APPENDIX A

California Department of Transportation

DISTRICT 6 OFFICE
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January 23, 2025

FRE-269-4.794-
CUP 3781 and EIR 8542
GTS #: https://ld-igr-gts.dot.ca.gov/district/6/report/35036

SENT VIA EMAIL

Mr. Alexander Pretzer, Planner
Fresno County
2220 Tulare St. 6th Floor
Fresno, CA 93721
apretzer@fresnocountyca.gov

Dear Mr. Pretzer:

Caltrans has completed the review of Conditional Use Permit (CUP) No. 3781 and Environmental Impact Report (EIR) No. 852 for the San Luis West Solar Project which will consist of a 125-megawatt (mW) solar photovoltaic (PV) electric generation facility coupled with an estimated 30 mW battery energy storage system (BESS).

The project site is located in a rural area of Fresno County approximately 3 miles south of Huron, California. The Project Area is south of West Tractor Avenue, west of the California Aqueduct, and east of Interstate 5 (I-5), with agricultural land and a network of unnamed agricultural roads to the south.

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. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

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

1. The proposed driveway on State Route (SR) 269 shall be eliminated. No access shall be allowed off SR 269; access should be taken from W Jayne Avenue. The routing package shows a driveway onto SR 269. The existing intersection/access spacing

within the surrounding area of SR 269 is approximately one mile. In addition, the proposed driveway is approximately half a mile from W Jayne Ave.

2. The segment of SR 269 adjacent to the project site currently consists of a two-lane conventional highway. Per the Transportation Concept Report for SR 269, the ultimate concept for SR 269 between post mile 0.04 and 8.6 is a two-lane conventional highway with improvements such as (turn lanes, signals, passing lanes, etc.) 110 feet of right of way (ROW). The existing right-of-way is approximately 40' from the SR 269 centerline. **Therefore, an approximate of 15 feet shall remain clear from any buildings and/or permanent structures.** The project shall be constructed with sufficient setbacks to accommodate the future widening of SR 269, should it come to fruition.

3. The Traffic Generation Assessment indicates that construction-related traffic is temporary and would be removed from the nearby roadway network upon project completion. Long-term operational traffic related to maintenance and monitoring activities of the facility is also expected to be minimal. Given the nature of the proposed project, both construction and operational phases are anticipated to generate minimal and short-term traffic. **However, please provide the anticipated number of construction-related trips, trip distribution, hours of construction operations and assignment for the construction phase.**

4. An encroachment permit from the Caltrans District 6 Permits Office will be required for any work done within or impacting the State's right of way. Any work done in State right of way shall conform to the current Caltrans Highway Design Manual and State Standard Plans and Specifications.

If you have any other questions, please call or email: Keyomi Jones, Associate Transportation Planner at (559) 981-7284 or keyomi.jones@dot.ca.gov.

Sincerely,

Mr. Dave Padilla, Branch Chief,
Transportation Planning – North

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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December 23, 2024

Alexander Pretzer, Planner
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apretzer@FresnoCountyCA.gov

Subject: San Luis West Solar Project (Project)
Notice of Preparation (NOP)
State Clearinghouse No. 2024110679

Dear Alexander Pretzer:

The California Department of Fish and Wildlife (CDFW) received a NOP from Fresno County for the above-referenced 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 Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue 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. 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 may 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, sections 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.

PROJECT DESCRIPTION SUMMARY

Proponent: San Luis West Solar, LLC

Objective: The Project proposes to construct and operate a 125-megawatt (MW) photovoltaic solar power generation facility with an estimated 30-MW battery energy storage system (BESS). The 770-acre facility would also include the Project substation, an operations and maintenance building, and overhead and underground medium voltage collection lines.

Location: The Project would be located on approximately 1,100 acres of private land in southwestern Fresno County. Project parcels are within Assessor Parcel Numbers (APNs) 075-070-54S, 078-060-85S, 078-080-55, 085-050-01S, 085-050-47S, 085-050-48S, and 085-050-84S, and the gen-tie line is within APNs 075-070-28, 075-070-29, 075-070-30, 075-070-31, 075-070-46S, 075-070-47S, and 075-070-48S. The Project site is immediately west of the California Aqueduct, approximately 1.3 miles east of Interstate 5 (1-5), and approximately 3 miles south of the community of Huron. The Project site is intersected north to south by State Route (SR) 269 (Lassen Avenue) and east to west by W Jayne Avenue.

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Timeline: Construction is expected to begin in early 2025 and occur over 9 months in order to meet a desired Commercial Operation Date of December 31, 2025.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations 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 CEQA document prepared for this Project.

Aerial imagery of the Project site and its surroundings show the area contains mostly agricultural habitats including tilled row crops, orchards, vineyards, fallow fields, and irrigation ponds. Based on a review of the Project description, California Natural Diversity Database (CNDDB) records, and the surrounding habitat, the Project is within the geographic range of several special-status animal species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), the State candidate western burrowing owl (*Athene cunicularia hypugaea*), and the State species of special concern loggerhead shrike (*Lanius ludovicianus)*.

In order to support the adequate assessment of potential impacts to biological resources in the Draft Environmental Impact Report (DEIR), CDFW recommends that a qualified biologist perform relevant database reviews and other research of the Project area, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site.

CDFW recommends this initial work be documented within the DEIR and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys and/or the development of avoidance, minimization, and/or mitigation measures. This information and analysis may then be used in the DEIR to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game code, and other applicable State and federal laws and regulations.

Swainson's hawk

The Project is within the known geographic range of Swainson's hawk (SWHA), and recent occurrences have been documented within the vicinity of the Project site (CDFW 2024). SWHA are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a

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sufficient source of small mammals (CDFG 1994). Based on aerial imagery and the information provided in the NOP, much of the Project site contains suitable habitat for SWHA foraging. In addition, aerial imagery shows a grove of tall trees within the Project site as well as other nearby structures that may provide suitable SWHA nesting habitat.

As SWHA have the potential to use the Project site, CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) as part of the biological technical studies conducted in support of the DEIR.

In addition to conducting SWHA surveys, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction

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

Recommended Mitigation Measure 2: SWHA Avoidance Buffer

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 3: SWHA Take Authorization

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

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Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation

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

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 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.

Tricolored blackbird

The Project site is within the known geographic range of tricolored blackbird (TRBL) and a recent occurrence was documented 2.6 miles from the Project site (CDFW 2024). TRBL breed within the vicinity of fresh water, primarily in marshy areas. Important sites for nesting colonies include heavy growths of cattails, tules, thistles, willows, blackberries, mustard, nettles, and salt cedar (Grinnell and Miller 1944). TRBL are also known to breed in alfalfa, wheat, and other low agricultural crop fields, and these fields are becoming an increasingly important nesting habitat type, particularly in the San Joaquin Valley (Beedy et al. 2023). Based on aerial imagery, the Project site may provide suitable habitat for TRBL nesting and foraging, particularly if the agricultural irrigation ponds provide sufficient emergent vegetation.

As TRBL have the potential to use the Project site and have been documented within the Project vicinity, CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR. If potentially suitable habitat is identified, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such avoidance, take authorization, and mitigation. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Docusign Envelope ID: 32E8AA7D-AB3A-4BC6-9DA5-C875D2DFFD98

Western burrowing owl

The California Fish and Game Commission (FGC) approved western 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 a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The Project site is within the known geographic range of BUOW and there are multiple recent occurrences located near the Project site (CDFW 2024). BUOW typically inhabit open grasslands and desert scrublands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW are also known to occupy agricultural habitats and may attempt to use “man-made burrows” such as pipes or culverts. Based on aerial imagery and the information provided in the NOP, portions of the Project site may contain suitable habitat for BUOW nesting and foraging.

As BUOW have the potential to be present within the Project site, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) as part of the biological studies conducted in support of the DEIR.

In addition to conducting BUOW surveys, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 5: BUOW Surveys Prior to Construction

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

Recommended Mitigation Measure 6: BUOW Avoidance Buffer
Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation, be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Docusign Envelope ID: 32E8AA7D-AB3A-4BC6-9DA5-C875D2DFFD98

Recommended Mitigation Measure 7: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Owl 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 acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

State Species of Special Concern

The Project site is within the known geographic range of the loggerhead shrike (LOSH) and there are recent occurrences of this species within 3 miles of the Project site (CDFW 2024). To evaluate Project-related impacts to this and other species, CDFW recommends that a general habitat assessment be conducted as part of the biological technical studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of LOSH, consultation with the CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

Editorial Comments and/or Suggestions

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.

If the nesting season cannot be avoided, CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

Docusign Envelope ID: 32E8AA7D-AB3A-4BC6-9DA5-C875D2DFFD98

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when 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 biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

CNDDB: Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order 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 in order to determine whether or not any special-status species are present at or near the Project site.

Artificial Lighting: Installation of outdoor artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

CDFW recommends that the DEIR for the Project include an analysis of artificial lighting as it relates to biological resources and incorporate enforceable mitigation measures to decrease the impacts of artificial outdoor lighting on wildlife species. Potentially feasible mitigation measures include motion sensitive lighting; mounting light fixtures as low as possible to minimize light trespass; use of light fittings that direct and confine the spread of light downward; and use of long-wavelength light sources. In addition, CDFW recommends that lighting is not installed in ecologically sensitive areas (e.g., streams, wetlands, and habitat used by special-status species, such as nesting/roosting sites and riparian corridors) and the use of the white/blue wavelengths of the light spectrum be avoided.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially

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significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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 CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to the CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to the CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment to assist Fresno County in identifying and mitigating Project impacts on biological resources. Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. If you have any questions, please contact Amanda Canepa, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (805) 746-0721, or by electronic mail at Amanda.Canepa@wildlife.ca.gov.

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Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

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Attachment 1

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

PROJECT: San Luis West Solar by San Luis West Solar, LLC

SCH No.: 2024110679

RECOMMENDED MITIGATION MEASURE	**STATUS/DATE/INITIALS**
Before Disturbing Soil or Vegetation	
SWHA	
Recommended Mitigation Measure 1: SWHA preconstruction focused survey	
Recommended Mitigation Measure 3: SWHA Take Authorization	
Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation	
BUOW	
Recommended Mitigation Measure 5: BUOW preconstruction surveys	
Recommended Mitigation Measure 7: BUOW Take Authorization	
During Construction	
SWHA	
Recommended Mitigation Measure 2: SWHA Avoidance Buffer	
BUOW	
Recommended Mitigation Measure 6: BUOW Avoidance Buffer	

California Program Office
P.O. Box 401, Folsom, California 95763
www.defenders.org

December 20, 2024

Alexander Pretzer
Fresno County Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Delivered via email to: APretzer@fresnocountyca.gov

Re: Notice of Preparation of a Draft Environmental Impact Report for the proposed San Luis West Solar Project (SCH 2024110679)

Dear Mr. Pretzer,

Thank you for the opportunity to provide comments in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed San Luis West Solar Project (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.

Defenders strongly supports renewable energy generation. A low-carbon energy future is critical for California's economy, communities and environment. Achieving this future—and how we achieve it—is critical for protecting California's internationally treasured wildlife, landscapes, and diverse habitats. We believe transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis by thoughtfully planning projects while protecting habitats critical to species.

The proposed Project is a solar photovoltaic and energy storage system project that would generate up to 125 MW of renewable energy and includes an estimated eight hours of energy storage capacity of 30 MW. The proposed Project would be sited on approximately 1,100 acres of land in a rural area of Fresno County. It is located west of the California Aqueduct, east of Interstate 5 and approximately three miles south of Huron.

Comments
We offer the following comments on the scope of the DEIR for the proposed Project:

Least Conflict Siting

The Project site is located on land designated with a low conservation value as designated through the San Joaquin Valley Least Conflict Solar Project.[1] Leaders from the agricultural, conservation solar development communities, tribes and key agencies identified this area as a "low conflict" and "low value" area based on present biological resources. Defenders supports the development and operation of renewable energy projects on sites identified as least conflict lands, as development projects should avoid areas with high conservation values for natural resources, such as the presence of special-status species, high biodiversity or connectivity corridors. Defenders encourages project proponents to continue to site development projects on land identified as least conflict and avoid high conservation value lands.

Special-Status Species

Although the proposed Project is located on land with a lower conservation value, special-status species may still occur, including but not limited to the following:[2]

Common Name	Scientific Name	Status
Blunt-nosed leopard lizard	*Gambelia sila*	Federal and State Endangered State Fully Protected Species
Burrowing owl	*Athene cunicularia*	State Species of Special Concern and Candidate Species for State Endangered or Threatened
Crotch's bumble bee	*Bombus crotchii*	Candidate Species for State Endangered
San Joaquin kit fox	*Vulpes macrotis mutica*	Federal Endangered and State Threatened

Considering the potential for sensitive species and habitats to be located on the Project site, the biological resources surveys must adhere to wildlife agency-approved species-specific protocols and must identify the appropriate avoidance, minimization and mitigation measures based on survey results. We recommend consultation with the responsible trustee wildlife agencies to determine the scope and appropriate protocols for the biological surveys. Species-specific surveys should cover 100 percent of the Project area and adjacent habitat within wildlife agency-recommended survey buffers. If special-status species are

[1] See https://databasin.org/maps/new/#datasets=5678d8175d694e5ea89183730af3d1a4.
[2] California Natural Diversity Database. Accessed 12/10/2024. https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data.

observed, we recommend consultation with the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) to establish the recommended impact avoidance, minimization, and mitigation measures, including compensatory mitigation and the need to obtain an Incidental Take Permit (ITP).

If habitat management lands are deemed necessary due to survey results, such lands must contain suitable habitat for the species and be managed in perpetuity by a qualified conservation organization, as defined by CA Civil Code Section 815.3. Alternatively, credits could be purchased in a CDFW-approved mitigation bank.

1. **Blunt-Nosed Leopard Lizard (BNLL)**
   BNLL are a fully protected species that requires take to be avoided to the maximum extent possible. If take cannot be avoided to the maximum extent possible, then a project must fully mitigate that take, ensure that all further measures necessary to satisfy the conservation standard of Section 2805(d) of the Fish and Game Code are in place and provide for monitoring and adaptive management. Defenders requests surveys for the species be performed that, at a minimum, conform to the current survey standards established in CDFW's *Approved Survey Methodology for the Blunt-Nosed Leopard Lizard*.[3] Additionally, we recommend consultation with the state and federal wildlife agencies to ensure compliance with the state fully protected species law and state and federal endangered species acts.

2. **Burrowing Owl (BUOW)**
   BUOW was recently listed as a candidate species under the California Endangered Species Act (CESA). As a candidate for listing, the species is temporarily afforded the same protections as a state-listed endangered or threatened species. Protocol-level surveys for BUOW must conform to the current survey standard established in the *Burrowing Owl Survey Protocol*[4] and *Mitigation Guidelines* and the *Staff Report on Burrowing Owl Mitigation*.[5] The DEIR must provide mitigation measures to ensure that project activities, including installation and maintenance, will avoid impacts to the species, or the Project proponent must obtain an ITP from CDFW.

[3] California Department of Fish and Wildlife. 2019. *Approved Survey Methodology for the Blunt-Nosed Leopard Lizard*.
[4] California Burrowing Owl Consortium. 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*.
[5] California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

3. **Crotch's Bumble Bee (CBB)**
   CBB is also a candidate species for listing under CESA, and as such, must be accorded protection as if it were listed. The project is located within the current range of the species[6] and, therefore, may occur on the project site. Defenders requests CBB surveys be conducted in accordance with CDFW's methods as outlined in *Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species*.[7]

4. **San Joaquin Kit Fox (SJKF)**
   A review of the California Natural Diversity Database (CNDDB) indicated multiple SJKF observations within two miles of the project site. Thus, the Project may have significant impacts with the potential for take, necessitating the need to perform protocol-level surveys for SJKF. We recommend protocol-level surveys for the species be performed that, at a minimum, conform to the current survey standards established in the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance*.[8] Additionally, the Project impacts to SJKF connectivity should be examined within the DEIR.

5. **Swainson's Hawk (SWHA)**
   A review of CNDDB indicated multiple SWHA occurrences nearby. We request SWHA-specific protocol-level surveys be conducted that adhere to CDFW recommendations.[9]

Agency Coordination

It is in the applicant's best interest to consult with the appropriate wildlife agencies early and often, as this could reduce costs associated with delays due to inadequate surveys, establish mitigation measures or obtain an ITP. We strongly recommend coordinating with the appropriate agencies as early as possible to help identify appropriate survey guidelines and avoidance, minimization and mitigation measures, rather than waiting until they are deemed required.

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[6] California Department of Fish and Wildlife. 2023. *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*.
7 Ibid. .
[8] 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*.
[9] California Energy Commission and Department of Fish and Game. 2010. *Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Projects in the Antelope Valley for Los Angeles and Kern Counties, California*.

Lake Effect

Defenders is concerned about the Project's potential impact on avian species. The California Aqueduct is located approximately two miles east of the Project. Given the proximity of the aqueduct, there is a higher likelihood for migratory birds to mistake the panels for water and become injured or killed due to collisions with Project facilities. Studies indicate various species of birds may be attracted to the vast arrays of PV solar panels due to the "lake effect" caused by reflective polarized light.[10] We recommend the DEIR include consideration of lake effect impacts to migratory birds.

Cumulative Impacts

The ever-increasing large-scale renewable energy within the San Joaquin Valley is significantly impacting biological resources in the region. Despite this ongoing renewable energy development, adequate cumulative impact analysis is consistently absent from EIRs prepared for renewable energy projects. We request the DEIR comprehensively analyze the direct and indirect cumulative impacts of past, present and reasonably foreseeable activities that adversely impact biological resources within the region. This analysis must include, but not be limited to, the cumulative impacts on special-status species such as BNLL, BUOW, SJKF and SWHA, and include impacts from all types of development and not be limited only to renewable energy projects within the region. We recommend coordination with CDFW for the methods of analyzing cumulative impacts.

Conclusion

Thank you once again for the opportunity to provide scoping comments on the proposed San Luis West Solar Project and for considering our comments. Defenders looks forward to reviewing the environmental documentation for the Project and request 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
Defenders of Wildlife
Smarkowska@defenders.org

[10] Upton, J. 2014. *Solar Farms Threaten Birds*. Scientific American. https://www.scientificamerican.com/article/solar-farms-threaten-birds/#:~:text=It%20was%20one%20of%20233,fatally%20crippled%20by%20the%20facilities

DECEMBER 18, 2024

VIA EMAIL: APRETZER@FRESNOCOUNTYCA.GOV
ALEXANDER PRETZER, PLANNER
DEPARTMENT OF PUBLIC WORKS AND PLANNING
2220 TULARE STREET, 6TH FLOOR
FRESNO, CA 93721

Dear Mr. Pretzer:

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN LUIS WEST SOLAR PROJECT, SCH# 2024110679

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the San Luis West Solar Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

San Luis West Solar, LLC proposes to construct and operate the San Luis West Solar Project. The Project will consist of a 125-megawatt (mW) solar photovoltaic (PV) electric generation facility coupled with an estimated 30 mW battery energy storage system (BESS). The Project facility includes approximately 770 acres of solar panels and associated infrastructure, including the Project substation, BESS, operations and maintenance building, and other associated equipment such as overhead and

underground medium voltage collection lines. Project infrastructure will also include approximately 10 additional acres of transmission easement areas for underground and overhead medium voltage collection lines situated along and within existing farm roads.

The project site contains Prime Farmland as designated by DOC's Farmland Mapping and Monitoring Program and a portion of the project site is subject to a Williamson Act contract.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Implementation of any City or County Agricultural Mitigation Plans, Programs, or Policies.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.
- The project's compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.

WILLIAMSON ACT

Where, as here, the project site is located on land subject to a Williamson Act contract, the Department advises that the environmental review discuss the compatibility of the project with the contract and local Williamson Act program requirements.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (*See* Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; *see also King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

California Council of Land Trusts

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the San Luis West Solar Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

FRESNO COUNTY FIRE

PROTECTION DISTRICT
103

1700 Jensen Ave, Ste

Sanger, California 93657
Telephone: (559) 319-0400
Fax: (559) 272-2410

January 13, 2025

Alexander Pretzer, – Development Services Division
County of Fresno
Fresno County Public Works & Development Services
2220 Tulare Street, Suite A
Fresno, CA 93721

Transmitted by Email to: apretzer@fresnocountyca.gov

RE: **Application Reference #: ENVIRONMENTAL IMPACT REPORT NO. 8542 AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3781**

Name of Applicant: SAN LUIS WEST SOLAR LLC
Address of Project: 40811 S. LASSEN AVE
City, State & Zip of Project: HURON, CA 93234

Thank you for allowing Fresno County Fire Protection District (FCFPD) the opportunity to comment on this proposed project listed above. We appreciate your proactive engagement and value the opportunity to collaborate on ensuring the safety and success of the project.

FCFPD has received notice of the project and will continue to review the project for its potential impact on the FCFPD.

Application Types

Site Plan Review (SPR)	**Initial Study Application (ISA)**
Director Review Application (DRA)	**Variance Application (VA)**
Conditional Use Permit (CUP)	**General Plan Application (GPA)**
Tentative Parcel Map (TPM, TPMW)	**Tentative Tract Map (TTM)**

Pre-Application for Certificate of Compliance (PCOC)

All application types stated above **SHALL** comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving your FCFPD conditions of approval for your project, you must submit construction plans to the County of Fresno Public Works and Planning and FCFPD for

review. It is the **Applicants Responsibility** to deliver a minimum of **two (2)** sets of plans to the FCFPD.

We are committed to working with you to navigate the permitting process for this project. However, to proceed effectively, it is crucial that we meet and conduct a Mitigation Needs Assessment related to the project. These discussions will help us address potential fire risks and ensure compliance with applicable NFPA Standards, Building Code, and the California Fire Code when a building permit or certificate of occupancy is sought.

Your Project/Development may be required to annex into the into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District, and/or you will be required to enter into a Fire Services Mitigation Protection agreement with FCFPD.
Please email Assistant Chief andy.cosentino@fire.ca.gov to schedule a meeting to discuss your mitigation needs assessment for your project.

Before plans are submitted to the Fresno County Fire Protection District, please visit our website at www.fresnocountyfire.org and complete the Fire Permit Application to submit with your plans.

Please Note – requirements for your project may include but are not limited to:

Water Flow Requirements
Water Storage Requirements
Fire Pumps
Road Access
Fire Hydrants
Fire Sprinklers Systems
Fire Alarm Systems
Premises Identification

Please contact the FCFPD at **(559) 319-0400** to schedule an over-the-counter meeting to receive specific requirements for your project. Failure to schedule an appointment with the FCFPD will affect your ability to obtain final approval for your project.

We look forward to working together to develop a solution that meets your project goals while prioritizing safety for the community and protecting your investment.

Sincerely,

DUSTIN HAIL
Fire Chief

By: Larry Brown
LARRY BROWN, SENIOR FIRE INSPECTOR

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

January 22, 2025

Alexander Pretzer
Fresno County
Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Project: Unclassified Conditional Use Permit Application No. 3781

District CEQA Reference No: 20250010

Dear Mr. Pretzer,

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Conditional Use Permit (CUP) from Fresno County (County). Per the CUP, the project consists of a 125-megawatt (mW) solar photovoltaic (PV) electric generation facility coupled with an estimated 30 mW battery energy storage system (BESS) (Project). The Project is located at 40811 S. Lassen Ave, in Huron, CA.

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

1) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 standards.

The District's initial review of the Project concludes that emissions resulting from construction of the Project may exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf. The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

Samir Sheikh
Executive Director/Air Pollution Control Officer

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

Central Region (Main Office)
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Southern Region
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Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

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1a) Construction Emissions

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

1b) Recommended Model for Quantifying Air Emissions

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

2) Health Risk Screening/Assessment

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

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.
Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):
A “Prioritization” is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association’s (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

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

Health Risk Assessment:
Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here: https://ww2.valleyair.org/permitting/ceqa/.

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

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

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

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

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

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources.

3) Ambient Air Quality Analysis

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

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambien Air Quality Standards. An acceptable analysis would include emissions from both project-

specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: https://ww2.valleyair.org/permitting/ceqa/.

4) Voluntary Emission Reduction Agreement

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

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

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

5) 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.

The Project is expected to result in HHD truck trips from construction, 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.

6) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Since the Project is expected to result in HHD truck trips, the District recommends the EIR include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.

7) 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.

7a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

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

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

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

7b) 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.

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.

7c) 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

7d) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

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

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

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

7e) Other District Rules and Regulations

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

8) District Comment Letter

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

If you have any questions or require further information, please contact Ryan Grossman by e-mail at ryan.grossman@valleyair.org or by phone at (559) 230-6569.

Sincerely,

Tom Jordan
Director of Policy and Government Affairs



Mark Montelongo
Program Manager

From:	Samantha McCarty
To:	Pretzer, Alexander
Cc:	nescalon@tachi-yokut-nsn.gov
Subject:	Preperation of EIR No. 8542 and CUP Application No. 3781
Date:	Monday, January 13, 2025 2:57:01 PM

Dear Aleander,

Thank you for contacting the Santa Rosa Rancheria Tachi-Yokut Tribe regarding: Preparation of EIR No. 8542 and CUP Application No. 3781. Due to tribal knowledge and history of the area, the Tribe is requesting the following:

- To have the archaeological survey report shared with us.
- To have an archaeological record search through the CHRIS Center complete and to have the results shared with us (including the archaeological records, etc)
- To have a Sacred Land Files search through the NAHC completed and to have the results shared with us.
- To be retained to give a Cultural Presentation for all construction staff and crew prior to any work beginning. This also includes Cultural Presentations for any oncoming staff/crew that comes to work on the project after the start date before they are allowed to work on the project site.
- To have Tribal Monitors on site for any and all ground disturbing activities related to the project, including during the decommissioning process
- To have a Curation Agreement fully executed prior to the project beginning any ground disturbing activities
- To have a Burial Treatment Plan fully executed prior to the project beginning any ground disturbing activities

If you have any questions, comments, and or concerns, please do not hesitate to contact Nichole or myself. Thank you.

Sincerely,

Samantha McCarty
Santa Rosa Rancheria Tachi-Yokut Tribe
Cultural Specialist II
SMcCarty@tachi-yokut-nsn.gov
Cell: (559) 633-6640
Direct Line: (559) 925-2591
Office: (559) 924-1278 x 4091

PLEASE KEEP ALL CULTURAL STAFF IN EMAILS UNLESS STATED OTHERWISE