availability and Use

The Project lies within the District boundary and some of the land (privately owned) may be eligible to receive an allocation of water from the District’s agricultural water service contract. The Project lands will not receive a groundwater allocation but can extract two (2.0) acre feet of groundwater per year for the operation of its solar power generation facilities for each 225-acre portion of District owned land acquired/developed by the Applicant. For a period of two (2) years, during construction of the solar project facilities, the Applicant may extract one hundred and thirty (130) acre-feet of groundwater per year for construction water purposes for each 225-acre portion of land acquired by the Applicant from the District. The ability to extract groundwater is subject to acquisition by the Applicant of either allocated groundwater or groundwater credits.

I-4

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Surface Water Availability and Use

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 land used for solar development operations. If the Applicant is eligible, the District's Article 19 Rules & Regulations provide that the District will make available up to five (5) acre-feet annually per 160 acres, for solar developments on land not participating in the "Continued Benefits to Modified Agricultural Land" provisions of the District's Article 2. 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 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.
- The District and the Division of Drinking Water (DDW) (formerly the California Department of Public Health) entered into a Compliance Agreement that restricts the District's ability to provide M&I service to nonresident facilities. The Applicant must request and receive an exemption from the Compliance Agreement's requirement that solar development be connected to a Public Water System or Domestic Well. The District expects that CDPH will grant the exemption on the condition that the Applicant posts signs at all outlets where human contact may occur, indicating that the water delivered by the District is non-potable. The Applicant can provide copies of receipts for bottled water purchased from a State licensed provider as a supplement for potable water.

I-5

Decommissioning

The Project is scheduled for decommissioning after a useful life of up to 40 years. The overall Project site will be graded and leveled, the disturbed areas will be returned to pre-development agricultural condition. If these and other criteria of the District's "Continued Benefits to Modified Agricultural Land" are met, any privately owned portions of Project land may maintain eligible cropland status and continue to receive an allocation of agricultural water.

I-6

Weed, Pest and Fire Risk Management

The District has owned most of the parcels the Project is proposed to be located on for over 20 years. During that time the District maintained the property to minimize the potential for weeds, pests and fires to be nuisances to neighboring properties. The

I-7

District expects the Project to also be managed to minimize potential for these nuisances. The District reviewed the Applicant's Pest Management Plan (Plan) identifying the following: (1) mechanical and manual weed control methods including hand weeding, mowing and removal of aboveground and belowground plant structure; (2) use of chemical treatments involving pre- and / or post-emergent herbicides; (3) biological treatments including the use of plants and animals that parasitize, ingest, or out-compete weed species; (4) preferred ecological pest control practices on-site rather than chemical rodenticide control practices through removal of weeds, heavy mulch, and dense vegetation, making the habitat for rodents less suitable; (5) natural predator-prey techniques to manage rodent population; (6) rodent trapping if the predator- prey technique fail; (7) implementation and enforcement of strict trash policies; and (8) rodenticides use if other management techniques fail.

I-7
cont.

The District cautions that use of biological means to control weeds should not introduce species that will harm crops on neighboring parcels. The District further recommends maintaining vegetation at a height of 4" (inches) or less rather than relying on natural predation to control pests. The District has found through its experience that vigilance and consistency in vegetation management are key to preventing insect and rodent infestations. The Plan's proposal to employ trapping "for 3-6 months" to be "evaluated for success before other management options are considered" will also unreasonably hinder effective pest management in the event of an infestation. The approach is inconsistent with the District's substantial experience in preventing infestations and must be deleted from the Plan. The full toolbox of weed abatement and pest management practices must be available from the outset to adequately respond to the broad range of site-specific conditions that are reasonably foreseeable. In addition to the aforementioned weed and pest mitigation measures, the District will require the Applicant to enter into a Maintenance Covenant Agreement (Covenant) to further mitigate the impact on neighboring lands.

I-8

I-9

It is critical the fire risk is mitigated by control or eradication of weeds or vegetation immediately surrounding the solar arrays and battery energy storage systems (BESS). The Applicant's Plan outlines the use of herbicides at the perimeter between the fence and the panels to mitigate weed or vegetation growth, aiding in the prevention of wildland fires. The District recommends a minimum 100-foot buffer zone between the external project boundaries and the nearest solar arrays and other project structures. The Project's solar facilities must include a 20-foot-wide perimeter and internal access driveways, which must be vegetation-free. The Project's BESS facilities must be surrounded by 10-foot-wide vegetation-free areas as required by the California Fire Code. To provide these buffers and fire breaks, the Applicant's Plan should require the use of non-selective soil sterilants or other herbicides that result in long-term inactivity or prevent vegetation in these areas to maintain defensible space. A section of the District's Covenant provides for additional fire mitigation measures that the Applicant will be required to implement.

I-10

District Facilities

Based on the Project Location Map provided, the project site is located near the District's Lateral 14. Prior to construction, please contact Underground Service Alert (811).

If Project features, including electrical collector lines and transmission facilities, may cross the District's distribution system laterals, the Project owner shall contact the District to obtain the requirements for crossing a District lateral easement(s). No Project facilities shall be located in a manner that restricts the District's ability to access and perform maintenance on the water distribution system.

The District previously provided comments for the proposed project on November 27, 2024, a copy of which is attached, and may supplement the foregoing as more detailed Project information becomes available.

Thank you for the opportunity to comment on this project. If you have any additional questions regarding the District's comments, please contact Brent Dragomanovich at 559-241-6245.

Sincerely,



Stephen Farmer
Chief Administrative Officer

I-11

I-12

Enclosure

1. *Westlands Water District Comment Letter Regarding NOP No. 8575, November 27, 2024*
2. *Regulations Regarding the Application for and Use of Municipal and Industrial Water Within Westlands Water District*

2.4.9 Letter I: Westlands Water District

- I-1 The information provided in this comment is consistent with information presented in the DEIR. See, for example, Section 2.5.5.1, *Water* (DEIR, page 2-17), which identifies Westlands Water District (WWD) as the District, and Section 3.11.1.3, *Regulatory Setting* (DEIR, page 3.11-7), which identifies the District specifically in its role as groundwater sustainability agencies the groundwater sustainability agency.
- I-2 The information provided in this comment is consistent with information presented in the DEIR. See, for example, Table 2-1, *Project Components and Parcels* (DEIR, page 2-4 and 2-5), which identifies WWD as the owner of numerous parcels within the Rosemary Project boundary. See also, DEIR Section 1.2, *Purpose of this Document and Its Use by Agencies* (page 1-2), which acknowledges that “Other agencies [besides the County] may also rely on information in this DEIR to inform their own permitting decisions and approvals for the Project” and goes on to define *Responsible Agency* as “public agency, other than the lead agency, that has responsibility for carrying out or approving a project.”
- I-3 The summary of project description details provided in this comment are consistent with information provided in DEIR Chapter 2, *Project Description* (page 2-1 et seq.).
- I-4 The information provided in this comment is consistent with information presented in the DEIR. See, for example, DEIR Section 2.5.5.1, *Water* (page 2-17), which states: “WWD has agreed to supply a fixed amount of water for the project’s use. Non-potable water would be supplied through WWD’s groundwater wells near the Rosemary Project site.” See also DEIR Appendix J, *Water Supply Assessment*, footnote 8 (“The District has agreed to provide 130 AFY for each 225 acres of land within the approximately 1,110 acre Project site during the construction phase”) and footnote 9 (“The District has agreed to provide 2 AFY for each 225 acres of land within the approximately 1,110 acre Project site during the O&M phase.”).
- I-5 The information provided in this comment is consistent with information presented in the DEIR. See, for example, DEIR Section 3.19.1.2, *Environmental Setting*, under the heading “water supply” (page 3.19-2), which makes this disclosure: “Water provided by WWD for renewable energy development in its service area is considered Municipal and Industrial (M&I) water.” Information about WWD’s Article 19 Rules & Regulations also is provided in DEIR Appendix A, *Scoping Report*.
- I-6 This comment does not address the adequacy or accuracy of the DEIR but has been included in the record where it may be considered by decision-makers and other members of the public.
- I-7 Measures proposed by the Applicant as part of the Rosemary Project include measures intended to minimize nuisance and other impacts on neighboring properties. See, DEIR Section 2.5.9.1 (page 2-24) and Section 2.5.9.3 (page 2-24). Further, as explained in Table K.2-1, *Rosemary Solar and Energy Storage System Complex Consistency with Fresno County Solar Facility Guidelines*, in DEIR Appendix K, the Project has been designed to manage weeds, pests and other nuisances in accordance with the requirements of the County’s Solar Facility Guidelines. For example, the Project proposes to maintain a minimum 50-foot buffer between the site and

neighboring agricultural operations and “would manage weeds and pests such that the Project does not harbor or serve as a source of pests for neighboring” properties. See also, DEIR Appendix B2, which contains the draft Pest Management Plan that was proposed as part of the Project. The summary of Pest Management Plan provisions provided in this comment is acknowledged; the draft plan speaks for itself.

- I-8 The County acknowledges receipt of WWD’s recommendations regarding vegetation management and its concerns about the effectiveness of the proposed timescale for related actions. This information has been included in the record where it may be considered by the County during its review of the draft Pest Management Plan contained in DEIR Appendix B2, as well as by other decision-makers and members of the public.

The draft Pest Management Plan has been prepared by ICF, an environmental consultancy with more than 50 years of experience with a focus on energy and the environment. The plan is based on facts, reasonable assumptions based upon facts, and expert opinion supported by facts and so provides substantial evidence to support conclusions reached in the DEIR about how its implementation would affect the Rosemary Project’s impact on the physical environment. In addition, the draft plan has been independently reviewed on the County’s behalf and found to be suitable for reliance in combination with other sources of data informing the analysis of potential environmental impacts of the Project. Acknowledging that there may be differences in preferred approach to pest management, the fact of such differences do not alone indicate an inadequacy or inaccuracy in the analysis or conclusions reached in the DEIR. No change has been made to the DEIR in response to this comment.

- I-9 The County acknowledges that WWD, in its capacity as either a landowner or a Responsible Agency, may require mitigation separate from and in addition to that identified in the County’s EIR for this Project. No change has been made to the DEIR in response to this comment.

- I-10 In the context of Impact 3.10-3 (DEIR, page 3.10-16 et seq.), the DEIR concludes that the Rosemary Project’s solar facilities would cause a less-than-significant impact because it would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The DEIR reaches the same conclusion regarding the Rosemary Project’s proposed ESS in the context of the analysis of Impact 3.10-4 (DEIR, page 3.10-18 et seq.). Rationale supporting these conclusions include measures proposed by the Applicant as part of the Project that are intended to minimize fire-related risks, compliance with applicable laws governing such risks, and training for local responders (see, e.g., DEIR Section 2.5.9.3, page 2-24 and Section 2.5.9.6, page 2-26); as well as safe-siting decisions, maintenance of buffer areas, and the inclusion of fire protection, containment, and safety systems that are built into the ESSs themselves. The analysis of Impact 3.10-4 explains, for example, that ESSs “typically include robust thermal management solutions to prevent overheating and thermal runaway”; are “designed with fire safety systems, often including smoke, heat, or gas detection systems that automatically shut down the system and notify the fire department”; and that the ESS enclosures “are built to be fire-resistant” (DEIR, page 3.10-19). Further, for the Rosemary Project, an emergency response plan would be completed and implemented in accordance with existing state laws and regulations set forth in the

Health and Safety Code, the Public Utilities Code, and their implementing regulations. Acknowledging that there may be differences in preferred approach to fire risk management, the fact of such differences do not alone indicate an inadequacy or inaccuracy in the analysis or conclusions reached in the DEIR. No change has been made to the DEIR in response to this comment.

- I-11 Information provided in this comment is consistent with information presented in the DEIR. See, for example, DEIR Section 2.5.6.1, *Civil Work* (page 2-19), which states: “Coordination with Underground Service Alert (USA North 811) would occur before any digging or ground-disturbing construction activities.” The County understands that future coordination between the Project owner and WWD may be needed and has included this comment in the record where it will be available for future reference.
- I-12 DEIR Section 3.19, *Utilities and Service Systems*, (page 3.19-1) expressly acknowledges receipt and consideration of WWD’s November 27, 2024, letter by stating, “During the scoping period, the County received comments from the Westlands Water District (WWD) generally relating to utilities and service systems, municipal and industrial water service regulations, and specifically the WWD water distribution system laterals present near the Project site.” A copy of WWD’s November 27, 2024, letter was provided in DEIR Appendix A, *Scoping Report*.

WWD’s contact information on the Project’s mailing list has been confirmed as including Brent Dragomanovich’s contact details.

CHAPTER 3

Revisions to the Draft EIR

3.1 Introduction

The following changes have been made to the previously published text of the draft environmental impact report (DEIR). Changes to the DEIR include minor corrections made to improve writing, clarity, grammar, and consistency; clarifications, additions, or deletions resulting from specific responses to comments; and changes to update information in the DEIR—the changes do not constitute “significant new information” requiring recirculation (see Public Resources Code Section 21092.1, CEQA Guidelines Section 15088.5). Text revisions are organized by the chapter and page number (provided on the left-hand side of the page, below) that appear in the DEIR. An explanation of the change, including identification of where it would be made, is provided. The specific additions and deletions use the following conventions:

- Text deleted from the DEIR is shown in ~~strike-out text~~.
- Text added to the DEIR is shown in underline text.

3.2 Text Changes to the Draft EIR

3.2.1 Executive Summary

Page ES-6 Table ES-1, *Permits and Approvals*, has been updated to include a new second line to follow the entry for the Fresno County, Department of Public Works and Planning:

TABLE ES-1. PERMITS AND APPROVALS

Permitting Agency	Potential Permit Requirements
<u>Central Valley Flood Protection Board</u>	<u>Board approval would be needed for any proposed work located within a Board-Adopted Plan of Flood Control, including:</u> • <u>Between or in the vicinity of any Federal Project Levees within a State Plan of Flood Control.</u> • <u>Within 100 feet of a non-leveed Regulated Stream listed in California Code of Regulations, Title 23, Waters, Division 1, Article 8, Table 8.1.</u> • <u>Within a Designated Floodway that has been adopted by the Board.</u> • <u>Within a Sacramento San Joaquin Drainage District (SSJDD) Easement.</u>

Page ES-14 In Table ES-2, *Summary of Impacts and Mitigation Measures*, the text of Mitigation Measure 3.5-5 has been modified as shown below:

Mitigation Measure 3.5-5: Burrowing Owl Protection Measures

A qualified biologist shall conduct a pre-construction survey for burrowing owls 14 to 30 days prior to construction in accordance with current CDFW protocol (CDFG 2012). The survey shall cover all accessible grassland areas within 500 feet of the area to be disturbed by construction, checking for adult and juvenile burrowing owls and signs of burrowing owl occupation (e.g., whitewash, pellets, bones, or feathers).

A qualified biologist shall provide a pre-construction worker education program to contractors and their employees that describes the life history and species protection measures that are in effect to avoid impacts on burrowing owls that could occur on-site during construction.

If inactive burrowing owl burrows are detected any time of the year, the burrows may be excavated with a shovel to prevent burrowing owls from re-using them during construction. The burrows' inactive status will be determined by the approved biologist through monitoring prior to burrow excavation. If active (occupied) burrowing owl burrows are detected, no ground-disturbing activities, such as vegetation clearance, grading, or other construction activities, will be permitted within a no-disturbance buffer around the burrow. In accordance with CDFG (2008) guidance, ~~t~~The size of any employed no-disturbance buffers will be 330 feet (100 meters) from the active burrow during the breeding season (February 1 to August 31) and 165 feet (50 meters) from the active burrow during the nonbreeding (winter) season (September 1 to January 31), unless otherwise authorized by a qualified biologist as described below.

Depending on the level of disturbance, a smaller buffer may be established by a qualified biologist based on the visibility and sensitivity responses of each individual burrowing owl and may include the placement of visual buffers.

If the qualified biologist determines that disturbance is occurring and there is a potential for take of burrowing owl that cannot be avoided, the Project owner shall consult with CDFW regarding the potential for take of burrowing owl and comply with any Incidental Take Permit issued by CDFW.

Page ES-15 In Table ES-2, *Summary of Impacts and Mitigation Measures*, the text of Mitigation Measure 3.5-6 has been clarified as shown below:

Page 3.5-53 Mitigation Measure 3.5-6 has been modified as shown below:

Mitigation Measure 3.5-6: Protection of Crotch's Bumblebee

No more than 30 days prior to construction, a qualified biologist with expertise in bees shall conduct a Crotch's bumble bee survey in suitable nesting, foraging, and overwintering habitat (grassland) areas that may be impacted by PG&E Project

construction, and areas within 100 feet. The survey methodology shall follow the Survey Considerations for California Endangered Species Act Candidate Bumble Bee species (CDFW 2023).¹ A minimum of three surveys shall be conducted over a three-day period within a temperature range of 15°C and 30°C between March 1 and October 31 following the guidance outlined in the California Bumble Bee Atlas. If an active nest is identified, a 45-foot no-disturbance buffer shall be established to reduce the risk of accidental take. If the no-disturbance buffer cannot be maintained, PG&E shall seek take coverage for this species under the California Endangered Species Act.

Page 3.5-53 Mitigation Measure 3.5-7 has been clarified as shown below:

Mitigation Measure 3.5-7: Protection of Nesting Birds, Including Swainson's Hawk

Before any work is conducted from February 15 to September 15, a qualified biologist with expertise in birds shall conduct a preconstruction survey to determine whether any birds are nesting in or near the work area. The preconstruction survey shall be conducted no earlier than seven days before the start of work from February 15 through May, and no earlier than 15 days before the start of work from June through September 15. Swainson's hawk nest surveys shall include the Project site and a 0.5-mile buffer, following the survey methodology of the Swainson's Hawk Technical Advisory Committee (2000).² If active nests are found during the survey, the biologist shall determine an appropriately sized buffer around the nest in which no work would be allowed ~~until the young have successfully fledged~~. The size of the nest buffer shall be determined by the qualified biologist, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance, in coordination with CDFW. Typical nest buffers range in size from 250 feet for passerine birds, 500 feet for common raptors, and 0.25-mile for Swainson's hawk. The nest buffer would remain in place until the breeding season has ended, a qualified biologist has determined that the birds have fledged, or a qualified biologist has determined that the activity would not affect the nest.

Page ES-22 In Table ES-2, *Summary of Impacts and Mitigation Measures*, the text of the first impact statement under Hydrology and Water Quality has been renumbered, clarified as shown below:

Impact ~~3.2-4~~ 3.11-1: The Rosemary Project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (*Less-than-Significant Impact*)

¹ CDFW (California Department of Fish and Wildlife). 2023. *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*. June 6, 2023. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>. Accessed October 22, 2025.

² Swainson's Hawk Technical Advisory Committee. 2000. *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. May 31, 2000.

3.2.2 Chapter 1, Introduction

No changes have been made to DEIR Chapter 1, *Introduction*.

3.2.3 Chapter 2, Project Description

Page 2-4 Table 2-1, *Project Components and Parcels*, has been updated to include three additional parcels, as described and analyzed in Final EIR Appendix A, Supplemental Analysis. Table 2-1 is revised as shown below.

**TABLE 2-1
PROJECT COMPONENTS AND PARCELS**

Project Component	Details	Assessor's Parcel Numbers
Rosemary Solar Project		
Rosemary 1 ^a	70 MW PV solar power generation facility. 70 MW ESS.	040-160-21S, 040-150-12, 040-150-08, 040-150-06, 040-150-18, 040-150-07, 040-150-14S, 040-150-16, 040-150-13, 040-160-10S, 040-150-11, 040-150-15, 040-160-16S, 040-150-28S, 040-160-20S, 040-150-29S, 040-160-07S, 040-160-05S, 040-160-03S, 040-160-11S, 040-160-13S, 040-160-14, 040-160-17S, 040-160-18S, 040-160-06S, 040-150-20S, 040-150-22, and 040-150-24, all owned by WWD. 040-150-10, 040-150-17, <u>040-150-30</u> , <u>040-150-31</u> , and 040-160-04S owned by a private landowner. 040-150-32 and 040-070-24 (access), owned by the U.S. Bureau of Reclamation.
Rosemary 2	35 MW PV solar power generation facility. 35 MW ESS.	040-070-26S, 040-150-28S, 040-150-20S, 040-150-29S, and 040-150-22, all owned by WWD. 040-150-32 and 040-070-24 (access), owned by the U.S. Bureau of Reclamation.
Rosemary 3	35 MW PV solar power generation facility. 35 MW ESS.	040-070-25S, 040-070-26S, 040-150-28S, 040-150-29S, 040-150-20S, 040-150-22, and 040-150-06, all owned by WWD. 040-070-24 (access), owned by the U.S. Bureau of Reclamation.
Rosemary Shared Facilities	Operation and maintenance buildings, parking area, and on-site substation area.	040-150-24, 040-150-06, and 040-150-22, all owned by WWD. 040-150-32 (access) and 040-080-25, owned by the U.S. Bureau of Reclamation. 040-080-45SU, owned by PG&E.
	Gen-tie line, consisting of any of four separate potential routes ranging in length between 800 linear feet and approximately 2 linear miles.	The gen-tie from the Project substation to the PG&E point of interconnection would also cross one or more of the following parcels, depending on the gen-tie alignment selected: 040-150-32 and 040-080-25 (owned by the U.S. Bureau of Reclamation), 040-080-45SU (owned by PG&E), and 040-070-30S, <u>040-080-46S</u> , and 040-080-33S (owned by a private landowner).

Project Component	Details	Assessor's Parcel Numbers
PG&E Project		
Helm–Crescent 70 kV Reconductoring	Replacing or improving poles; pulling and tensioning new conductor; and using an equipment storage and laydown area within an approximately 5-linear-mile, 50-foot-wide corridor. Approximately 2-acre temporary laydown area.	030-100-16, 030-100-22, 040-030-15S, 040-030-17S, 040-030-18S, 040-030-30S, 040-070-40S, all owned by private landowners. ^b
Crescent Switching Station	Minor improvements (replacement or addition of new equipment, such as terminal equipment, circuit breakers, and poles) within existing switching station boundary.	040-080-45SU, owned by PG&E.
Helm Substation	Minor improvements (replacement or addition of new equipment, such as terminal equipment, circuit breakers, and poles) within existing substation boundary.	033-020-32SU.
PG&E Crescent Switching Station-Schindler 70 kV power line	Existing line runs perpendicular to the proposed Rosemary Project gen-tie line. Would be raised by approximately 10-15 feet for compliance with clearance requirements.	040-150-024, owned by WWD; 040-150-32, owned by the U.S. Bureau of Reclamation

NOTES: ESS = battery energy storage system; gen-tie = generation-tie; kV = kilovolt; MW = megawatt; PG&E = Pacific Gas and Electric Company; Project = the Rosemary Project and the PG&E Project, considered together; PV = photovoltaic; WWD = Westlands Water District

a. As part of the Project, the parcels within Rosemary 1 would be merged into a single parcel.

b. PG&E has an existing right-of-way for the existing electrical line across these privately owned parcels.

SOURCES: ICF 2024:Tables 1 and 2; Rosemary Solar, LLC 2024b

Page 2-37

Table 2-3, *Permits and Approvals*, has been updated to include a new second line, to follow the entry for the Fresno County, Department of Public Works and Planning:

TABLE 2-3. PERMITS AND APPROVALS

Permitting Agency	Potential Permit Requirements
<u>Central Valley Flood Protection Board</u>	<u>Board approval would be needed for any proposed work located within a Board-Adopted Plan of Flood Control, including:</u> <u>Between or in the vicinity of any Federal Project Levees within a State Plan of Flood Control.</u> <u>Within 100 feet of a non-leveed Regulated Stream listed in California Code of Regulations, Title 23, Waters, Division 1, Article 8, Table 8.1.</u> <u>Within a Designated Floodway that has been adopted by the Board.</u> <u>Within a Sacramento San Joaquin Drainage District (SSJDD) Easement.</u>

3.2.4 Section 3.1, Environmental Analysis of Project Impacts

No changes have been made to DEIR Section 3.1, *Environmental Analysis of Project Impacts*.

3.2.5 Section 3.2, Aesthetics

No changes have been made to DEIR Section 3.2, *Aesthetics*.

3.2.6 Section 3.3, Agriculture and Forestry Resources

No changes have been made to DEIR Section 3.3, *Agriculture and Forestry Resources*.

3.2.7 Section 3.4, Air Quality

Page 3.4-12 The following text has been added after the second paragraph on this page:

Rule 4601 (Architectural Coatings)

This rule aims to limit volatile organic compound emissions from architectural coatings. It specifies requirements for storage, cleanup, and labeling of these coatings. Recent amendments to this rule require that operators use coatings with lower volatile organic compound content and implement practices to reduce volatile organic compound escape to the atmosphere.

Rule 8071 (Unpaved Vehicle/Equipment Traffic Areas)

This rule aims to limit fugitive dust emissions from unpaved vehicle and equipment traffic areas. It applies to any unpaved vehicle/equipment traffic area and requires visual dust emissions to be limited to 20 percent opacity where 50 or more Average Annual Daily Trips will occur, among other requirements.

3.2.8 Section 3.5, Biological Resources

Page 3.5-51, 3.5-52 Mitigation Measure 3.5-5 has been modified as shown below:

Mitigation Measure 3.5-5: Burrowing Owl Protection Measures

A qualified biologist shall conduct a pre-construction survey for burrowing owls 14 to 30 days prior to construction in accordance with current CDFW protocol (CDFG 2012). The survey shall cover all accessible grassland areas within 500 feet of the area to be disturbed by construction, checking for adult and juvenile burrowing owls and signs of burrowing owl occupation (e.g., whitewash, pellets, bones, or feathers).

A qualified biologist shall provide a pre-construction worker education program to contractors and their employees that describes the life history and species protection measures that are in effect to avoid impacts on burrowing owls that could occur on-site during construction.

If inactive burrowing owl burrows are detected any time of the year, the burrows may be excavated with a shovel to prevent burrowing owls from re-using them during construction. The burrows' inactive status will be determined by the approved biologist through monitoring prior to burrow excavation. If active (occupied) burrowing owl burrows are detected, no ground-disturbing activities, such as vegetation clearance, grading, or other construction activities, will be permitted within a no-disturbance buffer around the burrow. In accordance with CDFG (2008) guidance, ~~t~~The size of any employed no-disturbance buffers will be 330 feet (100 meters) from the active burrow during the breeding season (February 1 to August 31) and 165 feet (50 meters) from the active burrow during the nonbreeding (winter) season (September 1 to January 31), unless otherwise authorized by a qualified biologist as described below.

Depending on the level of disturbance, a smaller buffer may be established by a qualified biologist based on the visibility and sensitivity responses of each individual burrowing owl and may include the placement of visual buffers.

If the qualified biologist determines that disturbance is occurring and there is a potential for take of burrowing owl that cannot be avoided, the Project owner shall consult with CDFW regarding the potential for take of burrowing owl and comply with any Incidental Take Permit issued by CDFW.

Page 3.5-53 Mitigation Measure 3.5-6 has been modified as shown below:

Mitigation Measure 3.5-6: Protection of Crotch's Bumblebee

No more than 30 days prior to construction, a qualified biologist with expertise in bees shall conduct a Crotch's bumble bee survey in suitable nesting, foraging, and overwintering habitat (grassland) areas that may be impacted by PG&E Project construction, and areas within 100 feet. The survey methodology shall follow the Survey Considerations for California Endangered Species Act Candidate Bumble Bee species (CDFW 2023).³ A minimum of three surveys shall be conducted over a three-day period within a temperature range of 15°C and 30°C between March 1 and October 31 following the guidance outlined in the California Bumble Bee Atlas. If an active nest is identified, a 45-foot no-disturbance buffer shall be established to reduce the risk of accidental take. If the no-disturbance buffer cannot be maintained, PG&E shall seek take coverage for this species under the California Endangered Species Act.

Page 3.5-54 Mitigation Measure 3.5-7 has been modified as shown below:

Mitigation Measure 3.5-7: Protection of Nesting Birds, Including Swainson's Hawk

Before any work is conducted from February 15 to September 15, a qualified biologist with expertise in birds shall conduct a preconstruction survey to determine whether any

³ CDFW (California Department of Fish and Wildlife). 2023. *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*. June 6, 2023. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>. Accessed October 22, 2025.

birds are nesting in or near the work area. The preconstruction survey shall be conducted no earlier than seven days before the start of work from February 15 through May, and no earlier than 15 days before the start of work from June through September 15.

Swainson's hawk nest surveys shall include the Project site and a 0.5-mile buffer, following the survey methodology of the Swainson's Hawk Technical Advisory Committee (2000).⁴ If active nests are found during the survey, the biologist shall determine an appropriately sized buffer around the nest in which no work would be allowed ~~until the young have successfully fledged~~. The size of the nest buffer shall be determined by the qualified biologist, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance, in coordination with CDFW. Typical nest buffers range in size from 250 feet for passerine birds, 500 feet for common raptors, and 0.25-mile for Swainson's hawk. The nest buffer would remain in place until the breeding season has ended, a qualified biologist has determined that the birds have fledged, or a qualified biologist has determined that the activity would not affect the nest.

3.2.9 Section 3.6, Cultural Resources and Tribal Cultural Resources

Page 3.6-14 In the first paragraph at the top of the page, within the analysis of criterion a), the following sentence has been revised as shown below.

Project features would be installed within the boundaries of these resources, and this is a reconductor of an existing line so no new visual elements will be introduced.

Page 3.6-20 In the analysis of Impact 3.6-6, a sentence in the first paragraph has been revised as shown below.

Based on the professional experience of the EIR preparers, research, and the prehistoric context, the area within this 5-mile radius of the Project site may contain a significant archaeological ~~record~~ resources that ~~has~~ have not been well-documented or recorded.

3.2.10 Section 3.7, Energy

No changes have been made to DEIR Section 3.7, *Energy*.

⁴ Swainson's Hawk Technical Advisory Committee. 2000. *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. May 31, 2000.

3.2.11 Section 3.8, Geology, Soils, and Paleontological Resources

Page 3.8-6 The last sentence in the first paragraph under the heading Paleontological Resources has been revised as shown below.

Unlike archaeological sites, which are narrowly defined, paleontological formations and facies of formations ~~sites~~ are defined by the entire extent (both aerial and stratigraphic) of a unit or formation.

3.2.12 Section 3.9, Greenhouse Gas Emissions

No changes have been made to DEIR Section 3.9, *Greenhouse Gas Emissions*.

3.2.13 Section 3.10, Hazards and Hazardous Materials

No changes have been made to DEIR Section 3.10, *Hazards and Hazardous Materials*.

3.2.14 Section 3.11, Hydrology and Water Quality

Page 3.11-12 The impact statement under criterion a has been revised with a new number, as shown below.

Impact ~~3.2-4~~ 3.11-1: The Rosemary Project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (*Less-than-Significant Impact*)

3.2.15 Section 3.12, Land Use and Planning

No changes have been made to DEIR Section 3.12, *Land Use and Planning*.

3.2.16 Section 3.13, Mineral Resources

No changes have been made to DEIR Section 3.13, *Mineral Resources*.

3.2.17 Section 3.14, Noise and Acoustics

No changes have been made to DEIR Section 3.14, *Noise and Acoustics*.

3.2.18 Section 3.15, Population and Housing

No changes have been made to DEIR Section 3.15, *Population and Housing*.

3.2.19 Section 3.16, Public Services

No changes have been made to DEIR Section 3.16, *Public Services*.

3.2.20 Section 3.17, Recreation

No changes have been made to DEIR Section 3.17, *Recreation*.

3.2.21 Section 3.18, Transportation

No changes have been made to DEIR Section 3.18, *Transportation*.

3.2.22 Section 3.19, Utilities and Service Systems

No changes have been made to DEIR Section 3.19, *Utilities and Service Systems*.

3.2.23 Section 3.20, Wildfire

No changes have been made to DEIR Section 3.20, *Wildfire*.

3.2.24 Chapter 4, Alternatives

No changes have been made to DEIR Chapter 4, *Alternatives*.

3.2.25 Chapter 5, Other CEQA Considerations

No changes have been made to DEIR Chapter 5, *Other CEQA Considerations*.

3.2.26 Chapter 6, Report Preparation

No changes have been made to DEIR Chapter 6, *Report Preparation*.

3.2.27 Appendices

No changes have been made to DEIR Appendices.

Appendix A
**Analysis of Proposed Changes
to the Rosemary Project**



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memorandum

date January 15, 2026
to Jeremy Shaw, Planner
cc Tawanda Mtunga, Senior Planner
from Savannah Battista, ESA
subject Inclusion and Analysis of Additional Acreage in the Environmental Impact Report for the Rosemary Solar Project (County EIR No. 8575)

Environmental Science Associates (ESA) is providing environmental consulting support pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations (CEQA Guidelines) to the Fresno County (County) Department of Public Works and Planning as part of the County's consideration of the Rosemary Solar and Storage System Complex Project, including the Rosemary Project and the PG&E Project, as defined, described, and analyzed in the County's Environmental Impact Report (EIR) No. 8575. The County published a Draft EIR on August 21, 2025. Rosemary Solar, LLC (Applicant) later proposed two changes to the Rosemary Project: (1) To include a fifth potential generation-tie (gen-tie) line route from the Rosemary Project site to the existing Pacific Gas and Electric Company (PG&E) 70-kilovolt Crescent Switching Station ("Option 5"), and (2) to include three additional parcels within the Rosemary Project site that were not identified as part of the Project in the draft EIR. No changes to the PG&E Project are proposed. Because no changes to the PG&E Project are proposed, the impact analysis provided in this memorandum focuses only on the Rosemary Project.

A. Question Presented

The County asked ESA to analyze the proposed changes to determine whether the Draft EIR adequately analyzes the impacts that would result if the changes were approved, or whether the changes trigger a requirement to recirculate the Draft EIR pursuant to Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5. This memorandum documents the requested analysis.

B. Brief Answer

For the reasons explained below, recirculation is not necessary because the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact than was identified in the Draft EIR, and no new or revised mitigation measures would be needed to address potential impacts of the proposed changes. Further, the changes would not require a change in the Draft EIR that would deprive the public of a meaningful opportunity to comment on the environmental analysis or a feasible way to mitigate or avoid a potential significant adverse environmental effect. Because the

Draft EIR adequately analyzes the impacts that would result if the changes were approved, CEQA does not require recirculation prior to certification.

C. Factual Context

The Applicant applied to the County Department of Public Works and Planning for four unclassified conditional use permits (CUP Nos. 3795, 3796, 3797, and 3798) to construct, operate, maintain, and decommission a photovoltaic solar electricity generating facility and battery energy storage system (the “Rosemary Project”) in an unincorporated area of Fresno County. The Applicant proposes four facilities, each on a distinct site: Rosemary 1, Rosemary 2, and Rosemary 3 would collectively generate up to approximately 140 megawatts alternating current (MWac) and would have the capacity to store 140 MWac of energy for up to 8 hours. The fourth site would host shared facilities. To support the Rosemary Project, PG&E could reconductor approximately 5 linear miles of the existing Helm–Crescent 70-kilovolt electric transmission line and make related improvements (the “PG&E Reconductoring Project”). As initially proposed, the Rosemary Project would deliver power via one of four possible gen-tie line routes from the Rosemary Project site to the Crescent Switching Station. Also as initially proposed, the Rosemary Project site would consist of approximately 1,172 acres located west of State Route 145 (also called Lassen Avenue), approximately 25 miles southwest of Fresno, 6 miles east of Cantua Creek, and 5 miles south of San Joaquin. The Rosemary Project would occupy the assessor’s parcels identified in Draft EIR Table 2-1, *Project Components and Parcels* (p. 2-4).

D. Description of Proposed Project Changes

The first of two proposed changes to the Rosemary Project is the proposed inclusion of a new gen-tie Option 5. Option 5 is proposed within assessor’s parcel number (APN) 040-080-46S, approximately 60 feet south of gen-tie option 1, which was described and analyzed in the Draft EIR. APN 040-080-46S is privately-owned and immediately adjacent to and south of PG&E’s existing Crescent Switching Station. A single pole would be constructed, maintained, and ultimately decommissioned in the northwest corner of APN 040-080-46S before the line would head north into the PG&E parcel. The proposed route would entail up to 0.2-acre of construction-related temporary disturbance, and the presence of a single pole during the project’s operation and maintenance (O&M) period with above- and below-ground dimensions consistent with those described in the project description included as Chapter 2 of the Draft EIR. The pole and wires connecting the new pole to the Rosemary Project site and the switching station would be removed and the disturbed area reclaimed during the Rosemary Project’s decommissioning and site reclamation period. Reclamation would occur in accordance with the provisions of a County-approved reclamation plan. No revision of work crew or equipment assumptions, and no extension of the anticipated schedule stated in the Draft EIR would be required for this work.

The second proposed change is to add 40 acres to the initially proposed Rosemary Project site. The Rosemary Project site boundary as described and analyzed in the Draft EIR includes a “not a part” within Rosemary 1 that consists of three parcels: a 40-acre parcel (APN 040-150-09) that is subject to a Williamson Act contract that is noted on the County assessor’s map as AP-4745 and two 20-acre parcels (APN 040-150-30 and 040-150-31), neither of which is subject to a Williamson Act contract. The Applicant proposes to include APN 040-150-30 and 040-150-31 (but not APN 040-150-09) within the boundary of Rosemary 1. This proposed change would not affect the Rosemary Project’s generation

capacity, but rather would alleviate spacing constraints attendant to the initially proposed site layout. No other changes to the Rosemary Project or its implementation are proposed.

Environmental surveys and technical reports supporting the Draft EIR were conducted within the Project study area, including the Project site and appropriate buffers, and captured the majority of the areas proposed for inclusion. A desktop review was performed for each of the additional parcels which determined environmental conditions of these areas are consistent with those surveyed and analyzed in the Draft EIR. The proposed minor additions would not change the proposed capacity of the Project or any of the underlying assumptions regarding construction, operations and maintenance, or decommissioning.

E. CEQA Context

Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5 provide the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when “significant new information” is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification (CEQA Guidelines section 15088.5[a]). “Significant new information,” as defined in CEQA Guidelines section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a “substantial adverse environmental effect” or a “feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

The CEQA Guidelines provide the following examples of significant new information: disclosures showing that a “new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented”; that a “substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance”; or that a “feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it” (CEQA Guidelines section 15088.5[a]).

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR” (CEQA Guidelines section 15088.5[b]). Recirculation also is not required simply because new information is added to an EIR — new information often is added given CEQA’s comment and response process. In short, recirculation is “intended to be an exception rather than the general rule” (*Laurel Heights Improvement Association v. Regents of University of California* [1993] 6 Cal.4th 1112, 1132).

In this context, and based on the analysis provided below, the County finds that recirculation of the Draft EIR prior to certification is not required.

F. Analysis of Rosemary Project Changes

1. Aesthetics

Section 3.2 of the Draft EIR identifies and evaluates issues related to aesthetics and visual resources, including scenic vistas and other scenic resources, the existing visual character or quality of public views

of the Project site and its surroundings, light, and glare. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on aesthetics than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on aesthetics.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.2-17) concludes that the Rosemary Project would have no impact because there are no designated scenic vistas within the viewshed. Implementation of the proposed changes would not alter these conclusions because the proposed changes are in the same study area as already analyzed, thus would also not contain these resources.

Criterion b): No Impact — No Change — No Change in Impact Conclusion. The Draft EIR (p. 3.2-17) concludes that the Rosemary Project would have no impact because there are no state scenic highway that could be affected by the Project. Implementation of the proposed changes would not alter these conclusions because the proposed changes are in the same study area as already analyzed, thus would also not contain these resources.

Criterion c): Less-Than-Significant Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.2-18) concludes that the Rosemary Project would have a less-than-significant impact because it would not substantially degrade the existing visual character or quality of public views of the site and its surroundings (criterion c). Implementation of the proposed changes would not alter this conclusion because the proposed changes would result in the same activities being conducted within and adjacent to the Project site boundary analyzed in the Draft EIR.

Criterion d): Less-Than-Significant Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.2-24) concludes that the Rosemary Project would have a less-than-significant impact because the Rosemary Project would not create a new source of light or glare that would adversely affect day or nighttime views in the area. Implementation of the proposed changes would not alter this conclusion because the proposed changes would create no new source of light or glare relative to the Rosemary Project as analyzed in the Draft EIR.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effect on such resources. Thus, implementation of the proposed changes would also not change the cumulative impact conclusion for aesthetics.

2. Agriculture and Forestry Resources

Section 3.3 of the Draft EIR identifies and evaluates issues related to agriculture and forestry resources, including designated categories of farmland, agricultural zoning and Williamson Act contracts, and forestry resources. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on agriculture and forestry resources than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on agriculture and forestry resources.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.3-12) concludes no impact as the Rosemary Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP), to non-agricultural use. Implementation of the proposed changes would not alter this conclusion because the two additional parcels proposed to be included, APN 040-150-30 and APN 040-150-31, are not mapped as Farmland (CDOC 2025). Thus, impacts would be the same as analyzed under the Rosemary Project for this criterion.

Criterion b): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.3-13) concludes no impact because the Rosemary Project is not located on lands subject to a Williamson Act contract; therefore, it would not conflict with one. Implementation of the proposed changes would not alter this conclusion because the additional parcels included as part of the proposed changes are also not subject to Williamson Act contracting (CDOC 2025).

Criteria c) and d): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.3-14) concludes no impact because the Rosemary Project does not contain forest land or timberland. Implementation of the proposed changes would not alter this conclusion because the additional parcels included also contain no forest or timberland.

Criterion e): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.3-1, the Draft EIR (p. 3.3-16) concludes that the Rosemary Project would have a less-than-significant impact because the Rosemary Project would involve no changes to the existing environment that would impact the defining characteristics of off-site Farmland, such as water availability or soil quality. Implementation of the proposed changes would not alter this conclusion because the proposed changes would require the same activities as analyzed in the Draft EIR, and also not contain any land defined as Farmland (CDOC 2025).

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effect on such resources. Thus, implementation of the proposed changes would also not change the cumulative impact conclusion for agriculture and forestry.

3. Air Quality

Section 3.4 of the Draft EIR identifies and evaluates impact to air quality, including consistency with the applicable air quality plan and the emissions of criterion pollutants and other air pollutants. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on air quality than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on air quality.

Criterion a): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.4-1, the Draft EIR (p. 3.4-19) concludes that the Rosemary Project would have a less-than-significant impact because it would not obstruct implementation of SJVAPCD's air quality plans because it would not generate emissions that exceed the SJVAPCD screening level or significance thresholds for criterion pollutants. Implementation of the proposed changes would not alter this conclusion because

emissions associated with the project change would also not be in excess of the SJVAPCD screening level or significance thresholds for criterion pollutants. In addition, the proposed changes would still be in compliance with the *2022 Plan for the 2015 8-Hour Ozone Standard*, *2020 Reasonably Available Control Technology (RACT) Demonstration for the 2015 8-Hour Ozone Standard* and the *2016 Plan for the 2008 8-Hour Ozone Standard*, the *Maintenance Plan and Redesignation Request for the Revoked 1-Hour Ozone Standard*, *2007 PM₁₀ Maintenance Plan and Request for Re-designation*, *2012 PM_{2.5} Plan*, *2015 Plan for the 1997 PM_{2.5} Standard*, and *2024 Plan for the 2012 Annual PM_{2.5} Standard*.

Criteria b) and e): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.4-2, the Draft EIR (p. 3.4-20) concludes that the Rosemary Project would have a less-than-significant impact because emissions generated during construction, operation, and decommissioning would not exceed the SJVAPCD thresholds for any criterion pollutant. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of acreage within the existing Rosemary Project site would not generate emissions in excess of SJVAPCD standards. No new work is proposed that could cause emissions greater than analyzed in the Draft EIR.

Criterion c): Less Than Significant with Mitigation Incorporated — No Change in Impact Conclusion: In the context of Impact 3.4-3, the Draft EIR (p. 3.4-28) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated because proposed activities would not expose sensitive receptors to substantial concentrations of TACs, CO, or fugitive dust and would not exceed thresholds for regional criterion air pollutants (ROG, NOx, PM_{2.5}, and PM₁₀) resulting in an adverse health effects. The Rosemary Project would require the implementation of Mitigation Measure 3.4-3: Valley Fever Management Plan to minimize personnel and public exposure to Valley Fever to the greatest extent possible. With implementation of this mitigation, the risk of contracting Valley Fever impact for the Rosemary Project would be reduced to a less-than-significant level. Implementation of the proposed changes would not alter this conclusion because the nearest sensitive receptor would remain a single-family residence approximately 1.2 miles to the northwest of the Rosemary Project site, and the addition of gen-tie line Option 5 and inclusion acreage within the existing Rosemary Project site would not increase associated emissions because no additional activities are proposed that would cause emissions in addition to those analyzed in the Draft EIR. With the proposed changes, the Project would remain consistent with applicable SJVAPCD requirements and would not expose sensitive receptors to substantial pollutant concentrations of TACs, CO concentrations, fugitive dust, or regional criterion air pollutants. Mitigation Measure 3.4-3 would still be required to reduce Valley Fever-related impacts to less than significant.

Criterion d): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.4-34) concludes that the Rosemary Project would have no impact because it would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Implementing the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of 40 additional acres within the existing Rosemary Project site would not produce objectionable odors that would affect a substantial number of people – no new activities that could cause odors are proposed in addition to those analyzed in the Draft EIR.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria described above, the proposed changes could not cause or contribute to a change in any cumulative effect determination reached in the Draft EIR. Thus, implementation of the proposed changes would not alter the cumulative impact conclusion for air quality.

4. Biological Resources

Section 3.5 of the Draft EIR identifies and evaluates issues related to biological resources, including vegetation, wetlands, aquatic and other habitat, and wildlife resources. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on biological resources than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on biological resources.

Criterion a), Special Status Plant Species: No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.5-47) concludes that the Rosemary Project would have no impact on special-status plants because the Project site is located on actively farmed or fallowed agricultural land with ruderal/disturbed lands and agricultural ditches on the perimeter, and rare or special-status plants have minimal potential to occur in this area. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of acreage would occur within the study area as analyzed under the Rosemary Project and the added parcels are located on identical actively farmed, fallowed agricultural, and disturbed lands with minimal potential for rare or special-status plants to occur. Thus, the same potential for rare or special-status plants would occur, as described for the Rosemary Project in the Draft EIR, and there would be no impact.

Criterion a), Special Status Wildlife Species: Less Than Significant with Mitigation Incorporated — No Change in Impact Conclusion: In the context of Impact 3.5-2, the Draft EIR (p. 3.5-48) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated on special status species, including western burrowing owl, monarch butterfly, San Joaquin kit fox, Fresno kangaroo rat, and American badger. More specifically, occupied owl burrows could be included and enclosed within the construction area, which could lead to killing or injuring burrowing owls, if present, or cause abandonment of nests in burrows. Potential impacts on these species would be reduced to less than significant by the implementation of Mitigation Measure 3.5-2: Designated Biologist During Construction, Mitigation Measure 3.5-3: Measures for the Avoidance and Protection of Biological Resources, and Mitigation Measure 3.5-5: Protection of Burrowing Owls. These measures would require biological monitoring, speed limits and trash removal, and preconstruction surveys with avoidance of occupied burrows which would reduce impacts to a less-than-significant level. Implementation of the proposed changes would not alter this conclusion because the same work would occur within the original study area, which included the Rosemary Project site, and the proposed changes include actively farmed, fallowed agricultural, and disturbed lands, identical to those described in the Draft EIR for the Rosemary Project. Thus, potential for impacts to occur with implementation of the proposed changes would be the same as those described under the Rosemary Project as described and analyzed in the Draft EIR. As recommended in the Draft EIR, implementation of Mitigation Measures 3.5-2, 3.5-3, and 3.5-5 would be needed to reduce potential impacts to a less-than-significant level.

Criterion a), Nesting Birds: Less Than Significant with Mitigation Incorporated — No Change in Impact Conclusion. In the context of Impact 3.5-4, the Draft EIR (p. 3.5-53) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated because nesting birds may be harmed or killed if Rosemary Project construction results in removal of nest habitat or forces abandonment of nests by adult birds. With the implementation of Mitigation Measure 3.5-7: Protection of Nesting Birds, including Swainson's Hawk, impacts would be reduced to a less-than-significant level. Implementation of the proposed changes would not alter this conclusion because the proposed changes would occur within the same study area, including actively farmed, fallowed agricultural, and disturbed lands which are identical to those described in the Draft EIR for the Rosemary Project, and require the same construction activities that could contribute to these impacts. As recommended in the Draft EIR, implementation of Mitigation Measure 3.5-7 would be needed to reduce potential impacts to a less-than-significant level.

Criterion b): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.5-56) concludes that the Rosemary Project would have no impact on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS. Implementation of the proposed changes would not alter this conclusion because the proposed changes would be within the study area already analyzed and the added parcels are located on identical actively farmed, fallowed agricultural, and disturbed lands which do not support riparian habitat or other sensitive natural communities. Thus, impacts of the revised Rosemary Project would be the same as described in the Draft EIR.

Criterion c): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.5-56) concludes that the Rosemary Project would have no impact on state or federally protected wetlands. Implementation of the proposed changes would not alter this conclusion because the proposed changes include additional parcels which also do not contain state or federally protected wetlands. Therefore, the proposed changes would not affect any state or federally protected wetlands or other waters of the United States or the state.

Criterion d): Less Than Significant with Mitigation Incorporated — No Change in Impact Conclusion. In the context of Impact 3.5-7, the Draft EIR (p. 3.5-58) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated because the perimeter of the Rosemary Project site would be surrounded by permanent fencing that may prevent ready passage by kit fox or other small terrestrial wildlife species during operations. Implementation of Mitigation Measure 3.5-3: Measures for the Avoidance and Protection of Biological Resources along with the biological resources Applicant Proposed Measures (APMs) would reduce impacts to a less-than-significant level. Implementation of the proposed changes would not alter this conclusion because the proposed changes would occur within the study area analyzed in the Draft EIR. Therefore, the revised Rosemary Project would have the same potential to interfere with established wildlife movement corridors for San Joaquin kit fox or other small mammals. As recommended in the Draft EIR, implementation of Mitigation Measure 3.5-3 would be needed to reduce potential impacts to a less-than-significant level.

Criterion e): Less Than Significant with Mitigation Incorporated — No Change in Impact Conclusion. In the context of Impact 3.5-9, the Draft EIR (p. 3.5-59) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated because portions of the Rosemary Project site contain potentially suitable breeding and nesting habitat for wildlife species, including

burrowing owl and migratory birds, and because construction would have the potential to harm these species. Mitigation Measures 3.5-2, 3.5-3, 3.5-4, 3.5-5, 3.5-6, 3.5-7, and 3.5-8 would be implemented to avoid or minimize effects on wildlife species from the construction and operation of the Rosemary Project, thus avoiding conflict with local policies or ordinances protecting biological resources. Implementation of the proposed changes would not alter this conclusion because the proposed changes would be made within the same study area as analyzed in the Draft EIR, including actively farmed, fallowed agricultural, and disturbed lands which are identical to those described in the Draft EIR for the Rosemary Project. Therefore, potential impacts related to local policies and ordinances protecting biological resources would be the same. As recommended in the Draft EIR, implementation of the identified mitigation measures would be needed to reduce potential impacts to a less-than-significant level.

Criterion f): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.5-61) concludes that the Rosemary Project would have no impact because it would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Implementation of the proposed changes would not alter this conclusion because the proposed changes exist in the same study area as analyzed under the Project and the additional parcels are also not within an area covered by an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Since no adopted natural community conservation plans or approved local, regional, or state HCP apply under the proposed changes, the analysis and conclusion would be the same as presented under the Rosemary Project.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effect on such resources in any way that would differ from the cumulative effects of the Rosemary Project as proposed. Thus, implementation of the proposed changes would not alter the cumulative effect conclusions reached in the Draft EIR for biological resources.

5. Cultural and Tribal Cultural Resources

Section 3.6 of the Draft EIR identifies and evaluates issues related to cultural resources and tribal cultural resources, including archaeological resources, historic built architectural resources, and tribal cultural resources. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on cultural and tribal cultural resources than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on cultural and tribal cultural resources.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.6-13) concludes that the Rosemary Project would have no impact because the four historical resources identified (Crescent Canal [P-10-004703], Beta Main Canal / James Irrigation District: Lateral A [P-10-006613], James Irrigation District Canal [P-10-006632], and the San Luis Drain [P-10-006639]) could not be impacted by the Rosemary Project. Implementation of the proposed changes would not alter this conclusion because the proposed changes would occur within the same vicinity, and necessitate the same activities as analyzed under the Rosemary Project.

Criterion b): Less Than Significant with Mitigation Incorporated — No Change in Impact

Conclusion. In the context of Impact 3.6-1, the Draft EIR (p. 3.6-14) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated because of the potential that buried archaeological resources may be encountered during ground disturbing activities, which would require the implementation of Mitigation Measure 3.6-1: *Cultural Resources Awareness Training* and Mitigation Measure 3.6-2: *Inadvertent Discovery of Cultural Resources* to reduce impacts to a less-than-significant level. Implementation of the proposed changes would not alter this conclusion because the proposed changes would require the same ground disturbing activities within the study area analyzed in the Draft EIR and the potential for buried archaeological resources is identical. The Project site and additional acreage are located within a highly disturbed agricultural landscape, and prior records searches and field surveys did not identify known cultural resources within or adjacent to the Project footprint. As recommended in the Draft EIR, implementation of the identified mitigation measures would be needed to reduce potential impacts to a less-than-significant level.

Criterion c): Less Than Significant with Mitigation Incorporated — No Change in Impact

Conclusion. In the context of Impact 3.6-3, the Draft EIR (p. 3.6-16) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated because of the potential for discovery of and inadvertent damage to human remains. Potential impacts would be reduced to less than significant through the implementation of Mitigation Measure 3.6-3: *Inadvertent Discovery of Human Remains*. Implementation of the proposed changes would not alter this conclusion because the proposed changes would include the same activities as the Rosemary Project as proposed. As recommended in the Draft EIR, implementation of Mitigation Measure 3.6-3 would be needed to reduce potential impacts to a less-than-significant level.

Criterion d): Less Than Significant with Mitigation Incorporated — No Change in Impact

Conclusion. In the context of Impact 3.6-4, the Draft EIR (p. 3.6-18) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated because implementation of Mitigation Measures 3.6-1, 3.6-2, and 3.6-3 would reduce impacts on pre-contact archaeological resources that have the potential to be damaged or destroyed through earthwork, ground disturbance, or other subsurface construction activities. Implementation of the proposed changes would not alter this conclusion because the proposed changes would require the same earthwork, ground disturbance, and other subsurface construction activities as analyzed for the Rosemary Project. As recommended in the Draft EIR, implementation of Mitigation Measures 3.6-1, 3.6-2, and 3.6-3 would be needed to reduce potential impacts to a less-than-significant level.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effect determination for cultural and tribal cultural resources.

6. Energy

Section 3.7 of the Draft EIR identifies and evaluates issues related to electricity and transportation fuels (*energy* for purposes of the EIR). For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on

energy than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on energy.

Criterion a): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.7-1, the Draft EIR (p. 3.7-7) concludes that the Rosemary Project would have a less-than-significant impact because overall, the Project's fuel use would be minimal in comparison to overall fuel use in the County: approximately 1 percent or less. Implementation of the proposed changes would not alter this conclusion because the proposed changes would not necessitate activities that would require more energy use.

Criterion b): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.7-13) concludes that the Rosemary Project would have no impact because it would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of additional acreage would be equally consistent with Energy Policy Act of 2005, Renewables Portfolio Standard, and Title 24.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria described above, the proposed changes could not cause or contribute to a change in any cumulative effect conclusion for any of the energy-related considerations.

7. Geology and Soils

Section 3.8 of the Draft EIR identifies and evaluates issues related to geology, soils, and paleontological resources, including seismicity, erosion, landslide potential and related considerations. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on geology, soils, and paleontological resources than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on geology, soils, and paleontological resources.

Criterion a.i): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.8-14) concludes that the Rosemary Project would have no impact because the site is not located within any mapped earthquake fault zones. Implementation of the proposed changes would not alter this conclusion because the proposed changes are similarly not located within a mapped earthquake fault zone (EFZ).

Criteria a.ii and a.iii): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.8-1, the Draft EIR (p. 3.8-15) concludes that the Rosemary Project would have a less-than-significant impact because the site is not within an established EFZ and would not include activities that would contribute to strong seismic ground shaking, ground failure, liquefaction or movement along a fault. Implementation of the proposed changes would not alter this conclusion because they would involve the same activities in the same general areas as analyzed in the Draft EIR.

Criterion a.iv): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.8-16) concludes that the Rosemary Project would have no impact because the Rosemary Project site has flat topography, no landslides have been documented at the site or in the vicinity, and because the Rosemary Project

would be designed and constructed to comply with all applicable state and local building codes. Implementation of the proposed changes would not alter this conclusion because the proposed gen-tie line Option 5 and inclusion of additional acreage would be sited on or consist of similarly flat topography and would require no new activities that could contribute to landslides.

Criterion b): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.8-2, the Draft EIR (p. 3.8-17) concludes that the Rosemary Project would have a less-than-significant impact because of the temporary timeline of earthwork and ground disturbance, compliance with applicable federal, state, and local requirements, and implementation of applicable APMs. Implementation of the proposed changes would not alter this conclusion because the ground disturbance activities would be the same as analyzed in the Draft EIR, occur in the same vicinity, comply with local and state regulations, and be subject to the same APMs.

Criterion c): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.8-4, the Draft EIR (p. 3.8-18) concludes that the Rosemary Project would have a less-than-significant impact because the Rosemary Project would adhere to all applicable state and local building codes to avoid impacts related to potential stability issues. Implementation of the proposed changes would not alter this conclusion because the proposed addition gen-tie line Option 5 and inclusion of additional acreage would equally adhere to these codes and inclusion of additional acreage would have no effect relating to stability.

Criterion d): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.8-5, the Draft EIR (p. 3.8-19) concludes that the Rosemary Project would have a less-than-significant impact because the risk of damage related to expansive soils would be low if the subsoil, drainage, and foundations are properly engineered, as required by applicable state and local building code. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of additional acreage would be subject to the same design plans and standards and would be covered under the site geotechnical report as required by state and local building codes.

Criterion e): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.8-6, the Draft EIR (p. 3.8-20) concludes that the Rosemary Project would have a less-than-significant impact because it would include an on-site wastewater disposal system properly designed and installed to protect human health and safety and prevent degradation of water quality. Implementation of the proposed changes would not alter this conclusion because the proposed changes do not propose and would not necessitate additional wastewater disposal system demand or development.

Criterion f): Less Than Significant with Mitigation Incorporated — No Change in Impact Conclusion. In the context of Impact 3.8-7, the Draft EIR (p. 3.8-20) concludes that the Rosemary Project would have a less-than-significant impact with mitigation incorporated because training for all personnel involved with earthwork related construction activities would be required in order to avoid impacts in the event of a fossil discovery. Implementation of the proposed changes would not alter this conclusion because the additional acreage is located within the same study area that was analyzed in the Draft EIR and within the same underlying geology with an identical potential for fossil discovery. The Project site and additional acreage are located within a highly disturbed agricultural landscape, and prior records

searches did not identify known paleontological resources within or adjacent to the Project footprint. As recommended in the Draft EIR, implementation of Mitigation Measure 3.8-1: *Conduct Worker Awareness Training* and Mitigation Measure 3.8-2: *Stop Work in the Event Fossils Are Encountered* would be implemented to reduce potential impacts to a less-than-significant level.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effect on such resources. Thus, implementation of the proposed changes would not alter the cumulative impact conclusions for geology and soils.

8. Greenhouse Gas Emissions

Section 3.9 of the Draft EIR identifies and evaluates issues related to greenhouse gas (GHG) emissions, including the potential for a conflict between the Project and an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on greenhouse gas emissions than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on greenhouse gas emissions.

Criterion a): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.9-1, the Draft EIR (p. 3.9-14) concludes that the Rosemary Project would have a less-than-significant impact because it would yield a net total emission reduction (135,692 MT CO₂e) over the 40-year life of the Project. Implementation of the proposed changes would not alter this conclusion because the addition of gen-tie line Option 5 and inclusion of additional acreage would remain consistent with previously analyzed emissions generation under construction and decommissioning, as the associated activities would be the same.

Criterion b): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.9-2, the Draft EIR (p. 3.9-18) concludes that the Rosemary Project would have a less-than-significant impact because it is consistent with all applicable plans, policies, and regulations adopted for the purposes of reducing GHGs, including implementation of Assembly Bill (AB) 1279 and Senate Bill (SB) 32. Implementation of the proposed changes would not alter this conclusion because the addition of gen-tie line Option 5 and inclusion of additional acreage would remain consistent with these regulations, and would require no new construction, operation, or decommissioning activities than were analyzed in the Draft EIR.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increases in the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effect on such resources. Thus, implementation of the proposed changes would not alter the cumulative effects conclusions for GHGs.

9. Hazards and Hazardous Materials

Section 3.10 of the Draft EIR identifies and evaluates issues related to hazards and hazardous materials including, but not limited to, the routine transport, use, or disposal of hazardous materials; potential upsets and accident conditions; releases in proximity to schools; proximity to airports; and adopted emergency response plans and emergency evacuation plans. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on hazards and hazardous materials than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on hazards and hazardous materials.

Criterion a): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.10-1, the Draft EIR (p. 3.10-14) concludes that the Rosemary Project would have a less-than-significant impact because it would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during the approximately 18 months of construction, 40 years of O&M activities, or 12 months of decommissioning activities. Implementation of the proposed changes would not alter this conclusion because the proposed changes would entail the same activities as the project as proposed, and so would involve the same routine transport, use, and disposal of hazardous materials as analyzed in the Draft EIR. Also like the Rosemary Project, the proposed changes would comply with existing regulations and cause no new impacts under this criterion.

Criterion b): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.10-3 and Impact 3.10-4 (Draft EIR, p. 3.10-16 et seq.), the Draft EIR concludes that the Rosemary Project would have a less-than-significant impact because although it would involve the use, transportation, and disposal of hazardous materials and wastes, it would comply with all applicable federal, state, and local regulations and so would not expose the public or the environment to hazardous release. Implementation of the proposed changes would not alter this conclusion because the proposed changes would involve the same activities and the same routine transport of hazardous waste as analyzed in the Draft EIR, and also would be subject to the same rules and regulations as the project as proposed that govern the handling of hazardous waste.

Criterion c): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.10-21) concludes that the Rosemary Project would have no impact because there are no existing or proposed schools within one-quarter mile. Implementation of the proposed changes would not alter this conclusion because the proposed changes would occur within the same study area analyzed in the Draft EIR, and so also would be implemented more than 0.25-mile from an existing or proposed school. Thus, impact conclusions for the revised Rosemary Project would be the same as disclosed in the Draft EIR.

Criterion d): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.10-21) concludes that the Rosemary Project would have no impact because the site is not on a list of hazardous materials sites. Implementation of the proposed changes would not alter these conclusions because the proposed changes would occur within the same study area analyzed in the Draft EIR, and also not on a site identified on a list of hazardous materials sites. Thus, impact conclusions for the revised Rosemary Project would be the same as disclosed in the Draft EIR.

Criterion e): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.10-21) concludes that the Rosemary Project would have no impact because the Project site is not located within 2 miles of

an airport. Implementation of the proposed changes would not alter these conclusions because the proposed changes would occur within the same study area analyzed in the Draft EIR and so also not within 2 miles of an airport. Thus, impact conclusions for the revised Rosemary Project would be the same as disclosed in the Draft EIR.

Criterion f): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.10-6, the Draft EIR (p. 3.10-22) concludes that the Rosemary Project would have a less-than-significant impact because there are no planned road closures as part of the Rosemary Project's construction, O&M, or decommissioning, and all designated access roads would provide sufficient space for emergency response vehicles. Implementation of the proposed changes would not alter this conclusion because the proposed changes would require the same activities in the same study area as analyzed in the Draft EIR. No new or different road closures would be needed, and access to the site would be the same under the proposed changes.

Criterion g): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.10-8, the Draft EIR (p. 3.10-23) concludes that the Rosemary Project would have a less-than-significant impact because the use of graders, dozers, compaction equipment, and other vehicles and equipment that have the potential to ignite fires would comply with applicable policies, would be subject to an emergency action plan, and risks associated with the battery ESS would be mitigated by fire prevention and suppression strategies. Implementation of the proposed changes would not alter this conclusion because the proposed changes would involve the same construction activities and would pose the same risk for ignition. As revised, the Rosemary Project would remain subject to the rules and regulations identified and considered in the EIR. As reported in the Draft EIR, the nearest Fire Severity Zone is approximately 12 miles southwest – a distance that would reduce the potential for the Rosemary Project to exacerbate the spread of wildfire under the project as proposed or as revised.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects relating to hazards or hazardous materials.

10. Hydrology and Water Quality

Section 3.11 of the Draft EIR identifies and evaluates issues related to hydrology and water quality. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on hydrology and water quality than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on hydrology and water quality.

Criterion a): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.11-1, the Draft EIR (p. 3.11-12) concludes that the Rosemary Project would have a less-than-significant impact because its development would be subject to a stormwater pollution prevention plan (SWPPP), Spill Prevention, Control, and Countermeasure (SPCC) Plan, and associated best management practices (BMPs). Implementation of the proposed changes would not alter this conclusion because implementation of the Rosemary Project as revised would be subject to the same requirements described and analyzed in the Draft EIR.

Criterion b): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.11-3, the Draft EIR (p. 3.11-15) concludes that the Rosemary Project would have a less-than-significant impact because its incremental impact on cumulative change in groundwater in storage projections over the period water year 2025 to 2068 is estimated to be 0.03 percent of the Westside Subbasin, which represents a negligible change compared to existing conditions. Implementation of the proposed changes would not alter this conclusion. The revised Rosemary Project would require the same amount of water as analyzed in the Draft EIR and so, like the project as proposed, would not substantially decrease groundwater supplies or substantially interfere with recharge.

Criteria c.i, c.ii, c.iii, and c.iv): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.11-5, the Draft EIR (p. 3.11-17) concludes that the Rosemary Project would have a less-than-significant impact because stormwater retention basins constructed along the south side of the Rosemary Project site would accommodate construction site runoff consistent with the SWPP and, once operational, the Rosemary Project would not include activities that would alter the existing drainage patterns or provide additional sources of polluted runoff. Implementation of the proposed changes would not alter this conclusion because the proposed additional acreage and gen-tie line Option 5 would involve the same activities in the same vicinity as analyzed in the Draft EIR.

Criterion d): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.11-7, the Draft EIR (p. 3.11-19) concludes that the Rosemary Project would have a less-than-significant impact because no hazardous materials would be stored in the flood zone and because the Rosemary Project would comply with all applicable local, state, and federal requirements regarding the handling and storage of hazardous materials during all project phases. Implementation of the proposed changes would not alter this conclusion because the additional acreage and gen-tie line Option 5 would be within the study area analyzed in the Draft EIR. Although the site is in close proximity to the 100-year flood hazard zone, the analysis demonstrates very little potential risk for release of sediment and other pollutants given the nature project activities. The same would be true of the revised Rosemary Project.

Criterion e): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.11-9, the Draft EIR (p. 3.11-20) concludes that the Rosemary Project would have a less-than-significant impact because the limited water demand would not meaningfully obstruct sustainable groundwater management of the Westside Subbasin. Implementation of the proposed changes would not alter this conclusion because the proposed additional acreage and gen-tie line Option 5 would require the same amount of water as the Rosemary Project as proposed and analyzed in the Draft EIR.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects conclusions for hydrology and water quality.

11. Land Use and Planning

Section 3.12 of the Draft EIR identifies and evaluates issues related to land use and planning, including the potential for physical division of an established community and/or a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new

significant impact and no more severe a significant impact on land use and planning than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on land use and planning.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.12-5) concludes that the Rosemary Project would have no impact because it would not physically divide an established community. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of additional acreage would occur within the same study area analyzed in the Draft EIR. The nearest residence to the site is approximately 1.2 miles northwest. As revised, the Rosemary Project would not physically divide an established community and the impact conclusion would be the same as disclosed in the Draft EIR.

Criterion b): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.12-6) concludes that the Rosemary Project would have no impact because it would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Implementation of the proposed changes would not alter this conclusion because the additional acreage and gen-tie line Option 5 would remain consistent with the zoning designations and land use regulations analyzed in the Draft EIR.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in cumulative effects on land use and planning.

12. Mineral Resources

Section 3.13 of the Draft EIR identifies and evaluates issues related to mineral resources, including potential losses in the availability of a known mineral resource that would be of value to the region and the residents of the state or a locally-important mineral resource recovery site. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on mineral resources than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on mineral resources.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.13-6) concludes that the Rosemary Project would have no impact because it would not interfere with oil or natural gas extraction operations and would not result in the loss of land designated for the extraction of these mineral resources because there are no active wells on site. Implementation of the proposed changes would not alter this conclusion because the proposed changes would not occur in an area that contains active wells. See, for example, Draft EIR Figure 3.13-1.

Criterion b): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.13-7) concludes that the Rosemary Project would have no impact because the site has not been identified as a locally important mineral resource recovery site delineated on the Fresno County General Plan or other land use plan. Implementation of the proposed changes would not alter this conclusion because no locally important mineral resources exist within the boundaries of the proposed changes, as defined in the Fresno County General Plan (Fresno County 2024).

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects conclusions disclosed in the Draft EIR regarding mineral resources.

13. Noise

Section 3.14 of the Draft EIR evaluates issues related to noise and acoustics, including changes in ambient sound levels and groundborne vibration or groundborne noise levels. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on noise than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on noise.

Criterion a): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.14-1, the Draft EIR (p. 3.14-13) that the Rosemary Project would have a less-than-significant impact because noise generated by the Rosemary Project would be well below the Federal Transit Administration's 80 dBA L_{eq} daytime residential noise criterion and below the County's 50 dBA daytime and 45 dBA nighttime noise standards. Implementation of the proposed changes would not alter this conclusion because the proposed changes would involve the same activities analyzed in the Draft EIR and would not generate any additional noise not captured in the existing analysis.

Criterion b): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.14-3, the Draft EIR (p. 3.14-18) concludes that the Rosemary Project would have a less-than-significant impact because it (including construction, O&M activities that require heavy construction equipment, and decommissioning) would not generate or expose the analyzed sensitive receptors to excessive groundborne vibration or groundborne noise levels. Implementation of the proposed changes would not alter this conclusion because the proposed changes would involve the same equipment at the same levels of use to accomplish the same results described and analyzed in the Draft EIR. Thus, the proposed addition of gen-tie line Option 5 and inclusion of additional acreage would not generate additional vibration than what was analyzed in the Draft EIR.

Criterion c): No Impact — No Change in Impact Conclusion. The Draft EIR(p. 3.14-20) concludes that the Rosemary Project would have no impact because it would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels. Implementation of the proposed changes would not alter this conclusion because the proposed changes would occur in the same vicinity as the Rosemary Project, and thus no be within close vicinity to an airstrip.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects conclusions reached in the Draft EIR for noise.

14. Population and Housing

Section 3.15 of the Draft EIR identifies and evaluates issues related to population and housing, including the potential for population growth and the displacement of existing people or housing as a result of the Project. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on population and housing than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on population and housing.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.15-6) concludes that the Rosemary Project would have no impact because the Applicant has committed to making every reasonable effort to hire from within the local employment pool, supporting a conclusion that the baseline population conditions would not change. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of additional acreage would require the same labor force as analyzed in the Draft EIR for each phase; thus, the revised Rosemary project would generate the same housing need as the project as proposed.

Criterion b): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.15-8) concludes that the Rosemary Project would have no impact because there are not substantial numbers of people located within the site or the vicinity, and because no housing is present that would be displaced. Implementation of the proposed changes would not alter this conclusion because the proposed changes would occur within the study area analyzed in the Draft EIR. The nearest residence is approximately 1.2 miles northwest: like the project as proposed, the revised Rosemary project would not displace residents or housing. Thus, the impact conclusion would be the same.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects conclusions for population and housing.

15. Public Services

Section 3.16 of the Draft EIR identifies and evaluates issues related to public services, including fire and police protection facilities, schools, parks, and libraries. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on public services than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on public services.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.16-7) concludes that the Rosemary Project would have no impact because there would be no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities. Implementation of the proposed changes would not alter these conclusions because the proposed changes would occur within the same study area analyzed in the Draft EIR, and would cause the same level of

demand on services for fire protection, law enforcement, schools, parks, libraries, and medical providers as the project as proposed.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects conclusions identified in the Draft EIR for public services.

16. Recreation

Section 3.17 of the Draft EIR identifies and evaluates considerations related to recreation, including the levels of use for existing parks or other recreational facilities and whether the Rosemary Project proposes or would require the construction of new or expansion of existing recreational facilities where such improvements could have an adverse physical effect on the environment. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on recreation than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on recreation.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.17-5) concludes that the Rosemary Project would have no impact because it would not increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Implementation of the proposed changes would not alter this conclusion because they would be implemented in the same study area analyzed in the Draft EIR, which area contains no parks or existing recreational facilities on-site that could be displaced and thereby cause an increase in the use of other recreational facilities elsewhere.

Criterion b): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.17-6) concludes that the Rosemary Project would have no impact because it would not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of additional acreage within the existing Rosemary Project site also would not include recreational facilities.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects conclusion for recreation.

17. Transportation

Section 3.18 of the Draft EIR identifies and evaluates issues related to transportation, including the circulation system, vehicle miles traveled (VMT), road-related hazards, and emergency access. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on transportation than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on transportation.

Criterion a): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.18-8) concludes that the Rosemary Project would have no impact because it would generate fewer than 500 daily trips for both the construction and O&M periods, which meets the *Fresno County SB 743 Implementation Regional Guidelines* threshold. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of additional acreage would not affect the number of trips needed for the project, which number would remain below the 500 per day cap.

Criterion b): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.18-1, the Draft EIR (p. 3.18-10) concludes that the Rosemary Project would have a less-than-significant impact because it would not generate VMT in a manner that would result in a significant adverse impact relating to a conflict or inconsistency with CEQA Guidelines section 15064.3(b). Implementation of the proposed changes would not alter this conclusion because they would not result in more daily trips than analyzed in the Draft EIR, and so the revised Rosemary Project (like the project as proposed) would not generate VMT in a volume that exceeds the California Governor’s Office of Land Use and Climate Innovation’s Technical Advisory (2018) cap of 110 trips per day.

Criterion c): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.18-3, the Draft EIR (p. 3.18-11) concludes that the Rosemary Project would have a less-than-significant impact because during the O&M phase, work on the Rosemary Project site would generate very little traffic, all of which would be compatible with other uses in the area. Implementation of the proposed changes would not alter this conclusion because the proposed changes would not affect the number of trips required.

Criterion d): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.18-5, the Draft EIR (p. 3.18-13) concludes that the Rosemary Project would have a less-than-significant impact because emergency vehicles would be able to adequately bypass Project traffic through the multiple avenues of ingress and egress available to the Rosemary Project site. Implementation of the proposed changes would not alter this conclusion because the proposed changes would not affect emergency access to the area since they would rely on the same avenues of ingress and egress access as the Rosemary Project as proposed.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects conclusion for transportation.

18. Utilities and Service Systems

Section 3.19 of the Draft EIR identifies and evaluates issues related to utilities and service systems, such as water, wastewater treatment, storm water drainage, electric power, natural gas, telecommunications, and solid waste facilities. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on utilities and service systems than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on utilities and service systems.

Criterion a): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.19-1, the Draft EIR (p. 3.19-11) concludes that the Rosemary Project would have a less-than-significant impact because proposed activities do not propose and would not necessitate the expansion of water, wastewater, stormwater, electrical, or telecommunications facilities that could impact local utility systems. Implementation of the proposed changes would not alter these conclusions because the proposed changes would not affect utility and service system infrastructure in any way that differs from the analysis included in the Draft EIR.

Criterion b): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.19-3, the Draft EIR (p. 3.19-13) concludes that the Rosemary Project would have a less-than-significant impact because the water supply of the region is sufficient to meet the demands of the Rosemary Project through buildout, thus the anticipated water demand would not exceed local supplies. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of acreage within the existing Rosemary Project site would not affect the water demands of the project. No new or additional water demand would be generated relative to what was analyzed in the Draft EIR.

Criterion c): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.19-4, the Draft EIR (p. 3.19-14) concludes that the Rosemary Project would have a less-than-significant impact because no on-site septic systems would be developed to serve construction, O&M, or decommissioning purposes. Therefore, the temporary demand for wastewater treatment would not result in capacity exceedances. The same would be true of the revised Rosemary Project, which would not affect the demand for wastewater treatment capacity analyzed in the Draft EIR.

Criterion d): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.19-5, the Draft EIR (p. 3.19-15) concludes that the Rosemary Project would have a less-than-significant impact because the identified solid waste facilities have adequate capacity. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of acreage would not affect the project's potential waste generation volumes or the capacity of waste generation facilities.

Criterion e): No Impact — No Change in Impact Conclusion. For the evaluation of criterion e (Draft EIR, p. 3.19-17), the Draft EIR concludes that the Rosemary Project would have no impact because the Rosemary Project would not conflict with local solid waste mandates or other regulations related to solid waste. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of acreage would not affect solid waste generation capacity of the project and so would not affect related conclusions reached in the Draft EIR.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effect on utilities and service systems.

19. Wildfire

Section 3.20 of the Draft EIR identifies and evaluates issues related to wildfire, including potential impacts on emergency response or emergency evacuation plans, exposure of Project occupants to pollutants from or the spread of wildfire, the exacerbation of fire risk, and the exposure of people or structures to other significant wildfire risks. For the reasons summarized below, the proposed changes to the Rosemary Project would cause no new significant impact and no more severe a significant impact on wildfire than identified in the Draft EIR. No new or revised mitigation measures would be needed to address potential impacts on wildfire.

Criterion a): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.20-1, the Draft EIR (p. 3.20-11) concludes that the Rosemary Project would have a less-than-significant impact due to the rural nature of the site and its location relative to existing emergency response stations. Implementation of the proposed changes would not alter this conclusion because the proposed addition of gen-tie line Option 5 and inclusion of 40 additional acres within the existing Rosemary Project site would occur within the study area analyzed in the Draft EIR. Further, the revised Rosemary Project would entail the same construction, O&M, and decommissioning activities as the project as proposed. Thus, impacts would be the same as disclosed in the Draft EIR.

Criterion b): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.20-3, the Draft EIR (p. 3.20-13) concludes that the Rosemary Project would have a less-than-significant impact because of the flat topography, lack of vegetative fuels, northwesterly direction of prevailing winds relative to the location of population centers and sparse vegetation in and around the Rosemary Project site. Implementation of the proposed changes would not alter this conclusion because the proposed changes would occur within the same area, which lacks topography and fuel loads that could exacerbate fire. Like the Rosemary Project as proposed, the proposed changes would not be implemented within a FHSZ or in an area mapped as a Very High FHSZ (CAL FIRE 2007). Thus, impacts would be the same as disclosed in the Draft EIR.

Criterion c): Less-Than-Significant Impact — No Change in Impact Conclusion. In the context of Impact 3.20-5, the Draft EIR (p. 3.20-16) concludes that the Rosemary Project would have a less-than-significant impact because it would not include the installation or maintenance of fuel breaks or emergency water sources, or the installation and/or maintenance of power lines and other electrical utilities that could exacerbate fire risks. Implementation of the proposed changes would not alter this conclusion because, like the Rosemary Project as proposed, the addition of gen-tie line Option 5 and inclusion of 40 additional acres within the existing Rosemary Project site would not necessitate the installation or maintenance of fuel breaks or emergency water sources, or the installation and/or maintenance of power lines and other electrical utilities that could exacerbate fire risks.

Criterion d): No Impact — No Change in Impact Conclusion. The Draft EIR (p. 3.20-17) concludes that the Rosemary Project would have no impact because the site is not located within a populated area and does not include any housing; accordingly, there exists minimal risk for exacerbation of wildfire spread. Implementation of the proposed changes would not alter this conclusion because the proposed changes would occur with the existing study area, and so also not within a populated area or an area with substantial existing housing.

Cumulative Effects — No Change in Impact Conclusion. Because implementation of the proposed changes would cause no new direct or indirect impacts or increase the severity of already established impacts on the criteria discussed above, the proposed changes could not cause or contribute to a change in any cumulative effects conclusions for wildfire.

References

CAL FIRE (California Department of Forestry and Fire Protection). 2007. *Draft Fire Hazard Severity Zones in LRA, Fresno County*. October 2, 2007. Available: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map/upload-2/fhszl06_1_map10.pdf. Accessed December 10, 2025.

CDOC (California Department of Conservation). 2025. Important Farmland Categories. Available: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>. Accessed December 10, 2025.

Fresno County. 2024. *Fresno County General Plan*. Final. February 2024. Available: https://www.fresnocountyca.gov/files/sharedassets/county/v/1/public-works-and-planning/development-services/planning-and-land-use/general-plan/fcgpr_general-plan_county_final_2024_02.pdf. Accessed December 10, 2025.

Appendix B

Public Notices

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2024110253**Project Title:** Rosemary Solar and Energy Storage Complex

Lead Agency: Fresno County

Contact Person: Jeremy Shaw

Mailing Address: 2220 Tulare Street, Suite B

Phone: (559) 600-4207

City: Fresno

Zip: 93721

County: Fresno

Project Location: County: Fresno

City/Nearest Community: San Joaquin

Cross Streets: W Kamm Ave and S Yuba Ave

Zip Code: 93627

Longitude/Latitude (degrees, minutes and seconds): 36 ° 31 ' 27 " N / -120 ° 11 ' 19 " W Total Acres: 1172

Assessor's Parcel No.: See attached

Section: Attached

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: N/A

Waterways: Fresno Slough

Airports: San Joaquin Airport

Railways: N/A

Schools: San Joaquin Elementary

Document Type:

CEQA: ☐ NOP ☒ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.) _____ ☐ Draft EIS ☐ Other: _____
☐ Mit Neg Dec Other: _____ ☐ FONSI _____

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other: _____

Development Type:

☐ Residential: Units _____ Acres _____ ☐ Transportation: Type _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____ ☐ Mining: Mineral _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____ ☒ Power: Type Solar MW 140
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____ ☐ Waste Treatment: Type _____ MGD _____
☐ Educational: _____ ☐ Hazardous Waste: Type _____
☐ Recreational: _____ ☒ Other: energy storage (up to approximately 140 MWac), reconductoring
☐ Water Facilities: Type _____ MGD _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☒ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Other: Energy, TCR

Present Land Use/Zoning/General Plan Designation:

dryland farming use/ AE-20/ Agriculture

Project Description: (please use a separate page if necessary)

Rosemary Solar, LLC proposes to construct, operate, maintain, and decommission the Rosemary Solar and Energy Storage System Complex on approximately 1,172 acres in unincorporated Fresno County. The project would generate up to approximately 140 megawatts alternating current (MWac) and include energy storage capacity of up to approximately 140 MWac. Related facilities and infrastructure would include O&M buildings, parking, an on-site substation, and an up-to 2-mile-long generation-tie line via 1 of 4 possible paths to deliver power to the existing Pacific Gas and Electric Company (PG&E) 70 kilovolt (kV) Crescent Substation. The Project also includes facility and infrastructure improvements to be constructed, owned and operated by PG&E, including reconductoring 5 linear miles of the PG&E Helm to Crescent 70 kV electric transmission line and raising a portion of the existing PG&E Crescent Switching Station-Schindler 70 kV power line that runs perpendicular to the proposed Rosemary Project gen-tie line.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".

If you have already sent your document to the agency please denote that with an "S".

☐ Air Resources Board	☒ Office of Historic Preservation
☐ Boating & Waterways, Department of	☐ Office of Public School Construction
☐ California Emergency Management Agency	☐ Parks & Recreation, Department of
☒ California Highway Patrol	☐ Pesticide Regulation, Department of
☒ Caltrans District # 6	☒ Public Utilities Commission
☐ Caltrans Division of Aeronautics	☒ Regional WQCB # 5
☐ Caltrans Planning	☐ Resources Agency
☒ Central Valley Flood Protection Board	☐ Resources Recycling and Recovery, Department of
☐ Coachella Valley Mtns. Conservancy	☐ S.F. Bay Conservation & Development Comm.
☐ Coastal Commission	☐ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
☐ Colorado River Board	☐ San Joaquin River Conservancy
☒ Conservation, Department of	☐ Santa Monica Mtns. Conservancy
☐ Corrections, Department of	☐ State Lands Commission
☐ Delta Protection Commission	☐ SWRCB: Clean Water Grants
☐ Education, Department of	☐ SWRCB: Water Quality
☒ Energy Commission	☐ SWRCB: Water Rights
☒ Fish & Game Region # 8	☐ Tahoe Regional Planning Agency
☐ Food & Agriculture, Department of	☒ Toxic Substances Control, Department of
☒ Forestry and Fire Protection, Department of	☐ Water Resources, Department of
☐ General Services, Department of	☐ S Other: San Joaquin Valley Air Pollution Control District
☐ Health Services, Department of	☐ S Other: Southern San Joaquin Valley Archaeological Info Center
☐ Housing & Community Development	
☒ Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date August 27, 2025 Ending Date October 10, 2025

Lead Agency (Complete if applicable):

Consulting Firm: ESA Applicant: Rosemary Solar, LLC
Address: 1731 Technology Drive, Suite 880 Address: 125 High Street, 17th floor High Street Tower, Suite 1705
City/State/Zip: San Jose, CA 95110 City/State/Zip: Boston, MA 02110
Contact: Janna Scott Phone: (617) 377-4301
Phone: (408) 660-4000

Signature of Lead Agency Representative: Jenny Shaw Date: 8/21/2025

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Notice of Completion
Rosemary Solar and Energy Storage System Complex
(Fresno County EIR 8575)

Project Site Assessor's Parcels:

Rosemary Solar 1: 040-160-21S, 040-150-12, 040-150-08, 040-150-06, 040-150-18, 040-150-07, 040-150-14S, 040-150-16, 040-150-13, 040-160-10S, 040-150-11, 040-150-15, 040-160-16S, 040-150-28S, 040-160-20S, 040-150-29S, 040-160-07S, 040-160-05S, 040-160-03S, 040-160-11S, 040-160-13S, 040-160-14, 040-160-17S, 040-160-18S, 040-160-06S, 040-150-20S, 040-150-22, 040-150-24, 040-150-10, 040-150-17, 040-150-32, 040-070-24

Rosemary Solar 2: 040-070-26S, 040-150-28S, 040-160-20S, 040-150-29S, 040-150-22, 040-150-32, 040-070-24

Rosemary Solar 3: 040-070-25S, 040-150-06, 040-150-28S, 040-160-20S, 040-150-29S, 040-150-22, 040-070-24

Shared Facilities: 040-150-06, 040-150-22, 040-150-24

Generation-tie Line: The proposed generation-tie line would cross one or more of the following assessor's parcels depending on which of four potential alignments is selected: 040-150-32, 040-080-25, 040-080-45SU, 040-070-30S, and/or 040-080-33S

PG&E Helm to Crescent Reconductoring Project: 030-100-16, 030-100-22, 040-030-15S, 040-030-17S, 040-030-18S, 040-030-30S, 040-070-40S, 033-020-32SU, 040-080-45SU, 030-100-18S, and 030-100-20S

Section Township Range information:

Section 19, Township 16 South, and Range 17 East; Sections 23 and 24 of Township 16 South, and Ranges 16 East of the Mount Diablo Base Meridian.

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 AVAILABILITY

DRAFT ENVIRONMENTAL IMPACT REPORT FOR
ROSEMARY SOLAR AND ENERGY STORAGE COMPLEX
STATE CLEARINGHOUSE NO. 2024110253; FRESNO
COUNTY EIR 8575

Public Review begins Wednesday,
August 27, 2025 and ends at 5:00 p.m.
Friday, October 10, 2025.

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:

AUGUST 27, 2025

NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL IMPACT
REPORT FOR ROSEMARY SOLAR AND
ENERGY STORAGE COMPLEX STATE
CLEARINGHOUSE NO. 2024110253;
FRESNO COUNTY EIR 8575.

LEAD AGENCY: Fresno County
Department of Public Works and Planning
PROJECT TITLE: Rosemary Solar and
Energy Storage Complex

PROJECT LOCATION: The Project site
(including the Rosemary Project site and
the PG&E Project site) is in unincorporated
western Fresno County, west of State Route
145, approximately 25 miles southwest
of Fresno, 6 miles east of Cantua Creek
and 3.8 miles west of Helm. The PG&E
Project site is adjacent to (east and north
of) the proposed Rosemary Project site.
The Rosemary Project site is approximately
1,172 acres and bounded by West Kamm
Avenue to the north, West Conejo Avenue to
the south, South Yuba Avenue to the east and
South El Dorado Avenue to the west. The
Project site comprises the following Fresno
County Assessor's parcel numbers:

040-160-21S 040-150-14S 040-160-16S
040-160-03S 040-160-06S 040-150-12
040-150-16 040-150-28S 040-160-11S
040-150-20S 040-150-08 040-150-13
040-160-20S 040-160-13S 040-150-22
040-150-06 040-160-10S 040-150-29S
040-160-14 040-150-24 040-150-18
040-150-11 040-160-07S 040-160-17S
040-150-10 040-150-07 040-150-15
040-160-05S 040-160-18S 040-150-17
040-160-04S 040-070-24 040-150-32
040-070-26S 040-080-25 040-080-45SU
040-070-30S 040-080-33S 030-100-16
030-100-22 040-030-15S 040-030-15S
040-030-17S 040-030-18S 040-030-30S
040-070-40S 033-020-32SU 040-080-45SU
030-100-18S 030-100-20S

PROJECT DESCRIPTION: Rosemary
Solar, LLC proposes to construct, operate,
maintain, and decommission the Rosemary
Solar and Energy Storage System
Complex on approximately 1,172 acres in
unincorporated Fresno County. The Project
would generate up to approximately 140
megawatts alternating current (MWac) and
include energy storage capacity of up to
approximately 140 MWac. Related facilities
and infrastructure would include O&M
buildings, parking, an on-site substation, and
an up-to 2-mile-long generation-tie line via

1 of 4 possible paths to deliver power to the
existing Pacific Gas and Electric Company
(PG&E) 70 kilovolt (kV) Crescent
Substation. The Project also includes facility
and infrastructure improvements to be
constructed, owned and operated by PG&E,
including reconductoring 5 linear miles of
the PG&E Helm to Crescent 70 kV electric
transmission line and raising a portion of
the existing PG&E Crescent Switching
Station-Schindler 70 kV power line that runs
perpendicular to the proposed Rosemary
Project gen-tie line.

SIGNIFICANT ENVIRONMENTAL
EFFECTS: The County of Fresno has
prepared a Draft EIR analyzing the Project's
potential environmental effects. The
Project would not have any significant and
unavoidable impacts on the environment.
The Project would have a less-than-
significant impact (with or without mitigation
measures) regarding: aesthetics, agriculture
and forestry resources, air quality, biological
resources, cultural resources, energy,
geology, soils, and paleontology, greenhouse
gas emissions, hazards and hazardous
materials, hydrology and water quality, noise
and vibration, transportation, tribal cultural
resources, utilities and service systems, and
wildfire. No impact would result related to
land use and planning, mineral resources,
population and housing, public services, and
recreation.

PUBLIC REVIEW: The 45-day public
review and comment period for the Draft
EIR begins Wednesday, August 27, 2025 and
ends at 5:00 p.m. Friday, October 10, 2025.
Written comments should reference EIR
8575 Rosemary Solar and Energy Storage
Complex. Include your name, address, and
phone number or email address so we may
contact you for clarification, if necessary.
Send written comments to:

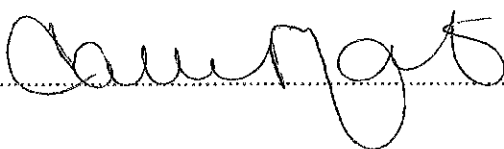
Fresno County Department of Public Works
and Planning
Development Services and Capital Projects
Division
Attn: Jeremy Shaw/ EIR 8575
2220 Tulare Street, Suite B
Fresno, CA 93721

Email: jshaw@FresnoCountyCA.gov
AVAILABILITY OF THE DRAFT EIR:
Copies of the Draft EIR are available for
review at the following locations:

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

AUGUST 27, 2025

ON



Fresno County Public Works and Planning
Department, 2220 Tulare Street, Suite B,
Fresno, CA Fresno County Main Library,
Reference Department, 2420 Mariposa
Street, Fresno, CA Fresno County San
Joaquin Branch Library 8781 S. Main Street,
San Joaquin, CA and Fresno County website:
[www.fresnocountyca.gov/Departments/
Public-Works-and-Planning/divisions-of-
public-works-and-planning/development-
services-division/planning-and-land-use/
environmental-impact-reports/eir-8575-
Rosemary-Solar](http://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/environmental-impact-reports/eir-8575-Rosemary-Solar)
08/27/2025

[Home \(https://www.fresnocountyca.gov/Home\)](https://www.fresnocountyca.gov/Home) / [Departments \(https://www.fresnocountyca.gov/Departments\)](https://www.fresnocountyca.gov/Departments) / [Public Works and Planning \(https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning\)](https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning) / [Divisions of Public Works and Planning \(https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning\)](https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning) / [Development Services \(https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division\)](https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division) / [Planning and Land Use \(https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use\)](https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use) / [Environmental Impact Reports \(https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/environmental-impact-reports\)](https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/environmental-impact-reports) / **EIR 8575 Rosemary Solar**

Public Works & Planning

[Menu](#)

EIR 8575 Rosemary Solar

Unclassified Conditional Use Permit No. 3795, 3796, 3797, and 3798

Environmental Documents

- [Notice of Availability ^{\(PDF, 117KB\)} \(/files/sharedassets/county/v/1/public-works-and-planning/development-services/environmental-impact-reports/8575-rosemary-solar/rosemary_noa_082025.pdf\)](/files/sharedassets/county/v/1/public-works-and-planning/development-services/environmental-impact-reports/8575-rosemary-solar/rosemary_noa_082025.pdf)
- [Draft Environmental Impact Report ^{\(PDF, 19MB\)} \(/files/sharedassets/county/v/1/public-works-and-planning/development-services/environmental-impact-reports/8575-rosemary-solar/rosemary_deir_2025_0822.pdf\)](/files/sharedassets/county/v/1/public-works-and-planning/development-services/environmental-impact-reports/8575-rosemary-solar/rosemary_deir_2025_0822.pdf)

- [Draft Environmental Impact Report Appendices A-C](#) ^(PDF, 75MB)
([/files/sharedassets/county/v/1/public-works-and-planning/development-services/environmental-impact-reports/8575-rosemary-solar/rosemary_deir_appendices_2025_0822_1_of_2.pdf](#)).
- [Draft Environmental Impact Report Appendices D-M](#) ^(PDF, 431MB)
([/files/sharedassets/county/v/3/public-works-and-planning/development-services/environmental-impact-reports/8575-rosemary-solar/rosemary_deir_appendices_2025_0822_2_of_2b.pdf](#)).
- [Notice of Preparation](#) ^(PDF, 1MB) ([/files/sharedassets/county/v/1/public-works-and-planning/development-services/environmental-impact-reports/8575-rosemary-solar/8575_rosemary_nop_2024_1104_final.pdf](#)).

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:

Date: Tuesday, November 19, 2024

Time: 10 a.m.

Link: <https://bit.ly/RosemarySolarScopingMtg> (<https://bit.ly/RosemarySolarScopingMtg>) or call-in: US: 888 788 0099 (Toll Free), Webinar ID: 837 4243 5613

Comments in response to this NOP will be accepted through 5 p.m., Monday, December 9, 2024, and may be submitted by mail or email to the addresses below:

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) 600-4207

Fax: (559) 600-4200

Email: jshaw@FresnoCountyCA.gov (<mailto:jshaw@FresnoCountyCA.gov>).

From: [Maria Hensel](#)
To: [Maria Hensel](#)
Cc: [Jeremy Shaw \(jshaw@fresnocountyca.gov\)](mailto:jshaw@fresnocountyca.gov)
Subject: Rosemary Solar EIR Notice of Availability
Date: Wednesday, August 27, 2025 12:15:41 PM
Attachments: [Rosemary_NOA_082025.pdf](#)

Greetings,

You are receiving this email because you have provided your email to the County of Fresno for the purpose of receiving notices about the CEQA process for the Rosemary Solar and Energy Storage System Complex. This message is to notify you that the Draft Environmental Impact Report (EIR) for the project is now available for public review. The Draft EIR may be accessed in electronic form on the County's website via this link: [EIR 8575 Rosemary Solar - County of Fresno](#). Details about how to access and provide comments on the Draft EIR are included in the attached Notice of Availability. Thank you for your interest and consideration.

Best regards,

Jeremy Shaw, Planner
County of Fresno, Department of Public Works and Planning
Development Services and Capital Projects Division
Phone: 559-600-4207
Fax : 559-600-4200
jshaw@fresnocountyca.gov



County of Fresno

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

NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL IMPACT REPORT FOR ROSEMARY SOLAR AND ENERGY STORAGE
COMPLEX STATE CLEARINGHOUSE NO. 2024110253; FRESNO COUNTY EIR 8575

LEAD AGENCY: Fresno County Department of Public Works and Planning

PROJECT TITLE: Rosemary Solar and Energy Storage Complex

PROJECT LOCATION: The Project site (including the Rosemary Project site and the PG&E Project site) is in unincorporated western Fresno County, west of State Route 145, approximately 25 miles southwest of Fresno, 6 miles east of Cantua Creek and 3.8 miles west of Helm. The PG&E Project site is adjacent to (east and north of) the proposed Rosemary Project site. The Rosemary Project site is approximately 1,172 acres, bounded by West Kamm Avenue to the north, West Conejo Avenue to the south, South Yuba Avenue to the east and South El Dorado Avenue to the west. The Project site comprises the following Fresno County Assessor's parcel numbers:

040-160-21S	040-150-14S	040-160-16S	040-160-03S	040-160-06S
040-150-12	040-150-16	040-150-28S	040-160-11S	040-150-20S
040-150-08	040-150-13	040-160-20S	040-160-13S	040-150-22
040-150-06	040-160-10S	040-150-29S	040-160-14	040-150-24
040-150-18	040-150-11	040-160-07S	040-160-17S	040-150-10
040-150-07	040-150-15	040-160-05S	040-160-18S	040-150-17
040-160-04S	040-070-24	040-150-32	040-070-26S	040-080-25
040-080-45SU	040-070-30S	040-080-33S	030-100-16	030-100-22
040-030-15S	040-030-15S	040-030-17S	040-030-18S	040-030-30S
040-070-40S	033-020-32SU	040-080-45SU	030-100-18S	030-100-20S

PROJECT DESCRIPTION: Rosemary Solar, LLC proposes to construct, operate, maintain, and decommission the Rosemary Solar and Energy Storage System Complex on approximately 1,172 acres in unincorporated Fresno County. The Project would generate up to approximately 140 megawatts alternating current (MWac) and include energy storage capacity of up to approximately 140 MWac. Related facilities and infrastructure would include O&M buildings, parking, an on-site substation, and an up-to 2-mile-long generation-tie line via 1 of 4 possible paths to deliver power to the existing Pacific Gas and Electric Company (PG&E) 70 kilovolt (kV) Crescent Substation. The Project also includes facility and infrastructure improvements to be constructed, owned and operated by PG&E, including reconductoring 5 linear miles of the PG&E Helm to Crescent 70 kV electric transmission line and raising a portion of the existing PG&E Crescent Switching Station-Schindler 70 kV power line that runs perpendicular to the proposed Rosemary Project gen-tie line.

SIGNIFICANT ENVIRONMENTAL EFFECTS: The County of Fresno has prepared a Draft EIR analyzing the Project's potential environmental effects. The Project would not have any significant and unavoidable impacts on the environment. The Project would have a less-than-significant impact (with or without mitigation measures) regarding: aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology, soils, and paleontology, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise and vibration, transportation, tribal cultural resources, utilities and service systems, and wildfire. No impact would result related to land use and planning, mineral resources, population and housing, public services, and recreation.

PUBLIC REVIEW: The 45-day public review and comment period for the Draft EIR begins Wednesday, August 27, 2025 and ends at 5:00 p.m. Friday, October 10, 2025. Written comments should reference EIR 8575 Rosemary Solar and Energy Storage Complex. Include your name, address, and phone number or email address so we may contact you for clarification, if necessary. Send written comments to:

Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
Attn. Jeremy Shaw/ EIR 8575
2220 Tulare Street, Suite B
Fresno, CA 93721
Email: jshaw@FresnoCountyCA.gov

AVAILABILITY OF THE DRAFT EIR: Copies of the Draft EIR are available for review at the following locations:

- Fresno County Public Works and Planning Department, 2220 Tulare Street, Suite B Fresno, CA.
- Fresno County Main Library, Reference Department, 2420 Mariposa Street Fresno, CA.
- Fresno County San Joaquin Branch Library, 8781 S. Main Street, San Joaquin, CA, and
- Fresno County website: www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/environmental-impact-reports/eir-8575-Rosemary-Solar.

Appendix C

Recipients of the Final EIR

ROSEMARY SOLAR AND STORAGE PROJECT-SPECIFIC DISTRIBUTION LIST
CUP Nos. 3795, 3796, 3797 AND 3798; EIR No. 8575
THURSDAY, OCTOBER 23, 2025

Agencies, Tribes, Other Stakeholders	Contact	Address	City, State, ZIP	Email	Alternate E-Mail	Phone
Project-Specific Recipients						
Fresno County	Jeremy Shaw	2220 Tulare St. 6th Floor	Fresno, CA 93721	jshaw@fresnocountyca.gov		
Fresno County		2220 Tulare St. 6th Floor	Fresno, CA 93721	drandall@fresnocountyca.gov		
Environmental Science Associates	Janna Scott	787 The Alameda, Suite 250	San Jose, CA 95126	Jscott@esassoc.com		
Environmental Science Associates	Ryan Carew			rcarew@esassoc.com		
Longroad Energy	Laren Cyphers	125 High St, 17th Floor Ste 1705	Boston, MA 02210	laren.cyphers@longroadenergy.com		
Longroad Energy	Ashley Groeneveld			ashley.groeneveld@longroadenergy.com		
Longroad Energy	Lindsey Kester			lindsey.kester@longroadenergy.com		
Longroad Energy	Emily McCrorie			emily.mccrorie@longroadenergy.com		
PG&E	Danielle Wilson, ICF International, Contract Senior Land Planner for PG&E	980 9th Street, Suite 1200	Sacramento, CA 95814	D1Wz@pge.com		
Possible Responsible Agencies, Trustee Agencies, or Potentially Affected Federal Agencies						
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		
California Department of Conservation, Geologic Energy Management Division		715 P Street, MS 1900	Sacramento, CA 95814	calgemcentralcswr@conservation.ca.gov		
California Department of Conservation, Geologic Energy Management Division, Central District	Jeff Kimber, Supervising Oil & Gas Engineer	11000 River Run Boulevard	Bakersfield, CA 93311	calgemcentralcswr@conservation.ca.gov		(661) 322-4031

Agencies, Tribes, Other Stakeholders	Contact	Address	City, State, ZIP	Email	Alternate E-Mail	Phone
California Department of Fish & Wildlife, Region 4	Craig Bailey	1234 E. Shaw Avenue	Fresno, CA 93710	craig.bailey@wildlife.ca.gov	R4CEQA@wildlife.ca.gov	
California Department of Fish & Wildlife	Julie Vance, Regional Manager	1234 E. Shaw Avenue	Fresno, CA 93710			
California Department of Fish & Wildlife, Central Region	Ren Cotter, Environmental Scientist	1234 East Shaw Avenue	Fresno, CA 93710	Ren.Cotter@wildlife.ca.gov.	Ren.Cotter@wildlife.ca.gov	(559) 767-0956
California Department of Forestry and Fire Protection, Fresno-Kings Unit		210 S. Academy Ave.	Sanger, CA 93657-9306	FKU.Prevention-Planning@fire.ca.gov		
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	
California Department of Transportation, District 6	Elizabeth Yelton, Transportation Planner	1352 W. Olive Avenue	Fresno, CA 93778-2616	Elizabeth.Yelton@dot.ca.gov		(559) 365-5140
California Energy Commission	Terry O'Brien	715 P Street	Sacramento, CA CA 95814			
California Environmental Protection Agency, Department of Toxic Substance Control	Dave Kereazis	1515 Tollhouse Road	Clovis, CA 93612	dave.kereazis@dtsc.ca.gov		
California Highway Patrol	Eric Walker, Captain	1380 E. Fortune Ave	Fresno, CA 93725			
California Native American Heritage Commission	Katy Sanchez	1550 Harbor Boulevard, Suite 100	West Sacramento, CA 95691	Cameron.Vela@nahc.ca.gov		
California Public Utilities Commission	Mary Jo Borak	505 Van Ness Avenue	San Francisco, CA 94102	bor@cpuc.ca.gov	Roxanne.Henriquez@cpuc.ca.gov	
California Regional Water Quality Control Board, Region 5	Lewis Lummen	1685 E. Street	Fresno, CA 93706-2020	centralvalleyfresno@waterboards.ca.gov	Lewis.Lummen@waterboards.ca.gov	
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, Matt.Crow@valleyair.org	
San Joaquin Valley Air Pollution Control District	Tom Jordan, Director of Governmental Affairs	1990 E. Gettysburg Avenue	Fresno, CA 93726	Dylan.Casares@valleyair.org		

Agencies, Tribes, Other Stakeholders	Contact	Address	City, State, ZIP	Email	Alternate E-Mail	Phone
San Joaquin Valley Air Pollution Control District	Mark Montelongo, Director of Policy and Government Affairs	1990 E. Gettysburg Avenue	Fresno, CA 93726			
San Joaquin Valley Air Pollution Control District	Daniel Martinez, Program Manager	1990 E. Gettysburg Avenue	Fresno, CA 93726			
San Joaquin Valley Air Pollution Control District	Michael Corder, Senior Air Quality Specialist	1990 E. Gettysburg Avenue	Fresno, CA 93726	Michael.Corder@valleyair.org		559.230.5818
Southern San Joaquin Valley Archaeological Info Center	Celeste Thompson	9001 Stockdale Ave.	Bakersfield, CA 93311-1099	ssjvic@csusb.edu		
State Office of Historic Preservation, Department of Parks & Recreation	Lucinda Woodward	1725 23rd Street, Ste. 100	Sacramento CA 95816		Shannon.Pries@parks.ca.gov	
United States Department of the Interior, Fish & Wildlife Services - Endangered Species Div.	Matthew J. Nelson, Wildlife Biologist/ Patricia Cole Division Supervisor	2800 Cottage Way	Sacramento, CA 95825-1888	matthew_nelson@fws.gov		
State Water Resources Control Board, Division of Drinking Water	Jose Robledo/Cinthia Reyes	265 W. Bullard, Suite 101	Fresno, CA 93704		Cinthia.Reyes@Waterboards.ca.gov	
State Water Resources Control Board	Lori Schmitz, Environmental Scientist	1001 I Street	Sacramento CA 95814	Lori.Schmitz@waterboards.ca.gov		
Native American Tribes						
Dumna Wo Wah	Chris Acree	262 N. Glenn Avenue	Fresno, CA 93701	cacree@hotmail.com		
Dumna Wo Wah Government	Robert Ledger, Tribal Chairman	2191 W. Pico	Fresno, CA 93705	ledgerrobert@ymail.com		
Picayune Rancheria of the Chukchansi Indians	Heather Airey - Cultural Resources Director	PO Box 2226	Oakhurst, CA 93644	hairey@chukchansi-nsn.gov		
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	spowers@tachi-yokut-nsn.gov	
Table Mountain Rancheria	Robert Pennell, Tribal Cultural Resources Director	P.O. BOX 410	Friant, CA 93626	rpennell@tmr.org		

Agencies, Tribes, Other Stakeholders	Contact	Address	City, State, ZIP	Email	Alternate E-Mail	Phone
Other Agencies						
Central Valley Flood Protection Board	Leslie Gallagher	3310 El Camino, Room LL40	Sacramento, CA 95821			
Central Valley Flood Protection Board	Jordan Robbins	3310 El Camino, Room LL40	Sacramento, CA 95821	Jordan.Robbins@cvflood.ca.gov		(916) 524-3454
Central Valley Flood Protection Board	Jamie Silva, Environmental Program Manager	3310 El Camino, Room LL40	Sacramento, CA 95821			
City of Kerman, Community Development Department	Jesus R. Orozco	850 S. Madera Avenue	Kerman, CA 93630-1741	mcampos@cityofkerman.org		
City of Mendota, Planning and Community Development	Cristian Gonzalez	643 Quince Street	Mendota, CA 93640	cristian@cityofmendota.com		
City of Huron	John Kunkel, Interim City Manager	36311 S. Lassen Ave/P.O. Box 339	Huron, CA 93234			
City of San Joaquin	Lupe Estrada	21900 W Colorado Avenue	San Joaquin, CA 93660			
Consolidated Mosquito Abatement District	Steve Mulligan	P.O. Box 784	Parlier, CA 93648	smulligan@mosquitobuzz.net	jholeman@mosquitobuzz.net	
Fresno Council of Governments	Tory Boren	2035 Tulare St Ste 201	Fresno CA 93721			
Fresno Metropolitan Flood Control District	Frank Fowler	5469 E. Olive Avenue	Fresno, CA 93727	developmentreview@fresnofloodcontrol.org		
Golden Plains Unified School District	Martin Macias, Superintendent	22000 Nevada Street	San Joaquin, CA 93660	mmacias@gpusd.org		
James Irrigation District	Manny Amorelli, Manager/ Donna Hanneman, Exc Assistant	P.O. Box 757	San Joaquin, CA 93660		dhanneman@jamesid.org	
Kings Basin Water Authority		4886 E. Jensen Avenue	FRESNO, CA 93725			
Kings River Conservation District	Paul Peschel, General Manager	4886 E. Jensen Avenue	Fresno, CA 93725			

Agencies, Tribes, Other Stakeholders	Contact	Address	City, State, ZIP	Email	Alternate E-Mail	Phone
Mendota Unified School District	Dr. Paul Lopez, Superintendent	115 McCabe Ave.	Mendota, CA 93640	plopez@mendotaschools.org		
NAVFACSW INTERGOVERNMENTAL BRANCH		1220 Pacific Highway	SAN DIEGO, CA 92132			
State of California Reclamation Board		P.O. Box 942836	Sacramento, CA 94236			
Tranquillity Irrigation District	Liz Reeves	Box 487	Tranquillity, CA 93668	liz@trqid.com		
Tranquillity Resource Conservation District	Danny Wade	PO Box 487	Tranquillity, CA 93668- 0487	easyrider@netptc.net		
United State Department of Agriculture, Natural Resources Conservation Service	David Durnham	4625 W. Jennifer, Suite 125	Fresno, CA 93722			
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@usac e.army.mil	
United States Environmental Protection Agency Region 9	Dawn Richmond	75 Hawthorne Street (WTR-9)	San Francisco, CA 94105	richmond.dawn@epa.gov		
Westlands Water District	Russ Freeman/ Jose Gutierrez	P.O. Box 6056	Fresno, CA 93703-6056	rfreeman@wwd.ca.gov	jgutierrez@wwd.ca.gov; kcampbell@wwd.ca.gov; Kcampbell@wwd.ca.gov	
Westlands Water District	Brent Dragomanovich, Associate Resources Analyst	P.O. Box 5199	Fresno, CA 93755	bdragomanovich@wwd.ca.gov		559-241-6245
Westlands Water District	Stephen Farmer, Chief Administrative Officer	286 W. Cromwell Ave	Fresno, CA 93711			
Westlands Water District	Valdemar Cerna, Associate Resources Analyst	P.O. Box 5199	Fresno, CA 93755	vcerna@wwd.ca.gov		
Westlands Water District (Westside Subbasin GSA)	Kiti Buelna Campbell	PO Box 6056	Fresno, CA 93703	kcampbell@wwd.ca.gov		
Westside Resources Conservation District		P.O. Box 6079	Tranquillity, California 93624-0038			

Agencies, Tribes, Other Stakeholders	Contact	Address	City, State, ZIP	Email	Alternate E-Mail	Phone
Other stakeholders and special interests						
Adams Broadwell Joseph & Cardozo	Maya Smith, Aidan P. Marshall	601 Gateway Blvd, Suite 1000	South San Francisco, CA 94080-7037	amarshall@adamsbroadwell.com		
Laborers Intl Union of N. America, Local Union 294		1939 Harrison St Suite 150	Oakland, CA 94612			
Lozeau Drury, LLP	R. Drury, M. Lozeau, T. Rettinghouse, S. Osborne, H. Hughes, K. Toor	1939 Harrison St Suite 150	Oakland, CA 94612	admin@lozeaudrury.com		
Downey Brand LLP	C/O Nicole Bigley	621 Capitol Mall, 18th Floor	Sacramento, CA 95814	KingsRiverNotices@downeybrand.com		
Defenders of Wildlife, California Program Office	Sophia Markowska, Senior California Representative	P.O. Box 401	Folsom, CA 95763	Smarkowska@defenders.org		
San Joaquin Branch Library	Reference Desk	8781 S. Main Street	San Joaquin, CA 93660			
Fresno County Main Library	Reference Desk	2420 Mariposa Street	Fresno, CA 93721			
Fresno County Public Works and Planning	Attn. Jeremy Shaw	2220 Tulare Street Suite B Annex	Fresno, CA 93721			

Appendix D

Mitigation Monitoring and Reporting Program

APPENDIX D

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code Section 21081.6[a][1]) requires that a mitigation monitoring and reporting program (MMRP) be adopted at the time that the agency determines to carry out a project for which an EIR has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented.

This document describes a preliminary MMRP for ensuring the effective implementation of the applicant-proposed measures (APMs) and CEQA mitigation measures that are identified in EIR No. 8575 for Fresno County’s approval of applications for four unclassified conditional use permits (CUP Nos. 3795, 3796, 3797, and 3798) to construct, operate, maintain, and decommission a photovoltaic solar electricity generating facility and battery energy storage system (the “Rosemary Project”) in an unincorporated area of Fresno County. Current versions of the APMs proposed as part of the Rosemary Project are presented in **Table 1**, *Rosemary Solar Project Applicant Proposed Measures*. Current versions of the mitigation measures recommended for the Rosemary Project are presented in **Table 2**, *Rosemary Solar Project CEQA Mitigation Measures*.

This document also describes a preliminary MMRP for ensuring the effective implementation of the standard practices and measures proposed by the Pacific Gas and Electric Company (PG&E) and CEQA mitigation measures that are identified in EIR No. 8575 for potential reconductoring and related work by PG&E along approximately 5 linear miles of the existing Helm–Crescent 70-kilovolt electric transmission line (the “PG&E Reconductoring Project”) to facilitate the interconnection of the Rosemary Project and to enhance electrical system reliability. Current versions of the standard practices proposed as part of the PG&E Project are presented in **Table 3**, *PG&E Project Standard Practices and Measures*. Current versions of the mitigation measures recommended for the PG&E Project are presented in **Table 4**, *PG&E Project CEQA Mitigation Measures*. As lead agency for purposes of CEQA and in furtherance of its role in analyzing the impacts of the Project as a whole (i.e., the Rosemary Project together with the PG&E Project) Fresno County analyzed the environmental impacts of the PG&E Project even though the County does not have jurisdiction to authorize the PG&E Project: PG&E and the PG&E Project analyzed in EIR No. 8575 are subject to approval and oversight by the California Public Utilities Commission (CPUC), which served as a responsible agency for purposes of EIR No. 8575.

This MMRP is a working guide to facilitate not only the implementation of mitigation measures for the Rosemary Project, but also the monitoring, compliance, and reporting activities of the County and any monitors it may designate. The Rosemary Project owner, its successors and assigns, and/or its contractors (such as third-party consultants) would be responsible for implementation of any mitigation measures and other commitments governing the construction, operation, maintenance, and decommissioning of the project. The County would act as the lead agency for monitoring compliance with all mitigation measures required by the EIR for the Rosemary Project. All approvals and permits obtained by the Rosemary Project owner would be submitted to the County for mitigation compliance prior to commencing the activity for which the permits and approvals were obtained. The Fresno County Department of Public Works and Planning is responsible for the overall administration of the program and for assisting any other relevant County departments and project managers in their oversight and reporting responsibilities.

**TABLE 1, ROSEMARY SOLAR PROJECT
APPLICANT PROPOSED MEASURES**

Associated Resource Area	Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Resource Area				
Agriculture	Applicant-Proposed Measure 2.5.9.1 Minimization of Impacts on Neighboring Agricultural Operations. Consistent with the Fresno County Solar Facility Guidelines (Fresno County 2017), the Applicant proposes to maintain a minimum 50-foot buffer from the edges of the Rosemary Project site boundaries to the closest structural improvements or equipment as a setback from existing neighboring agricultural operations. Proposed weed and other pest control activities described in Appendix B2, Draft Pest Management Plan, and recordation of an acknowledgement of the County's Right to Farm Ordinance prior to issuance of permits are proposed to support the effectiveness of efforts to minimize impacts to existing agricultural operations.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning
Hydrology and Water Quality	Applicant Proposed Measure 2.5.9.2 Erosion and Sediment Control Measures. In conformance with industry standards, a registered civil engineer will prepare erosion control designs for the Rosemary Project. Because the proposed solar and energy storage development would result in disturbance of an area greater than 1 acre, the Rosemary Project will be required to enroll (under the state Construction General Permit) in the National Pollutant Discharge Elimination System program. Sediment and erosion controls will be installed in accordance with an approved storm water pollution prevention plan. Erosion prevention measures will include the separation of topsoil during construction and stockpiling and stabilizing it separately from subsoil. When construction is complete, the stripped subsoil and topsoil will be replaced as required. Other erosion and sediment control measures will include watering for dust control and implementation of a revegetation plan (discussed further below).	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning
Biological Resources	Vegetation Management Plan. A vegetation specialist will develop a vegetation management plan consistent with the description of the vegetation management plan provided in Appendix F1, <i>Biological Resources Technical Report</i> , to address temporary disturbance from Rosemary Project construction activities and to inform long-term Rosemary Project site vegetation and habitat management during operations. The plan will include details on 1) soil testing; 2) site preparation; 3) the seed mixture to be used onsite, including native and desirable nonnative low-stature species, and application methods; 4) areas to be reseeded; 5) weed identification and control measures; 6) vegetation maintenance procedures; 7) implementation timing; 8) vegetation monitoring protocols; 9) adaptive management guidelines; and 10) a clear prohibition of the use of toxic rodenticides. During operation, objectives will be to establish and maintain a ground cover of low-stature (e.g., less than 18 inches tall) native and desirable nonnative grasses and other plants that are consistent with the establishment of habitat for burrowing owls and other wildlife species. The vegetation of the Rosemary Project site will be monitored with remedial	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning

Associated Resource Area	Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	measures implemented as necessary to achieve the vegetation cover and habitat management goals of the plan.			
Air Quality	2.5.9.4 Dust Control and Valley Fever Management Plan. Rosemary Project activities will comply with all applicable San Joaquin Valley Air Pollution Control District rules and regulations, including Rule 9510 (Indirect Source Review) and Regulation VIII (Fugitive Dust Rules). Dust control merits further attention on the Rosemary Project site because <i>Coccidioidomycosis</i>, more commonly known as <i>Valley Fever</i>, is highly endemic¹ in Fresno County. Valley Fever is primarily a disease of the lungs caused by the spores of the <i>Coccidioides immitis</i> fungus. The spores naturally occur in soils in this region, can become airborne when the soil is disturbed, and can subsequently be inhaled into the lungs. The potential exists for both dust and cocci spores to be stirred up during work activities that disturb the soil, such as digging, grading, or other earthmoving operations or vehicle operation on dirt roads or during high winds, and thereby to expose construction workers and others to the potential of contracting Valley Fever. To reduce the potential for causing or exacerbating exposure to dust and the cocci spores, the Applicant proposes to implement the following measures: • Prior to the initiation of ground disturbing activities, a Valley Fever management plan shall be provided to the County and the San Joaquin Valley Air Pollution Control District for review and approval. The plan will include a program to limit the potential for exposure to <i>C. immitis</i> from construction activities and to identify appropriate worker training, dust management, and safety procedures that shall be implemented. In addition to awareness and recognition training, these measures include performing job hazard assessments (JHAs) for all job classifications employed on-site during construction. These JHAs shall identify the potential for exposure as well as the appropriate precautions and controls to minimize exposure. • During construction, the Rosemary Project Applicant or Project owner will implement an average of twice daily watering of roads and active disturbance areas and will limit vehicle speeds on unpaved roads to 20 miles per hour (mph). • During operation, vehicle speeds will be limited on unpaved roads to 20 mph.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning

¹ Labor Code Section 6709 defines *highly endemic* as meaning that the annual incidence rate of Valley Fever is greater than 20 cases per 100,000 persons per year.

Associated Resource Area	Applicant-Proposed Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources	2.5.9.5 Wildlife-Friendly Design Features. The design of new overhead transmission and communications lines and structures will follow the most recent Avian Power Line Interaction Committee guidance to reduce the potential for avian injury and mortality from collisions and electrocution. The proposed use primarily of motion-activated security lighting (rather than lighting that will remain on from dusk to dawn) will reduce adverse impacts to nocturnal species, potentially including foraging, sheltering, mating and reproducing, communicating, and migrating behaviors.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning
Hazards; Public Services; Wildfire	2.5.9.6 Emergency Action Plan. The Applicant recognizes that ESS facilities, unless properly constructed, maintained, and operated, can create hazards for firefighters and emergency responders with the possibility of thermal events. As such, the Applicant will only utilize equipment that has undergone extensive failure testing and proposes to construct and operate the ESS in accordance with test results, all applicable statutes, regulations, and other requirements, including developing an emergency action plan, in advance of battery containers arrive to site, to train local emergency response personnel during development and operation of the facility. The plan will be completed in accordance with existing state regulations (Health and Safety Code Section 25504[b]; California Code of Regulations Title 19, Section 5030.9; Public Utilities Code Section 761.3) and the failure testing will be performed per UL9540A and Large Scale Fire Testing as described in NFPA 855. The contents of the emergency action plan will comply with existing state regulations, will be developed in consultation with the fire department and will include defined roles and responsibilities. The Applicant will offer first responder training prior to battery containers arrive to site, once equipment is installed and fully operational, and annual refresher training.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and decommissioning

**TABLE 2, ROSEMARY SOLAR PROJECT
CEQA MITIGATION MEASURES**

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Air Quality				
Impact 3.4-3: The Rosemary Project would expose sensitive receptors to pollutant concentrations and risk of contracting Valley Fever.	Mitigation Measure 3.4-3: Valley Fever Management Plan Prior to the initiation of ground disturbing activities, a Valley Fever Management Plan shall be prepared and provided to the County for review and approval. The Plan shall be implemented as approved, and shall include a program to limit the potential for exposure to <i>Coccidioides</i> from construction activities and to identify appropriate worker training, dust management, and safety procedures that shall be implemented. At a minimum, the Plan shall include the following program requirements: • Equipment, vehicles, and other items shall be cleaned thoroughly of dust before they are moved off-site to other work locations. • Wherever possible, grading and trenching work shall be phased so that earthmoving equipment operates well ahead or downwind of workers on the ground. • The area immediately behind grading or trenching equipment shall be sprayed with water. If a water truck runs out of water before dust is dampened sufficiently, ground workers exposed to dust shall leave the area until a truck resumes water spraying. • All heavy-duty earthmoving vehicles shall be closed-cab and equipped with a High Efficiency Particulate Air (i.e., HEPA) filtered air system. • N95 dust masks shall be provided to on-site workers for the duration of the construction period. • Workers shall receive training to recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Fresno County Planning and Community Development Department. • A Valley Fever informational handout shall be provided to all on-site construction personnel. The handout shall provide, at a minimum, information regarding the symptoms, health effects, preventive measures, and treatment.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources				
Impact 3.5-2: The Rosemary Project could have a substantial adverse direct or indirect impact on special-status terrestrial wildlife species.	Mitigation Measure 3.5-2: Designated Biologist During Construction Prior to the issuance of grading or building permits, the Project operator will designate a lead biologist with the qualifications (i.e., relevant training and experience with special-status species that could potentially occur onsite) to oversee compliance with protection measures for all listed and other special-status species. The lead biologist or another qualified biologist will be on the Project site during initial vegetation clearing and grading. After grading is complete, the lead biologist or another qualified biologist will visit the Project site at least weekly during construction activities throughout the construction phase, and as needed during decommissioning. The lead biologist and qualified biologists will have the right to halt all activities to avoid impacts on special-status species and to establish no-disturbance buffers. Work will proceed only after hazards to special-status species are removed, and the species is no longer at risk. While onsite, the lead biologist or qualified biologist will carry a copy of all compliance measures and appropriate plans. Mitigation Measure 3.5-3: Measures for the Avoidance and Protection of Biological Resources During construction and operations, the contractor will implement the following general avoidance and protective measures to protect special-status wildlife species. • The contractor will limit the areas of disturbance to the extent feasible. Parking areas, new roads, staging, storage, excavation, and disposal site locations will be confined to the smallest areas possible. All Project disturbance areas will be clearly demarcated with signs, stakes, and/or flagging prior to construction to avoid non-Project areas and natural resources where possible. • Spoils will be stockpiled in disturbed areas that lack native vegetation. BMPs will be employed to prevent erosion in accordance with the Project's approved Stormwater Pollution Prevention Plan (SWPPP). All detected erosion will be remedied as described in the Project SWPPP. • All personnel entering the Project site will attend worker environmental awareness training provided by the lead biologist or their designee before beginning work onsite. Th Worker environmental awareness training will occur before construction activities begin and as needed thereafter. Worker environmental awareness training will include the following topics: • Information on the potential special-status species and the habitats that may be found within or adjacent to the Project site, including (but not limited to) burrowing owl, monarch butterfly, Swainson's hawk, and nesting birds. • Impact avoidance and reporting requirements of federal and state laws pertaining to potential special-status species. Workers will be instructed to	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning as defined in the measures

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	notify the site supervisor and/or lead or qualified biologist immediately if any of these species are present onsite. • Identification of measures implemented to conserve the special-status species and habitats within or adjacent to the Project site. • Distribution of this information to all personnel who may enter the Project site. • To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth will be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. All holes and trenches, whether covered or not, will be inspected by workers for trapped wildlife at the start and end of each workday. Before such holes or trenches are filled, they will be thoroughly inspected by workers for trapped animals. If trapped animals are observed, escape ramps or structures will be installed immediately to allow escape. If a listed animal or species of special concern is trapped or injured, then the lead biologist will immediately contact USFWS and/or CDFW to identify an individual with the appropriate permit or authorization to handle listed species and to determine who will bring the animal to a pre-identified wildlife rehabilitation or veterinary facility for care. • All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods will be thoroughly inspected for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe will not be moved until the lead or another qualified biologist has been consulted. If the animal is a listed species, then work will immediately halt in the vicinity, and the animal will be allowed to move from the structure and the work area of its own accord. Listed species will not be handled or captured by anyone without the appropriate permit or authorization. • Drivers/operators of vehicles and equipment parked at worksites will inspect the ground beneath the vehicle or equipment for the presence of wildlife prior to moving the vehicle/equipment. If an animal is present, the lead biologist or another qualified biologist will be notified and the animal will be left to move on its own. • Project vehicles and equipment will use existing routes of travel. Cross-country vehicle and equipment use beyond the demarcated Project disturbance areas will be prohibited. • During construction and operations, all vehicles shall maintain a speed limit of no more than 20 mph in all project areas during the daytime and 10 mph at night. • Following construction, the Project owner shall utilize a wildlife-friendly fence design to allow passage by San Joaquin kit fox and other small			

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	mammals, such as by including a 4-to-6-inch gap at ground level for passage, or by providing openings at intervals around the facility perimeter. • A long-term trash abatement program will be established for construction, O&M, and decommissioning. The plan will be submitted to the County prior to construction. Personal trash and food items will be placed in a central, closed container and removed from worksites daily to reduce the attraction of wildlife, such as common ravens (<i>Corvus corax</i>), coyotes (<i>Canis latrans</i>), and feral dogs. • Workers will be prohibited from bringing pets and firearms to the Project site and from feeding wildlife in the vicinity. • Intentional killing or collection of any wildlife species is prohibited. Mitigation Measure 3.5-4: Avoid Impacts on Monarch Butterfly To avoid monarch individuals (adults, eggs, and larvae), the contractor should remove host plants for monarch butterfly during the winter months (October 1–February 28) when individuals in any life stage would not be present in the Project site. If the removal of the host plants occurs between March 1 and September 30, a qualified biologist should conduct a preconstruction survey for all life stages on the plants and avoid removing the plants until the monarchs have completed their life cycle and are no longer present. Mitigation Measure 3.5-5: Burrowing Owl Protection Measures A qualified biologist shall conduct a pre-construction survey for burrowing owls 14 to 30 days prior to construction in accordance with current CDFW protocol (CDFG 2012). The survey shall cover all accessible grassland areas within 500 feet of the area to be disturbed by construction, checking for adult and juvenile burrowing owls and signs of burrowing owl occupation (e.g., whitewash, pellets, bones, or feathers). A qualified biologist shall provide a pre-construction worker education program to contractors and their employees that describes the life history and species protection measures that are in effect to avoid impacts on burrowing owls that could occur on-site during construction. If inactive burrowing owl burrows are detected any time of the year, the burrows may be excavated with a shovel to prevent burrowing owls from re-using them during construction. The burrows' inactive status will be determined by the approved biologist through monitoring prior to burrow excavation. If active (occupied) burrowing owl burrows are detected, no ground-disturbing activities, such as vegetation clearance, grading, or other construction activities, will be permitted within a no-disturbance buffer around the burrow. In accordance with CDFW (2008) guidance, the size of any employed no-disturbance buffers will be 330 feet (100 meters) from the active burrow during the breeding season (February 1 to August 31) and 165 feet (50 meters) from the active burrow during the nonbreeding (winter) season (September 1 to January 31), unless otherwise authorized by a qualified biologist as described below.			

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	Depending on the level of disturbance, a smaller buffer may be established by a qualified biologist based on the visibility and sensitivity responses of each individual burrowing owl and may include the placement of visual buffers. If the qualified biologist determines that disturbance is occurring and there is a potential for take of burrowing owl that cannot be avoided, the Project owner shall consult with CDFW regarding the potential for take of burrowing owl and comply with any Incidental Take Permit issued by CDFW.			
Impact 3.5-4: The Rosemary Project could have a substantial adverse direct or indirect impact on Swainson's hawk, loggerhead shrike, or other migratory birds.	Mitigation Measure 3.5-7: Protection of Nesting Birds, Including Swainson's Hawk Before any work is conducted from February 15 to September 15, a qualified biologist with expertise in birds shall conduct a preconstruction survey to determine whether any birds are nesting in or near the work area. The preconstruction survey shall be conducted no earlier than seven days before the start of work from February 15 through May, and no earlier than 15 days before the start of work from June through September 15. Swainson's hawk nest surveys shall include the Project site and a 0.5-mile buffer, following the survey methodology of the Swainson's Hawk Technical Advisory Committee (2000). ² If active nests are found during the survey, the biologist shall determine an appropriately sized buffer around the nest in which no work would be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the qualified biologist, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance, in coordination with CDFW. Typical nest buffers range in size from 250 feet for passerine birds, 500 feet for common raptors, and 0.5-mile for Swainson's hawk. The nest buffer would remain in place until the breeding season has ended or a qualified biologist has determined that the birds have fledged.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning; preconstruction survey to be conducted no earlier than seven days before the start of construction (from February 15 through May, and no earlier than 15 days before the start of work from June through September 15) as defined in the measure
Impact 3.5-7: The Rosemary Project could interfere substantially with established native resident or migratory wildlife corridors.	Mitigation: Implement Mitigation Measure 3.5-3: Measures for the Avoidance and Protection of Biological Resources (described under Impact 3.5-2 above).	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning as defined in the measures

² Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. May 31, 2000.

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Cultural Resources				
Impact 3.6-1: Ground disturbing activities associated with the Rosemary Project could cause a substantial adverse change in the significance of a newly-discovered historical or archaeological resource, as defined in CEQA Guidelines section 15064.5.	Mitigation Measure 3.6-1: Cultural Resources Awareness Training The Project owner shall retain a qualified archaeologist to carry out all mitigation measures related to archaeological and historical resources. Prior to the start of any ground-disturbing activities, the Project owner shall help ensure that the qualified archaeologist has conducted a Cultural Resources Awareness Training for all construction personnel working on the Project. The training shall include an overview of potential cultural resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. A sign-in sheet shall be completed, retained by the Project construction contractor for the duration of Project ground-disturbing activities to demonstrate attendance at the awareness training, and provided to the County upon the completion of those activities. Mitigation Measure 3.6-2: Inadvertent Discovery of Cultural Resources If archaeological resources are discovered during ground-disturbing activities, all such activities will immediately stop within 100 feet (30 meters) of the discovery, the location of the discovery will be marked for avoidance, and efforts will be made to prevent inadvertent destruction of the find. The qualified archaeologist (and a Native American representative if the resource is Native American-related) shall evaluate the significance of the resources for California Register of Historical Resources eligibility and recommend appropriate treatment measures to the County and the Project owner. Per CEQA Guidelines section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall (in coordination with a Native American representative if the resource is Native American-related) develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric, tribal cultural resources, or Native American in nature. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the County. Construction activities can continue based on direction of the qualified archaeologist.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning as defined in mitigation measures
Impact 3.6-3: Ground disturbing activities associated with the Rosemary Project could result in damage to previously unidentified human remains.	Mitigation Measure 3.6-3: Inadvertent Discovery of Human Remains If human remains are uncovered during Project activities, the Project owner shall immediately halt work, contact the Fresno County coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines section 15064.5(e). If the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code section 7050.5(c),	See Mitigation Measures 3.6-1 and 3.6-2, above.		

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
	and Public Resources Code section 5097.98 (as amended). The NAHC shall designate a Most Likely Descendant for the remains per Public Resources Code section 5097.98, and the Project owner shall help ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further activity under the Project owner has discussed and conferred, as prescribed in Public Resources Code section 5097.98 with the Most Likely Descendant regarding their recommendation for the disposition of the remains, taking into account the possibility of multiple human remains.			
Impact 3.6-4: Ground disturbing activities associated with the Rosemary Project could cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code section 21074(a).	Implement Mitigation Measures 3.6-1 and 3.6-3, see text of measures above.	See Mitigation Measures 3.6-1 and 3.6-2, above.		
Geology, Soils, and Paleontological Resources				
Impact 3.8-7: The Rosemary Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Mitigation Measure 3.8-1: Conduct Worker Awareness Training. Before the start of excavation or grading activities at or deeper than 5 feet below ground surface, the project owner will retain a Project Paleontologist who is experienced in teaching non-specialists. The paleontologist will train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying the Project Paleontologist, who shall evaluate the significance of the find. Mitigation Measure 3.8-2: Stop Work in the Event Fossils Are Encountered In the unlikely event that fossils are discovered during ground disturbing activities, excavation within a 50-foot radius of the discovery will be temporarily halted or diverted until a county-approved Project Paleontologist determines whether the resource requires further study. The paleontologist will document the discovery, as needed evaluate the paleontological resources, and assess the significance of the find. The Project Paleontologist will notify the appropriate agencies to determine the procedures that would be required before construction activities are allowed to resume at the discovery site.	Project owner or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Prior to and during construction and decommissioning involving ground disturbance. Worker awareness training to occur before excavation; training to be repeated for new personnel during the construction phase, as needed.

**TABLE 3, PG&E PROJECT
STANDARD PRACTICES AND MEASURES**

Resource Area	Standard Practice and Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Hazards	2.6.7.1 Electric and Magnetic Fields PG&E will employ “no cost” and specified “low cost” measures to reduce public exposure to electric and magnetic fields (EMFs) in accordance with CPUC Decision 06-01-042 (CPUC 2006a), the state’s EMF Design Guidelines for Electrical Facilities (CPUC 2006b), and PG&E’s EMF Policies (PG&E 2024a).	PG&E or its designee	California Public Utilities Commission (CPUC) and/or its designee.	During construction and operation
Hazards; Wildfire	2.6.7.2 Wildfire Risk Management PG&E will continue to implement precautionary measures as part of its operation and maintenance of the existing Helm–Crescent 70 kV electric transmission line that are intended to reduce the risk of wildfires consistent with the company’s Community Wildfire Safety Program (PG&E 2024b). The program includes use of technology to predict, monitor, and respond to wildfires and severe weather conditions; appropriate materials, such as sufficiently robust poles and covered powerlines; vegetation management; and vigilance. PG&E also would continue to follow its standard fire risk management procedures, including safe work practices, work permit programs, training, and fire response. Project personnel would be directed to park away from dry vegetation. During fire season, all motorized equipment driving off paved or maintained gravel/dirt roads would have federal- or state-approved spark arrestors. All off-road vehicles would be equipped with a shovel and a backpack pump filled with water and all fuel trucks will carry a large fire extinguisher with a minimum rating of 40 B:C, meaning the fire extinguisher would have capacity to extinguish a flammable liquid fire (Class B) covering 40 square feet and to combat electrical fires (Class C).	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation and maintenance
Aesthetics	2.6.7.3 Aesthetics • Use of Non-reflective Finishes: PG&E will use non-specular conductor and a non-reflective finish for the poles to reduce the potential for new sources of glare. • Minimization of Effects of Temporary Nighttime Construction Lighting on Sensitive Receptors: If temporary nighttime lighting is required for construction in close proximity to sensitive receptors such as existing residences and sensitive habitat areas (including, but not limited to, security lighting at the proposed staging area), it will be focused on work areas and directed on-site to minimize potential spillover or glare with respect to areas outside the work area. Non-glare or hooded fixtures may be utilized.	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation and maintenance

Resource Area	Standard Practice and Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources	2.6.7.4 Nesting Bird Impact Avoidance. If construction work is scheduled during the nesting season (February 1 through August 31), nest detection surveys will correspond with a standard buffer for individual species in accordance with species-specific buffers will occur within 7 days prior to the start of construction to determine nesting status by a qualified biologist. Nest surveys will be accomplished by ground surveys and will support phased construction, with surveys scheduled to be repeated if construction lapses in a construction work area for 7 days between March and July. Access for ground surveys will be subject to property owner permission. If active nests containing eggs or young are found, the biologist will establish an appropriate species-specific nest buffer. Nesting pair acclimation to disturbance in areas with regularly occurring human activities will be considered when establishing nest buffers. The established buffers will remain in effect until the young have fledged or the nest is no longer active as confirmed by the biologist. Active nests will be periodically monitored until the biologist has determined that the young have fledged or once construction ends. At the discretion of the biologist, vegetation removal by hand may be allowed within nest buffers or in areas of potential nesting activity. Inactive nests may be removed in accordance with PG&E's approved avian permits. The biologist will have authority to order the cessation of nearby project activities if nesting pairs exhibit signs of disturbance.	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Nest detection surveys to occur within 7 days prior to start of construction; periodic monitoring to occur during construction as described in measure
Biological and Cultural Resources	2.6.7.5 Worker Environmental Awareness Programs Biological Resources: A qualified biologist will conduct an environmental awareness program for all on-site construction personnel before they begin work on the project. Training will include a discussion of the avoidance and minimization measures that are being implemented to protect biological resources as well as the terms and conditions of any required project permits. Training will include information about the federal and state Endangered Species Acts and the consequences of noncompliance with these acts. Under this training program, workers shall be informed of the presence, life history, and habitat requirements of all special-status species that may be affected in the project area, and about state and federal laws protecting nesting birds, wetlands, and other aquatic resources. An educational brochure will be produced for construction crews working on the PG&E Project. Color photos of special-status species will be included, as well as a discussion of specific relevant avoidance or minimization measures for special-status species and habitats. Cultural Resources: PG&E will provide environmental awareness training on archeological resources protection. This training may be administered by the principal cultural resource specialist as a stand-alone training or included as part of an overall environmental awareness training and will at minimum include: types of cultural resources or fossils that could occur at the PG&E Project site, types of soils or lithologies in which the cultural resources could be preserved, procedures that should be followed in the event of a cultural resource or human remains discovery, and penalties for disturbing cultural resources.	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Worker awareness training to occur before personnel begin work on project construction; training to be repeated for new personnel during the construction phase, as needed.

Resource Area	Standard Practice and Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Hazards; Traffic	2.6.7.6 Temporary Traffic Controls. PG&E will obtain any necessary transportation and/or encroachment permits, including for the transport of any oversized loads and certain materials, and will comply with permit requirements designed to prevent excessive congestion or traffic hazards during lane closures. PG&E will develop lane closure/width reduction or traffic diversion plans if/as required by the encroachment permits. Construction activities that are in, along, or cross local roadways will follow best management practices and/or local jurisdictional encroachment permit requirements to minimize impacts to traffic and transportation in the work area.	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation and maintenance activities involving lane closures
General Measures applicable to various resource areas	2.6.7.7 Other Construction Measures and Practices. Construction crews, whether PG&E employees or contractors, will implement the following standard measures and other best practices: • Litter and Trash Management: All food scraps, wrappers, food containers, cans, bottles, and other trash from work areas will be deposited in closed trash containers. • Parking Requirements: Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed or developed areas or work areas, as identified above. Off-road parking will only be permitted in previously identified and designated work areas. • Route and Speed Limitations: Vehicles will be confined to established roadways and preapproved access roads, overland routes, and access areas. Access routes and temporary work areas will be limited to the minimum necessary to achieve the project goals. Routes and boundaries of work areas, including access roads, will be clearly mapped prior to initiating project construction. Vehicular speeds will be kept to 15 mph on unpaved roads with no posted speed limit. • Maintenance and Refueling Requirements: All equipment will be properly maintained for the duration of construction. All refueling and maintenance of vehicles and other construction equipment will be restricted to designated work areas and located at least 100 feet from any downgradient aquatic habitat, unless otherwise isolated from habitat. Proper spill prevention and cleanup equipment will be maintained in all refueling areas. • Hazardous Materials Spills: Emergency spill response and cleanup kits will be readily available for immediate containment and cleanup of an accidental spill. Construction crews will be trained in safe handling of hazardous materials and cleanup responsibilities. Any spills into aquatic habitat will be reported to the County and Regional Water Quality Control Board within 24 hours. • Erosion Control Materials: Only tightly woven netting or similar material will be used for erosion control materials, such as coir rolls and geo-textiles, within or adjacent to suitable habitat for sensitive species. No plastic monofilament matting will be used. • Prohibited Activities: Trash dumping, firearms, open fires (such as barbecues), hunting, and pets will be prohibited at work sites. Smoking will be permitted only in designated smoking areas or within the cabs of vehicles or equipment.	PG&E and its designated contractor	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During all phases of construction

**TABLE 4, PG&E PROJECT
CEQA MITIGATION MEASURES**

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Biological Resources				
Impact 3.5-1: The PG&E Project could have a substantial adverse direct or indirect impact on special-status plants.	Mitigation Measure 3.5-1: Protection of Rare Plants For any rare, endangered or special-status plants identified along the PG&E Project route, PG&E shall implement the following protection measures based on its 2006 San Joaquin Valley O&M HCP: • If a rare plant species is present, a qualified biologist will stake and flag exclusion zones of 100 feet around plant occupied habitat. (AMM 12) • If a rare annual plant species is present, O&M activities will occur after plant senescence and prior to the first significant rain to the extent practicable. (AMM 13) If a rare plant species is present, the upper 4 inches of topsoil will be stockpiled separately during excavations. When this topsoil is replaced, compaction will be minimized to the extent consistent with utility standards, after approval from USFWS and/or CDFW. (AMM 14)	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and maintenance
Impact 3.5-3: The PG&E Project could have a substantial adverse direct or indirect impact on special-status terrestrial wildlife species.	Mitigation Measure 3.5-6: Protection of Crotch's Bumblebee No more than 30 days prior to construction, a qualified biologist with expertise in bees shall conduct a Crotch's bumble bee survey in suitable nesting, foraging, and overwintering habitat (grassland) areas that may be impacted by PG&E Project construction, and areas within 100 feet. The survey methodology shall follow the Survey Considerations for California Endangered Species Act Candidate Bumble Bee species (CDFW 2023)³. A minimum of three surveys shall be conducted over a three-day period within a temperature range of 15°C and 30°C between March 1 and October 31 following the guidance outlined in the California Bumble Bee Atlas. If an active nest is identified, a 45-foot no-disturbance buffer shall be established to reduce the risk of accidental take. If the no-disturbance buffer cannot be maintained, PG&E shall seek take coverage for this species under the California Endangered Species Act.	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	During construction, operation, and maintenance

³ California Department of Fish and Wildlife, 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. June 6, 2023. Available online: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>. Accessed October 22, 2025.

Impact	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing
Impact 3.5-6: The PG&E Project could have a substantial adverse effect on state and federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means while reconductoring is underway.	Mitigation Measure 3.5-8: Habitat Restoration and Monitoring If temporary impacts to wetland features cannot be avoided, the following requirements and minimum performance standards that are typical of regulatory permit requirements from the California Department of Fish and Wildlife, Regional Water Quality Control Board, and U.S. Army Corps of Engineers, shall be implemented. At least 30 days before the completion of Project activities, the Project owner shall submit a Restoration Plan to CDFW for review and written approval. No Project activities shall commence until the Restoration Plan is approved by CDFW in writing. The plan shall describe the on-site restoration of temporary impacts on wetland habitat, including monitoring and success criteria. Restoration and monitoring shall be guided by a qualified biologist experienced in wetland habitat restoration. Restoration shall include protocols for replanting native vegetation removed before or during construction, and management and monitoring of the plants to ensure replanting success. The plan shall be implemented within the same calendar year as the completion of Project activities unless otherwise approved in writing by CDFW. More than one plan may be necessary for restoration activities in different locations.	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Submit Restoration Plan at least 30 days before completion of construction; Implement plan (within the same calendar year) following completion of construction.
Impact 3.5-12: The PG&E Project would not cause a cumulatively considerable contribution to a significant cumulative effect on state and federally protected wetlands.	Mitigation: Implement Mitigation Measure 3.5-8 (listed above see Impact 3.5-6).	PG&E or its designee	Fresno County Department of Public Works and Planning, Development Services Division, and/or its designee.	Submit Restoration Plan at least 30 days before completion of construction; Implement plan (within the same calendar year) following completion of construction.

References

- California Department of Fish and Wildlife, 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. June 6, 2023. Available online: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>. Accessed October 22, 2025.
- Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. May 31, 2000.