

Final

LITTLE BEAR SOLAR PROJECT

Final Environmental Impact Report

EIR No. 7225

CUP Nos. 3550, 3551, 3552, 3553, & 3577

Prepared for
County of Fresno Department of
Public Works and Planning

October 2018



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October 2018

550 Kearny Street
Suite 800
San Francisco, CA 94108
415.896.5900
www.esassoc.com



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The August 2018 Draft EIR is provided on the CD enclosed inside the back cover of printed versions of this Final EIR.

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CHAPTER 1

Introduction

1.1 Purpose

This Final Environmental Impact Report (Final EIR) is an informational document that discloses the potential environmental impacts of the Little Bear Solar Project (Project). The Project is proposed by Little Bear Solar 1 LLC, Little Bear Solar 3 LLC, Little Bear Solar 4 LLC, Little Bear Solar 5 LLC, and Little Bear Solar 6 LLC (collectively, Applicant). The Applicant has applied to the Fresno County Department of Public Works and Planning (the County) for five Unclassified Conditional Use Permits (CUPs)¹ to construct, operate, maintain, and decommission five photovoltaic (PV) electricity-generating facilities and associated infrastructure to be known as Little Bear Solar 1, 3, 4, 5, and 6. No Little Bear 2 facility is proposed. The Project would consist of five individual facilities (each, a Facility), ranging from approximately 161 to 322 acres, with a 60-foot monopole design telecommunications tower and associated equipment proposed at the Little Bear Solar 1 site. There would be one CUP per facility: CUP Nos. 3550, 3551, 3552, 3553, and 3577 for Little Bears 1, 3, 4, 5, and 6, respectively. The five Facilities would generate a total of up to 180-megawatts alternating current (MWac)² on approximately 1,288 acres of Westlands Water District-owned lands in unincorporated Fresno County adjacent to and south of the existing North Star Solar Project. These Facilities would connect to the electrical grid at the existing Mendota Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E) approximately 2 miles west of the Little Bear 1 site. The five Facilities are analyzed as a single “project” for purposes of the California Environmental Quality Act (CEQA).

This Final EIR consists of the Draft Environmental Impact Report (Draft EIR) published August 31, 2018 together with the responses to comments provided in Chapter 2. The Draft EIR and a digital copy of this Final EIR are contained on the compact disc (CD) located inside the back cover of printed copies of this Final EIR and available for viewing at the County Department of Public Works and Planning.

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. PV solar power generation facilities may be permitted in any zoning district with the issuance of a CUP.

² PV panel capacity generally is measured in direct current (DC) watts; however, because the DC output from panels must be converted to alternating current (AC) before being distributed on the electric grid, this EIR reports expected capacity in terms of AC watts. Although preliminary estimates indicate that 180 MWac would be the expected nominal generating capacity of the Project, the actual generating capacity would depend on the efficiency of the PV panels available at the time of construction and the layout and tracking technology approved.

The County is the lead agency for reviewing the potential environmental impacts of the Project pursuant to CEQA, and has directed the preparation of this Final EIR. 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 the Applicant's CUP applications to the County Department of Public Works and Planning.

The Draft EIR detailed the Project; evaluated and described the potential environmental impacts associated with Project construction, operation and maintenance, and decommissioning; identified those impacts that could be significant; and presented mitigation measures that, if adopted, would avoid or minimize these impacts. The Draft EIR also evaluated alternatives to the Project, including the Increased Habitat/Reduced Acreage Alternative and the CEQA-required No Project Alternative.

1.2 Project Overview

The Project consists of two major components: The Solar Facility and the generation tie-line (gen-tie line). The Solar Facility would consist of up to five individual Facilities with arrays of solar PV modules (or panels) and support structures. The approximate generating capacity of each Facility would range between 20 MWac and 50 MWac. Each Facility would include a substation, inverters, transformers, and a 34.5 kilovolt (kV) overhead collection system, and could include an energy storage system. Other necessary infrastructure would include a permanent operation and maintenance (O&M) building, water storage, meteorological data system, access roads, telecommunications infrastructure, and security fencing.

Little Bear 1 would require the installation of a new 115 kV interconnection to the North Star Solar Project's existing substation, which is located on the northeast corner of San Bernardino Avenue and California Avenue. Interconnection of Little Bears 3, 4, 5, and 6 would require the installation of a new, approximately 2-mile 115 kV gen-tie line across the Project site. The new gen-tie line would tie in to the existing North Star gen-tie line at the southwest corner of San Bernardino Avenue and California Avenue to complete the interconnection to PG&E's existing Mendota Substation. The Project would operate year-round to generate electricity during daylight hours when electricity demand is typically at its peak.

If approved, the Project would be implemented in three phases. The first phase, Demolition and Construction, would require up to 14 months and up to 750 on-site personnel to complete. The second phase, Operation and Maintenance, is assumed for purposes of this EIR to be coterminous with the CUP period (30 years) although there is the potential for continued use in accordance with County permitting requirements. There would be on-site personnel consisting of plant operators, maintenance technicians, and security personnel during the Operation and Maintenance phase. On a typical day, the number of staff on site may range from none (it is not necessary for staff to be present during plant operations) up to 20 during periodic, routine maintenance events. Non-routine (emergency) maintenance could require additional workers. The final phase, Decommissioning and Site Reclamation, would begin within 6 months after the conclusion of each Facility-specific CUP period (including any extension that may be granted by the County). Each

Facility site would be returned to a stable condition comparable to pre-Project conditions in accordance with applicable land use regulations in effect at that time via the implementation of a County-approved Closure, Decommissioning, and Reclamation Plan.

1.3 Organization of the Final EIR

As required by CEQA Guidelines §15132, this Final EIR consists of the following elements:

- (a) The Draft EIR;
- (b) Comments received on the Draft EIR;
- (c) A list of persons, organizations, and public agencies that commented on the Draft EIR;
- (d) The County's responses to significant environmental points raised in the review and consultation process; and
- (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 advised interested Tribes, local, regional, and state agencies, as well as members of the public, that a Draft EIR for the Project was available for review by publishing notice of this fact in The Business Journal on Friday, August 31, 2018, by posting the Draft EIR 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 notice briefly described the Project, solicited comments on the Draft EIR during a 45-day comment period (August 31, 2018 through October 15, 2018), identified locations where the Draft EIR and referenced documents would be available for review, and provided other information. Also on August 31, 2018, a Notice of Completion (NOC) was filed with the State Clearinghouse. Public notices about the Draft EIR are included in **Appendix A** of this Final EIR. Tribes, agencies, and members of the public were encouraged to submit written comments and suggestions regarding the adequacy and accuracy of the analysis and determinations made in the Draft EIR as well as the appropriateness of the Project. Responses to comments received are provided in this Chapter.

2.2 Availability of the Final EIR

A copy of the Final EIR (including this Response to Comments document) is being provided to all who commented on the Draft EIR. Notice of the availability of the Final EIR and details about how to access it also are being provided to all others identified on the County's distribution list for this Project. Recipients of the Final EIR are identified in **Appendix B**. An electronic copy of the Final EIR is available via the County's website: <http://www.co.fresno.ca.us/EIR>. Printed or CD copies of the Final EIR also are available for public review during normal working hours at the following locations:

- Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno;
- Fresno County Main Library, Reference Department, 2420 Mariposa Street, Fresno; and
- Fresno County Library Mendota Branch Library, 1246 Belmont Avenue, Mendota.

Electronic copies of the Final EIR and all documents referenced in the Final EIR also are available upon request by contacting Christina Monfette at (559) 600-4245 or by email at cmonfette@FresnoCountyCA.gov.

2.3 Approach to Comment Responses

The County received one letter regarding the Draft EIR: an October 8, 2018, letter from the Law Offices of John A. Belcher on behalf of an organization called Save Our Mojave. A copy of the letter is provided in Section 2.4, *Responses to Comments on the Draft EIR*. The County held a public comment meeting on October 2, 2018. No comments were received at the meeting.

Under CEQA, the lead agency “shall evaluate comments on environmental issues” received from people who have reviewed a draft EIR and prepare written responses that “describe the disposition of each significant environmental issue that is raised by commenters” (Pub. Res. Code §21091(d); CEQA Guidelines §15088(c)). The responses to comments in this Chapter 2 are intended to provide clarification and refinement of information presented in the Draft EIR.

2.4 Responses to Comments on the Draft EIR

The County has designated the letter submitted on behalf of Save Our Mojave as Letter A. It contains 11 individual comments, which are identified as Comments A1 through A11.

Law Offices of John A. Belcher

ATTORNEYS AT LAW
150 EAST COLORADO BOULEVARD, SUITE 215
PASADENA, CALIFORNIA 91105
TELEPHONE (626) 577-5771
FAX (626) 577-7769

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OCT 11 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

EIR 7225

October 8, 2018

Via Regular Mail

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

Re: Protest re draft Impact Report for the proposed Little Bear Solar Project
EIR No. 7225, CUP Nos. 3550, 3551, 3552, 3553, 3577

Dear Ms. Monfette:

This law firm represents Save Our Mojave, a 501(c)(3) non-profit organization working to raise public awareness about some of the most pressing issues facing California's deserts, including unchecked damage to the environment and wildlife.

Save Our Mojave has reviewed the draft Environmental Impact Report ("EIR") for the proposed Little Bear Project (the "Little Bear Project"), for the construction and operation of a 180 megawatt alternating current power plant in Fresno County, State of California. According to the Proposed Action, 1,228 acres would be occupied by major project components.

A1

After investigation and after review of publicly available documents, Save Our Mojave believes that the Little Bear Project is not a stand-alone project. To the contrary, it believes that the Little Bear Project is part of a larger project orchestrated by the developer First Solar. According to First Solar's own website, it is the developer/part-owner of a 61 megawatt solar project located just across the street called the North Star Solar Facility ("North Star"). A press release dated May 1, 2015, found on Savannah CEO's website states,

A2

First Solar will build, operate and maintain the North Star Solar Facility. Construction began in July 2014, and the plant is expected to enter commercial operation this June. The facility is expected to be capable of generating enough electricity to help meet the energy needs of more than 21,000 average homes.

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Fresno County Department of Public Works and Planning
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Thus, while the EIR suggests that the North Star is an independent project, it is partially owned by First Solar and will likely be operated as a single project with the Little Bear Project. The impact of the two projects, including dust, traffic and water usage, should thus be analyzed together as a single project. The EIR, however, analyzes the cumulative impact of the Little Bear Project as if it is independent and potentially unrelated to North Star.

↑ A2
cont.

For the reasons discussed below, the EIR must be rewritten to reflect the full environmental impacts of EDF RE’s entire project. The EIR’s cumulative impacts analysis must be redone to account for the EIR’s failure to acknowledge common ownership of the two projects.

A3
↓

“CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure.” CEQA Guidelines § 15003(I). The EIR is not a “good faith effort at full disclosure.” Full disclosure would have disclosed that the neighboring site, North Star, is owned and operated by First Solar. Full disclosure would have disclosed how thoroughly the two projects are interconnected. Full disclosure would have revealed how First Solar intends to coordinate the two projects to mitigate dust, traffic and water usage, and to protect wildlife. Full disclosure would have addressed the environmental issues of the Little Bear Project and North Star as a whole, assessing at the aggregate effect on the environment.

A4
↓

Make no mistake, First Solar is a sophisticated and well financed developer. First Solar’s “good faith” is certainly in question. Tactics of concealment have no place in preparation of a EIR.

A. CEQA Requires A Description Of The “Whole Project”

An EIR is “a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.” Laurel Heights Improvement Assn. v. Regents of University of California, 47 Cal. 3d 376, 392 (1988). The purpose of an EIR is “to inform the public and its responsible officials of the environmental consequences of their decisions before they are made.” Laurel Heights Improvement Assn. v. Regents of University of California, 6 Cal. 4th 1112, 1123 (1993). That can only happen if a EIR describes the “whole project.” Habitat & Watershed Caretakers v. City of Santa Cruz, 213 Cal. App. 4th 1277, 1297-98 (2013). Failure to describe the whole project violates CEQA by denying the public the “most accurate information practically possible.” Neighbors for Smart Rail v. Exposition Metro Line Construction Authority, 57 Cal. 4th 439, 461 (2013).

A5
↓

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The term “project” must be “interpreted in such a manner as to afford the fullest possible protection to the environment.” Friends of Mammoth v. Board of Supervisors, 8 Cal.3d 247, 259 (1972). CEQA defines the term “project” broadly, as the “whole of the action.” Habitat & Watershed Caretakers v. City of Santa Cruz, 213 Cal.App.4th 1277, 1297 (2013); Citizens Ass’n for Sensible Dev. of Bishop Area v. County of Inyo, 172 Cal. App. 3d 151, 165 (1985); see also 14 Cal. Code Regs. (“CEQA Guidelines”) § 15378(c),(d).

A5
cont.

B. Piecemeal Review Violates CEQA

A corollary to CEQA’s “whole project” rule is that developers cannot chop large projects into smaller ones and obtain “piecemeal” approval of each piece. See, e.g., Rio Vista Farm Bureau Ctr. v. County of Solano, 5 Cal. App. 4th 351, 370-71 (1992) (CEQA’s purposes are not served “by piecemeal review which results from chopping a large project into many little ones — each with a minimal potential impact on the environment — which cumulatively may have disastrous consequences.”); Burbank-Glendale-Pasadena Airport Authority v. Hensler, 233 Cal.App.3d 577, 592 (1991) (same); Bozung v. LAFCO, 13 Cal. 3d 263, 283-84 (1975) (same); Plan for Arcadia v. City Council of Arcadia, 42 Cal. App. 3d 712, 726 (1974) (same); see also Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmr’s., 91 Cal. App. 4th 1344, 1358 (2001) (discussing piecemealing in light of CEQA’s purposes).

“Responsibility for a project cannot be avoided by limiting the title or description of the project.” Rural Land Owners Ass’n v. Lodi City Council, 143 Cal. App. 3d 1013, 1025 (1983). “A narrow view of a project could result in the fallacy of division . . . that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole.” McQueen v. Bd. of Dir’s. of the Mid-Peninsula Reg 7 Open Space Dist., 202 Cal. App. 3d 1136, 1143 (1988); see also Santiago County Water Dist. v. County of Orange, 118 Cal. App. 3d 818, 829-30 (1981) (discussing harms that result from piecemeal review).

A6

There are different types of piecemealing. In some instances, piecemealing occurs in a single timeframe, when a developer improperly passes off two or more simultaneous developments as separate projects for CEQA purposes when they are really one project. See, e.g., Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora, 66 Cal. Rptr. 3d 645, 656 (2007). In other instances, piecemealing can occur over time, when a developer attempts to chop up one project into ostensibly separate phases, even though each phase is actually a foreseeable part of the same project. See, e.g., Laurel Heights Improvement Association v. Regents of University of California, 47 Cal. 3d 376, 396 (1988). In the latter scenario, a developer must include all foreseeable phases of the project in the same EIR, even if he already managed to obtain CEQA approval for the first phase. Developers do not get a free pass on “phase 2” of a project just because they slipped “phase 1” by the public in a piecemeal

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fashion. See Arviv Enterprises, Inc. v. South Valley Area Planning Commission, 125 Cal. Rptr. 2d 140, 145, 149-50 (2002) (rejecting an attempt to piecemeal a portion of a larger project and required an EIR for the full project even though a portion of the project had already been completed).

A6
cont.

C. The Little Bear Project EIR Conceals Key Facts About A Common Project By The Same Developer

The Little Bear Project EIR fails to disclose crucial facts that are relevant to CEQA’s piecemeal doctrine. The EIR is virtually silent about the Project’s proponent, First Solar. Through its own investigation, Save Our Mojave has learned that First Solar is also the developer of a nearby energy project named North Star. The EIR does not reveal this fact. Indeed, the EIR deliberately portrays the Little Bear Project as an independent project.

Save Our Mojave believes that the Little Bear Project and North Star are two pieces of the same project for the following reasons:

- They share the same developer. As discussed above, EDF RE is the developer behind both projects.
- They are adjacent to one another. According to the EIR, the two projects are across the street from another.
- They share the same purpose. Both projects are solar sites that exist to generate electricity.

A7

In sum, the two projects have the same proponent, the same purpose, and the same operating specifications. They generate solar power from nearly contiguous sites and may operate under a single power purchase agreement. For all intents and purposes, they are the same project.

As the developer and the owner of both projects, First Solar will most likely run the two projects as a single project. The projects are, according to the EIR, across the street from one another.

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D. The EIR Fails To Address Key Factual Questions About The Relationship Between The Little Bear Project and North Star

Each application of CEQA’s piecemealing doctrine is fact-intensive. See Laurel Heights, 47 Cal. 3d at 396 (“Under this standard, the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action.”); accord Banning Ranch Conservancy v. City of Newport Beach, 211 Cal. App. 4th 1209, 1222 (2012).

The EIR fails to answer many important and highly relevant questions about the relationship between the Little Bear Project and North Star. Save Our Mojave believes that, at a minimum, the EIR should answer the following relevant questions about the operating relationship between the Little Bear Project and North Star, because each is highly relevant to the piecemealing inquiry:

- What aspects of development, maintenance, and operation of these two facilities will First Solar coordinate?
- How will First Solar schedule development, maintenance, and operation of these two facilities to mitigate dust, traffic and water usage?
- Will the the Little Bear Project and North Star function as a single unit? What infrastructure will they share?
- Are the the Little Bear Project and North Star parties to any legal agreements? Which agreements? What do those agreements provide?
- Will the Little Bear Project benefit from any previously obtained legal approvals gained by North Star, and vice versa?
- Are the Little Bear Project and North Star “connected” in any other sense? How?
- In what way are these two projects anything more than “theoretically” separate?

A8

E. The Two Projects Will Negatively Effect the Environment

The Little Bear Project and North Star will create serious environmental problems. Whether these problems are considered “cumulative impacts” or simply the effects of one very large multi-phase project, they must be made known. See Rialto Citizens for Responsible

A9

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Growth v. City of Rialto, 208 Cal. App. 4th 899, 928-29 (2012) (describing appropriate scope of cumulative impacts analysis); Bakersfield Citizens for Local Control v. City of Bakersfield, 124 Cal. App. 4th 1184, 1198 (2004) (describing appropriate scope of EIR’s significant impacts analysis).

A9
cont.

As written, the EIR glosses over the aggregate environmental impacts of the Little Bear Project and North Star and misleads the reader through words such as “may” and “potentially.” The cumulative effect of the two projects, which are run by the same developer, is definite and should be considered together. The EIR, however, does not conduct an appropriate “cumulative impacts” analysis showing how the two projects, taken together, will affect the environment.

1. Compromised Air Quality

The project will most likely result in significantly compromised air quality. The land rush of large solar projects all over the southwestern US has resulted in expedited approval of many of these projects. In most of the cases, the developers have not adequately mitigated the fugitive dust that has resulted in the removal of large acreages of vegetated desert lands.

A10

Large solar projects in desert areas are very bad for air quality. Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are removed, blowing particulates from recently eroded areas act as abrasive catalysts that erode the remaining crusts thus resulting in more airborne particulates.

Industrial construction in the region will compromise the air quality to the point where not only visual resources, but public health will be impacted. EDF RE will then have no choice but to use more water in an already overdrafted aquifer to control the large disturbance they intend to create.

2. Excessive Water Usage

The EIR states that the total water use for construction would be 200 acre-feet of water. In large desert construction projects, however, there is commonly a request and a need to use additional water due to low humidity and extreme temperatures. For example, the Desert Sunlight Solar project to the east was approved by BLM to use 1,507 acre feet of water for construction. That went up after the original approval of 1,407 acre feet. In 2014, the developer requested to use an additional 50 acre feet to complete construction of the project and transmission hookups. The BLM approved this even though the USGS stated that the water comes from a fossil aquifer and would not be recharged.

A11

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Similarly, Save Our Mojave fears that the Little Bear Project will use substantially more water than it currently estimates. Moreover, because the project would use existing wells on the North Star site, Save Our Mojave believes that the Little Bear Project will use substantial amount of fossil groundwater in the region. Such significant water usage will harm native plant life in the area.

A11
cont.

3. The Western Burrowing Owl and Loggerhead Shrike

During the construction, endangered animals such as the western burrowing owl and the loggerhead shrike are in danger of being killed by road work, blading of desert and truck transport on new roads in the desert, as has already happened at a transmission line project nearby. The cumulative effect of so much traffic during the construction period will only lead to higher and higher mortality for these animals.

A12

Generally, with such a large cumulative impact of solar projects in the region and the resulting destruction of habitat for western burrowing owl and the loggerhead shrike , there is simply not enough land to maintain and support a healthy population. Moreover, the sheer number of the proposed projects increase the already fragmented distribution of these animals and increase the risk of extirpation of isolated populations.

F. The Little Bear EIR Must Be Rewritten And Recirculated

For all of the reasons stated above, the Little Bear Project and North Star are properly considered the same project under CEQA. By law, the Little Bear Project EIR must be rewritten to encompass all the environmental impacts of the Little Bear Project and North Star. It is no matter that one project may be further along in its development than the other. See Arviv Enterprises, Inc. v. South Valley Area Planning Commission, 125 Cal. Rptr. 2d 140, 145, 149-50 (2002) (required an EIR for a full project even though a portion of the project had already been completed).

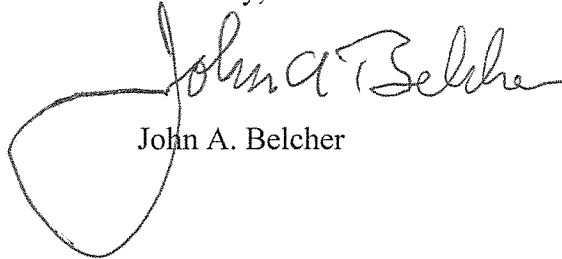
A13

BLM Director
U.S. Department of the Interior
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At a minimum, the cumulative impacts analysis for the Little Bear Project EIR must be rewritten in its entirety, since it misleads the reader as to the Little Bear Project's relationship with North Star. Only a rewritten cumulative impacts analysis will allow the public to understand the true cumulative impacts of First Solar two projects.

↑
A13
cont.

Sincerely,



John A. Belcher

Letter A: Save Our Mojave

- A1 The commenter’s understanding is generally correct in that the Project would generate up-to 180 megawatts alternating current (MWac) on approximately 1,288 acres of land in unincorporated Fresno County. See, e.g., Draft EIR §ES.1, *Introduction*, and Draft EIR §2.1, *Project Overview*. Although not mentioned by the commenter, the Project also involves decommissioning and site reclamation, which is described in Draft EIR Section 2.5.6.
- A2 The County disagrees with the characterization of the existing North Star Solar Project and the proposed Little Bear Solar Project as a single, integrated project. Draft EIR Section 2.3.2, *Surrounding Uses*, describes the County’s 2012 and 2013 reviews and approvals of the North Star Solar Project as “a 60 MWac PV solar power generation facility with a parking area and other related infrastructure on 640 acres located directly across West California Avenue from Little Bear 1.” First Solar built and will operate and maintain the North Star Solar Project, which began construction in 2014 and began commercial operation in June 2015. Electricity from the facility is being sold under a 20-year power purchase agreement (PPA) with the Pacific Gas and Electric Company (PG&E). Contrary to the assertion in the comment, the North Star Solar Facility is owned by Southern Power and 8point3¹ – not First Solar.

First Solar first proposed to construct, operate, maintain, and decommission a smaller version of the Little Bear Solar Project in October 2015, and proposed the Little Bear Solar Project, as described in the Draft EIR, in fall 2016. The County currently is gathering information to inform a decision about whether to approve it. If the Project is approved, the power it generates will be sold under PPAs with multiple off-takers. For example, if the Project is approved, electricity generated from 40MWac was committed via a PPA with MCE in 2016.² The commenter’s assertion that North Star “will likely be operated as a single project” with Little Bear does not appear to be based on any factual evidence.

The California Supreme Court set out a two-part test to determine whether a single CEQA project has been improperly segmented into two or more smaller projects in *Laurel Heights Improvement Association of San Francisco, Inc. v. the Regents of the University of California* (1988) 47 Cal.3d 376. Under the test, the environmental impacts of a future expansion or other action must be considered in the earlier environmental review if: “(1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” *Id.* at 396. The Little Bear Solar

¹ Southern Power and 8point3 Energy Partners, 2018. North Star Solar Facility. October 2018. Available online: https://www.southerncompany.com/content/dam/southern-company/pdf/southernpower/NorthStar_Solar_Facility_factsheet.pdf

² First Solar, 2016. First Solar, MCE Sign Power Purchase Agreement. November 1, 2016. Available online: <http://investor.firstsolar.com/static-files/68b55c8f-8b55-4782-9c87-1573080ba713>.

Project is not a reasonably foreseeable consequence of the North Star Solar Project, which is operating and will continue to operate regardless of whether the Little Bear Solar Project is approved. Further, the impacts of the Little Bear Solar Project disclosed in the Draft EIR would not change the scope or nature of the North Star Solar Project or its environmental effects.

Considering CEQA challenges based on this two-part test, courts have determined that two projects may properly undergo separate environmental review when they have different proponents, serve different purposes, or can be implemented independently. *Aptos Council v. City of Santa Cruz* (2017) 10 Cal.App.5th 266, 280; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 99; *Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 237. Here, the neighboring solar projects are independently justified, separate projects that have significant independent utility in that each would be implemented with or without the other and would fulfill separate PPAs with different off-takers.

In any event, it appears that the commenter may misunderstand the nature of the concern being asserted: segmentation of a larger project into smaller ones amounts to a contention that an agency has violated CEQA to avoid detailed environmental review. *See, Orinda Association. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 (“A public agency is not permitted to subdivide a single project into smaller individual sub-projects in order to avoid the responsibility of considering the environmental impact of the project as a whole”). First, the County could not have excluded the Little Bear Solar Project from the description of the North Star Solar Project because information about Little Bear was not before the County until years after North Star was approved and operating. Second, the County prepared two MNDs relating to the North Star Solar Project in 2012/2013, and CEQA provides no basis to re-open environmental review for a project that has already been completed and is not seeking further approval. *See* CEQA §15162(c) (“Once a project has been approved, the lead agency’s role in project approval is completed unless further discretionary approval on that project is required.”) Third, the County did prepare an EIR (the most detailed form of CEQA documentation) for the Little Bear Solar Project.

For these reasons, the existing North Star Solar Project and proposed Little Bear Solar Project are separate and discrete. As such, the analysis included in Little Bear’s 2018 Draft EIR should not and could not have been incorporated in the North Star Solar Project’s 2012/2013 MNDs.

- A3 The Draft EIR’s analysis of the cumulative effects of the Little Bear Solar Project takes proper account of the proposed Project’s impacts combined with those of the North Star Solar Project. Draft EIR Table 3.1-1 (p. 3.1-5), *Little Bear Solar Generating Facility Project Cumulative Impact Analysis Projects List*, summarizes the North Star Solar Project on line 2. For example, the analysis of cumulative aesthetics impacts expressly considers ongoing impacts of the North Star Solar Project. See Draft EIR Section 3.2.5

(p. 3.2-27), which says: “Ongoing aesthetic impacts of past projects are reflected in the environmental setting described in Section 3.2.2. However, one past/approved project (the North Star Solar Project) includes a double circuit gen-tie line where the second circuit could be strung at the same time that the Project is being constructed. In this context, impacts from the Project or an alternative could result in a cumulative effect on visual resources in combination with other past, present, or reasonably foreseeable future actions. Cumulative construction disturbances from reasonably foreseeable future projects could include traffic, temporary facilities and equipment, and dust from earth moving and exposed soil....”

The combination of the two projects’ effects also are expressly evaluated with respect to Air Quality. See Draft EIR Section 3.4.4 (p. 3.4-24), which says: “As described in Section 2.3.2, Surrounding Uses, the second circuit along the North Star Solar Project gen-tie line has not yet been strung. The stringing of this second circuit could overlap with construction of the Project. Construction impacts would be temporary and localized to the Project site, which includes the area containing the North Star Solar Project gen-tie line. Since this area was considered during the analysis of Project disturbance, the combined impact would not be cumulatively considerable.”

With regard to cumulative water use, Draft EIR Section 3.11.4 (p. 3.11-17 et seq.) explains: “other cumulative scenario projects, including solar energy projects, would require water for construction and operation. Many of the other solar energy projects in the cumulative list also have replaced agricultural land uses, including fallow or dry farming. Solar projects generally require more water during the construction phase and relatively small amounts for the operational phases. The incremental water use by the Project along with the other similar cumulative projects during construction would not result in a significant cumulative impact to the basin due to the range in timing of the water supply needs and requirements from the Fresno County Solar Guidelines. Hence, cumulative impacts related to water supplies would be less than significant.”

With regard to traffic, Draft EIR Section 3.18.4 (p. 3.18-16 et seq.) determines that construction- and decommissioning-generated traffic of the Little Bear Solar Project, when combined with traffic generated by other projects anticipated to use SR-33, could combine to cause a significant adverse cumulative impact relating to traffic flow (LOS) conditions on SR-33. Based on this conclusion, the Draft EIR identifies Mitigation Measure 3.18-1a, requiring preparation of a Construction and Decommissioning Traffic Control Plan to assure that any oversize vehicle use is permitted and coordinated.

- A4 See Response A2, which explains that First Solar does not own the North Star Solar Project. Regarding the analysis of cumulative effects of the Little Bear Solar Project, including the incremental impacts of the proposed Project together with those of the North Star Solar Project, see Response A3.

Regarding a reasonable, good-faith disclosure of the extent of shared facilities with the North Star Solar Project, see Draft EIR Section 2.5.7.4, *Shared Facilities with the North Star Solar Project* (p. 2-30 et seq.), which explains:

The Project would share, where feasible, the existing 2 mile-long 115 kV gen-tie line and underground communication lines between the North Star Substation and PG&E's Mendota Substation; may share a portion of the North Star Solar Project site for construction worker parking, temporary construction offices, and temporary water storage tanks; and may use water from the North Star Solar Project well. To the extent the sharing of this existing infrastructure would be feasible, the Applicant would avoid creating new impacts, including the avoidance of potential impacts to aesthetics and avian species that otherwise would result from new power lines and poles along West California Avenue, potential grading or hazardous materials impacts that could result if all construction workers were to park commute vehicles on the Project site, and potential impacts to groundwater supply and soils from the normal use of potential contaminants (such as sealants) in the well-drilling process.

The Draft EIR elsewhere is clear that energy to be generated by the Project, if approved, would tie into or be carried on North Star Solar Project interconnection infrastructure, i.e., that Little Bear 1 would require the installation of a new 115 kV interconnection to the North Star Solar Project's existing substation and that the gen-tie to interconnect Little Bears 3-6 would tie into the existing North Star gen-tie line. See, e.g., Draft EIR §ES.2.2, *Project Components*, p. ES-2; Draft EIR §1.2, *Project Overview*, p. 1-2; Draft EIR Table 2-1, *Little Bear Facilities Overview*, p. 2-2; and Draft EIR §2.5.2, *Gen-tie Lines*, p. 2-12.

With respect to use of North Star facilities during construction of the Little Bear Solar Project, see Draft EIR Section 2.2 (p. 2-2), which states: "During construction, the Project may use a portion of the North Star Solar Project site for construction worker parking and to locate temporary construction offices." See also, Draft EIR Section 2.5.4.2 (pp. 2-22, 2-23), which states: "If the North Star Solar Project site is used, the construction office trailers and workforce parking needs would be sited in the same location as during the construction of the North Star project, shown as the cross-hatched area on Figure 2-2. A little over 20 acres is available on the North Star Solar Project site, of which approximately 5 acres would be sufficient to accommodate the Project's peak construction workforce." Further, Draft EIR Section 2.5.4.6 (p. 2-26) says, "If construction worker parking is located at the North Star Solar Project, vehicles would use the existing North Star Solar Project entrance on West California Avenue."

Further regarding water supply, see Draft EIR Section 2.5.3.1 (p. 2-14) ("For water used during construction, the Project could access and withdraw water from an existing well on the North Star Solar Project site. The North Star well has demonstrated sufficient capacity to meet the Project's need"), Draft EIR Section 2.6.2.1 (p. 2-34) ("As proposed,

the Project could withdraw groundwater from two existing wells on the North Star Solar Project site”); Draft Section 3.20.3.2 (p. 3.20-8) (“For water to be used during construction, the Project could use water from an existing well on the North Star Solar Project site, approximately 920 feet north of the northern boundary of Little Bear 1. Water from the well would be pumped to new aboveground tanks or ponds located on the North Star site and then transferred, as needed, to water trucks. Alternatively, water from the North Star well could be delivered to new aboveground tanks constructed on the Project site tanks via a new pipeline”); and Draft EIR Appendix J2, *Water Supply Assessment for the Little Bear Solar Project*.

- A5 The County agrees CEQA’s definition of “‘Project’ means the whole of an action” (CEQA Guidelines §15378(a)). The commenter’s summary of a selection of related case law is noted. This summary does not identify issues about the adequacy or accuracy of the Draft EIR for the Little Bear Solar Project.
- A6 The commenter’s summary of a selection of related case law is noted. See Response A2, which explains why the County disagrees with the suggestion that segmentation or piecemealing has occurred. Additionally, the County notes that the case of *Arviv Enterprises, Inc. v. South Valley Area Planning Commission*, which the commenter cites as evidence that an EIR may be required for a project that has already been constructed, involved a factually distinct situation where limited CEQA review (an MND for 14 of 21 proposed homes) had been completed prior to construction of the challenged project. By contrast, the North Star Solar Project was fully analyzed pursuant to an MND and the time to challenge the adequacy of that MND has long since passed. *See, e.g.* Pub. Res. Code §21167; CEQA Guidelines §15162(c). In these circumstances, the proper way to analyze the combined impacts of the North Star Solar Project and the Little Bear Solar Project is in the cumulative impacts analysis of the Little Bear Solar Project’s EIR.
- A7 The comment incorrectly asserts that EDF RE is the developer behind the Little Bear Solar Project and the North Star Solar Project. The County assumes this statement was made in error, and so responds as if the first bullet point correctly had identified First Solar as the developer of both projects.

The Draft EIR made no effort to hide the fact that Little Bear Solar 1 LLC, Little Bear Solar 3 LLC, Little Bear Solar 4 LLC, Little Bear Solar 5 LLC, and Little Bear Solar 6 LLC (collectively, the Applicant) are wholly owned subsidiaries of First Solar. First Solar is expressly identified as the Project Applicant in the scoping meeting presentation (Draft EIR Appendix A). Project-specific information throughout the Draft EIR is attributed to First Solar, including details about PPA status for the Project (Draft EIR §ES.6.2, p. ES-7; §ES.11, p. ES-24; §2.6.3.1, p. 2-38; §2.8, p. 2-41). Project representatives at public meetings are identified as First Solar personnel in Draft EIR Section 1.4.1 (p. 1-4). First Solar is identified as the source of the solar plant site design (Draft EIR Figure 2-2, p. 2-7), PV modules (Draft EIR Figure 2-3, p. 2-9; §3.10.3.2, p. 3.10-15), interconnection plans (Draft EIR Figure 2-4, p. 2-15, and Figure 2-6, p. 2-19), and transmission structures

(Draft EIR Figure 2-5, p. 2-17). First Solar representatives who received copies of the Draft EIR are listed immediately following the Lead Agency (Fresno County Department of Public Works and Planning) in Draft EIR Section 5.3 (p. 5-2).

Likewise, the commenter is incorrect that the Draft EIR “does not reveal” that First Solar was involved in the North Star Solar Project. Draft EIR Figure 3.1-1 expressly identifies First Solar, Inc. as the “Applicant” for the North Star Solar Project. *See also* Draft EIR p. 2-3, 2-41, citing a First Solar and Southern Power Company fact sheet regarding the North Star Solar Project.

Regardless, the inclusion or omission of a name in a CEQA document has no bearing on the adequacy or accuracy of the analysis. In *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 120 Cal.App.4th 396, the Court was clear that “the omission of an end user's name... of itself can have no possible environmental impact.” Emphasizing the point, the Court went on to say that “CEQA is concerned solely with the potential environmental impacts of a project.... Information that has no bearing upon the physical environment has no business in an EIR.”

See Response A2, which explains why the County disagrees with the suggestion that the existing North Star Solar Project and the proposed Little Bear Solar Project are a single, integrated project. The commenter’s speculation that the two projects “may operate” under a single PPA is incorrect: The PPA for the North Star Solar Project has no relationship to the PPAs for the Little Bear Solar Project. Energy generated by the North Star Solar Project is sold to PG&E; in contrast, energy to be generated by the Little Bear Solar Project, if approved, will be sold to MCE and potentially others. Activities to operate and maintain the Little Bear Solar Project are described in Draft EIR Section 2.5.5 (p. 2-27 et seq.). The fact that the projects are in close proximity to each other is properly considered in the Draft EIR’s cumulative impacts analysis, but proximity does not override the distinct functional and legal nature of the two projects. The commenter does not provide any evidence to support the speculation that the projects’ owners will “run the two projects as a single project” or analysis as to why any potential future coordination of operations between the neighboring projects would cause them to merge into a single project.

- A8 See Response A4, which details the proposed extent of shared facilities between the Little Bear Solar Project and the North Star Solar Project. See Response A3 regarding the Draft EIR’s cumulative effects analysis, which properly accounts for the potential for incremental impacts of the Project to combine with those of the North Star Solar Project, including with respect to potential dust, traffic, and water usage impacts during construction and operation of the Little Bear Solar Project.

Who coordinates proposed activities and whether there are legal agreements between entities are irrelevant under CEQA, which is concerned only with the potential direct, indirect, and cumulative impacts of the proposed activities. As noted above, “CEQA is concerned solely with the potential environmental impacts of a project.... Information

that has no bearing upon the physical environment has no business in an EIR.” *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 120 Cal.App.4th 396. In any case, the County is not aware of any agreements, and the commenter has not suggested that any agreements exist, concerning the Project that would affect the environmental analysis in the Draft EIR.

A9 See Response A3 regarding the Draft EIR’s cumulative effects analysis, which properly accounts for the potential for incremental impacts of the Project to combine with those of the North Star Solar Project.

A10 The Project’s direct and indirect impacts to air quality are analyzed in Draft EIR Section 3.4.3 (p. 3.4-13 et seq.). Although the commenter makes general statements regarding air quality, it does not identify any particular concerns with the analysis in the Draft EIR. However, a summary of the Draft EIR’s air quality analysis is provided here for reference.

The analysis concludes that the Project would have a less than significant impact related to criteria pollutant emissions (Impact 3.4-1, Draft EIR p. 3.4-13 et seq.), the potential exposure of sensitive receptors to substantial pollutant concentrations (Impact 3.4-3, Draft EIR p. 3.4-18 et seq.), the generation of odor or dust (Impact 3.4-4, Draft EIR p. 3.4-21 et seq.), and exposure of sensitive receptors to risk of Valley Fever (Impact 3.4-5, Draft EIR p. 3.4-22). The analysis also concludes that the Project could exceed SJVAPCD thresholds for criteria air pollutants during Project decommissioning activities and so would cause a potential significant impact unless mitigation is incorporated to reduce the potential impacts below established thresholds (Impact 3.4-2, p. 3.4-14 et seq.).

Cumulative effects to air quality are analyzed in Draft EIR Section 3.4.4 (p. 3.4-23 et seq.). This analysis concludes that, as mitigated, the Project’s incremental contribution to an increase in criteria pollutants (specifically, NOx) would not be cumulatively considerable, and that the Project would not result in a cumulatively considerable increase in emissions of nonattainment pollutants. Specifically, when combined with impacts of the North Star Solar Project, the cumulative effects of the Little Bear Solar Project on air quality would not be cumulatively considerable (Draft EIR §3.4.4, p. 3.4-24). Regarding potential cumulative health effects, the analysis concludes based on the results of a health risk assessment that the Project would not result in a cumulatively significant impact related to toxic air contaminants.

Whether other developers have adequately mitigated for fugitive dust on project sites on vegetated desert land across the southwestern United States has no bearing on the adequacy or accuracy of the Draft EIR’s analysis of potential impacts of the Project or whether mitigation measures proposed in this Draft EIR would be sufficient to reduce potential significant impacts of the Project below established thresholds.

As described in Draft EIR Section 2.3.1 (p. 2-3), the Project site intermittently has been dry-farmed (non-irrigated) for grain or forage crops such as sorghums, wheat, and barley and has lain fallow since 2012 (see also Draft EIR Appendix C), and the entire Project site has been classified as Farmland of Local Importance under the California Department of Conservation’s Farmland Mapping and Monitoring Program (Draft EIR §3.3.1.1, p. 3.3-1). Three different soil units are present on the site based on the results of the Soil Survey mapping conducted by the Natural Resource Conservation Service: Tranquility Clay, Posochanet Clay Loam, and Calfax Clay Loam (Draft EIR §3.8.1.1, p. 3.8-1; Draft EIR Appendix H2). Because biological soil crusts (sometimes called “cryptobiotic” soil crusts) are present on the site, the Project would have no impact related to the disturbance of such soil surfaces.

The commenter indicates that EDF RE is the developer of the Little Bear Solar Project. This is in error. EDF RE is not involved in the Project. Additionally, contrary to the commenter’s suggestions, the Project is not located in a desert area; rather it is located in the San Joaquin Valley. See Response A11 for further detail.

- A11 The comment correctly identifies the Project’s projected water demand for dust suppression and other purposes during construction: up to 200 acre-feet (Draft EIR §2.5.3.1, p. 2-14; §2.6.2.1, p. 3-34; Draft EIR Appendix J2). However, what may be common for large desert construction projects, without more explanation than is provided in the comment, bears no relationship to the Project site, which is not located in a desert region and is subject to the San Joaquin Valley’s Mediterranean climate (Draft EIR §3.11.1.1, p. 3.11-1; Draft EIR Appendix E). Further, because the aquifer that underlies the Desert Sunlight Solar Project in Riverside County is not hydrologically connected to the San Joaquin Valley Groundwater Basin’s Westside Subbasin in western Fresno County, which underlies the Project, there is no risk of a cumulative effect.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) defines fossil groundwater as “water that infiltrated usually millennia ago and often under climatic conditions different from the present, and that has been stored underground since that time.”³ There is no evidence of fossil groundwater in Fresno County. The commenter’s fears about the Project’s water demand are acknowledged, but unsubstantiated.

- A12 Although the commenter makes general statements regarding biological resources in the Project vicinity and potential impacts, it does not identify any particular concerns with the analysis in the Draft EIR. However, a summary of the Draft EIR’s relevant biological resources analysis is provided here for reference.

Contrary to the suggestion in the comment, neither western burrowing owl (*Athene cunicularia*) nor loggerhead shrike (*Lanius ludovicianus*) is listed as an endangered

³ UNESCO, 2006. Non-renewable Groundwater Resources: A Guidebook on Socially Sustainable Management for Water Policy Makers. Ed. Stephen Foster and Daniel P. Loukes. IHP-VI Series on Groundwater No. 10. Available online: <http://unesdoc.unesco.org/images/0014/001469/146997e.pdf>.

species under federal or state law (Draft EIR Table 3.5-1, p. 3.5-9). Instead, as explained in Draft EIR Section 3.5.1.1 (p. 3.5-12), each of these species is designated as a California Species of Special Concern (SSC) and as a USFWS bird of conservation concern. Field surveys (Draft EIR Appendix F1, *Biological Technical Report for the Little Bear Solar Project*) and protocol-level surveys were conducted for the burrowing owl (Draft EIR Appendix F2, *Habitat Assessment and Protocol Surveys for Burrowing Owl at the Little Bear Solar Project Site*). One loggerhead shrike was observed during the field survey (Draft EIR Appendix F1).

Potential direct and indirect impacts of the Project to burrowing owls are analyzed in Draft Section 3.5.3 (p. 3.5-19 et seq.). See Draft EIR page 3.5-21, which states: “construction could result in impacts to the species through nest destruction or the loss of owls within burrows. Any adverse impacts, either direct or indirect, to burrowing owls from construction would be considered significant. As a result, preconstruction clearance surveys and other minimization measures as described in Mitigation Measures 3.5-1 through 3.5-3 together with implementation of the Worker Environmental Awareness Program (WEAP) described in Section 2.5.7.6, are required to reduce impacts to less than significant.” See also Draft EIR page 3.5-22 (“In addition to the potential direct impacts described above... burrowing owls, and other avian species are susceptible to collisions with power lines”). Mitigation Measure 3.5-1, *Preconstruction Surveys*, (Draft EIR §3.5.3.2, p. 3.5-24 et seq.) has a section expressly focused on potential construction impacts to burrowing owl. Cumulative impacts to burrowing owl are analyzed in Draft EIR Section 3.5.4 (p. 3.5-31), which concludes: “the Project, in combination with all identified cumulative projects, would not result in a cumulatively considerable impact to burrowing owl.”

Potential direct and indirect impacts of the Project to loggerhead shrike also are analyzed in Draft EIR Section 3.5.3 (p. 3.5-19 et seq.). See Draft EIR page 3.5-22, which discloses that the Project could result in the direct loss of an active nest of special-status bird species (including shrike) depending on the timing of construction-related activities, and that avian species are susceptible to collisions with power lines. See also Draft EIR page 3.5-29, acknowledging that the Project site and immediate vicinity contain potentially suitable breeding, denning, or nesting habitat for loggerhead shrike. Based on this analysis, the Draft EIR recommends implementation of the applicant-proposed Worker Environmental Awareness Program (Draft EIR §2.5.7.6) as well as the preconstruction wildlife surveys, environmental training, and wildlife avoidance and protection measures described in Mitigation Measures 3.5-1 through 3.5-3. With these actions, the Project would have less than significant direct and indirect impacts on loggerhead shrike. Cumulative impacts to special-status migratory birds (including loggerhead shrike) are analyzed in Draft EIR Section 3.5.4 (p. 3.5-31 et seq.), which concludes that the incremental effects of the Project would not be cumulatively considerable.

See Response A11, which explains that the Project site is not subject to a desert climate or desert conditions, and that the commenter's concerns about the types of impacts that could occur in the desert do not inform Fresno County's consideration of the Little Bear Solar Project. Given the apparent misunderstanding that the Little Bear site is located in the desert, it is not clear which "nearby" transmission line is being suggested as an example. It is also not clear what "region" is the subject of the commenter's concern or how the Little Bear Solar Project relates to cumulative conditions in such a region.

The comment does not provide facts, reasonable assumptions based upon facts, or expert opinion supported by facts as the basis for its assertion that insufficient land is available to support healthy populations of burrowing owl or loggerhead shrike, or that these species' habitat is so fragmented as to risk extirpation of populations. Without such evidence, the County is unable to provide a more detailed response.

- A13 See Response A2, which explains why the County disagrees with the suggestion that the existing North Star Solar Project and the proposed Little Bear Solar Project are a single, integrated project. See Response A3, which explains that the cumulative effects analysis properly analyzes the collective impacts of the Little Bear Solar Project, North Star Solar Project, and other projects in the cumulative scenario. See Response A6, which explains why the case law the commenter cites is not applicable to the present situation.

CEQA and the CEQA Guidelines require recirculation of a Draft EIR for an additional round of agency and public comment only if significant new information is added after the close of the public comment period (Pub. Res. Code §21092.1; CEQA Guidelines §15088.5). "Information" can include revisions in the project or the environmental setting as well as additional data or other information (CEQA Guidelines §15088.5).

Recirculation is intended to be the exception, not the general rule. *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99. CEQA Guidelines Section 15088.5(a) provides four examples of "significant new information" requiring recirculation, including:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) 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.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The fourth example is based on the court's decision in a specific lawsuit and is intended to capture circumstances in which fundamental information is omitted in the Draft EIR

and then added after the public comment period has closed. CEQA does not require recirculation where, as here, none of the triggers are met. Thus, the general rule and not the exception governs. Additionally, the commenter has not identified any facts that would require the cumulative impacts analysis for the Little Bear Solar Project to be rewritten, as the existence of the North Star Solar Project and its relationship to the Little Bear Solar Project are fully disclosed and analyzed in the Draft EIR.

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Appendix A

Public Notices

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 OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LITTLE BEAR SOLAR PROJECT

The 45-day review and comment period begins August 31, 2018 and ends at 5 pm October 15, 2018

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 31, 2018

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

AUGUST 31, 2018

ON

Cam Mat

NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LITTLE BEAR SOLAR PROJECT Pursuant to the requirements of the California Environmental Quality Act, notice is hereby given that a Draft Environmental Impact Report (DEIR) (EIR No. 7225) has been prepared for the Little Bear Solar Project (Project), Unclassified Conditional Use Permit (CUP) Application Nos. 3550, 3551, 3552, 3553, and 3577, and is available for review.

Project Location: The Project site is located approximately 13 miles east of Interstate 5 (I-5), approximately 2 miles southwest of the City of Mendota, and adjacent to and west of State Route 33 (SR-33), in unincorporated Fresno County (County). The Project site is comprised of approximately 1,288 acres of Westlands Water District-owned lands, and would encompass the six parcels bounded by West California Avenue to the north, SR-33 to the east, West Jensen Avenue to the south, and San Bernardino Avenue to the west. A figure showing the location of the Project is available on the Fresno County EIR webpage listed below. All of the parcels are within the jurisdictional boundaries of Fresno County, and located within Sections 13 and 14 of Township 14 South and Range 14 East of the Mt. Diablo Baseline and Meridian.

Project Description: The Project is proposed by Little Bear Solar 1, LLC, Little Bear Solar 3, LLC, Little Bear Solar 4, LLC, Little Bear Solar 5, LLC, and Little Bear Solar 6, LLC (collectively, Applicant). The Applicant has applied to the Fresno County Department of Public Works and Planning for five County CUPs to construct, operate, and ultimately decommission up to 180 megawatt (MW) photovoltaic (PV) electricity generating facilities and associated infrastructure, to be known as Little Bear Solar 1, 3, 4, 5, and

6. The Project would consist of five individual facilities (each, a Facility), ranging from approximately 161 to 322 acres, with a 60-foot monopole design telecommunications tower and associated equipment proposed at the Little Bear Solar 1 site. Each Facility would include a substation, inverters, transformers, and a 34.5 kilovolt (kV) overhead collection system, and could include an energy storage system. Other necessary infrastructure would include a permanent operation and maintenance (O&M) building, water storage, meteorological data system, access roads, telecommunications infrastructure, and security fencing. These Facilities would connect to the electrical grid at the existing Mendota Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E) approximately 2 miles west. Little Bear 1 would require the installation of a new 115 kV interconnection to the adjacent North Star Solar Project's existing substation, which is located on the northeast corner of San Bernardino Avenue and California Avenue. Interconnection of Little Bears 3, 4, 5, and 6 would require the installation of a new, approximately 2-mile 115 kV generation-tie (gen-tie) line across the Project site. The new gen-tie line would connect in to the existing North Star gen-tie line at the southwest corner of San Bernardino Avenue and California Avenue to complete the interconnection to PG&E's existing Mendota Substation. The Project would operate year-round to generate electricity during daylight hours. Potential Project Impacts Identified in the DEIR: This DEIR examines the potential impacts of the Project and alternatives on the environment. All of the resource areas identified in the California Environmental Quality Act (CEQA) Guidelines Appendix G Checklist were studied: Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural Resources; Geology, Soils,

and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise and Vibration; Population and Housing; Public Services; Recreation; Transportation and Traffic; Tribal Cultural Resources; and Utilities and Service Systems. Energy Conservation, addressed in CEQA Guidelines Appendix F, also has been examined.

Significant and Unavoidable Impacts Identified in the DEIR:

The Project would not result in any significant and unavoidable impacts. The Project would have a less-than-significant impact, or a less-than-significant impact with the implementation of recommended mitigation measures, regarding the following resource considerations: Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural Resources; Energy Conservation; Geology, Soils, and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise and Acoustics; Population and Housing; Transportation and Traffic; Tribal Cultural Resources; and Utilities and Service Systems. The Project would have no impact to any of the following resource considerations: Land Use and Planning, Mineral Resources, Public Services, and Recreation.

DEIR Review and Public Comment:

The 45-day review and comment period for the DEIR begins August 31, 2018 and ends at 5 p.m. October 15, 2018. Printed copies or a CD copy of the DEIR and the documents referenced in the DEIR are available for inspection at each of the following locations:

Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno, CA; Fresno County Main Library, Reference Department, 2420 Mariposa Street, Fresno, CA; Fresno County Mendota Branch Library, 1246 Belmont Avenue, Mendota, CA; and Fresno County website: <http://www.co.fresno.ca.us/EIR>

County staff will hold a public meeting so members of community and other interested parties will have an opportunity to provide comments to County staff. The meeting will be held from 5:30 pm to 6:30 pm October 2, 2018, at the City of Mendota City Council Chambers, located at 643 Quince Street, Mendota, CA 93640. The primary objectives of the meeting are to distribute DEIR information and to receive comments on the DEIR. Comments should be addressed to:

Attn: Christina Monfette
Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Phone: (559) 600-4245 Fax: (559) 600-4200
Email: cmonfette@FresnoCountyCA.gov

In your written comment letter please reference: EIR #7225, Little Bear Solar Project. Please include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary. Persons with questions or requests for a public hearing notice may call Christina Monfette at (559) 600-4245 or email at cmonfette@FresnoCountyCA.gov. Electronic copies of the DEIR also are available upon request.
08/31/2018

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 # 2016011008

Project Title: Little Bear Solar Project

Lead Agency: County of Fresno Contact Person: Christina Monfette
Mailing Address: 2220 Tulare Street, Sixth Floor Phone: 559-600-4245
City: Fresno Zip: 93721 County: Fresno

Project Location: County: Fresno City/Nearest Community: Mendota
Cross Streets: SR-33 and West California Avenue Zip Code: 93640
Longitude/Latitude (degrees, minutes and seconds): 36 43 0.52 N / 120 23 33.5 W Total Acres: 1,288
Assessor's Parcel No.: 019-110-03ST- to -06ST and -13ST Section: 14 Twp.: 14S Range: 14E Base: Mt. Diablo
Within 2 Miles: State Hwy #: SR-33 Waterways: n/a
Airports: n/a Railways: n/a Schools: Mendota JHS and HS

Document Type:
CEQA: [] NOP [x] 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:

State Clearinghouse stamp: AUG 31 2018

Local Action Type:
[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Redevelopment
[] General Plan Element [] Planned Unit Development [x] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other:

Development Type:
[] Residential: Units _____ Acres _____
[] Office: Sq.ft. _____ Acres _____ Employees _____
[] Commercial: Sq.ft. _____ Acres _____ Employees _____
[] Industrial: Sq.ft. _____ Acres _____ Employees _____
[] Educational: _____
[] Recreational: _____
[] Water Facilities: Type _____ MGD _____
[] Transportation: Type _____
[] Mining: Mineral _____
[x] Power: Type Solar PV MW180
[] Waste Treatment: Type _____ MGD
[] Hazardous Waste: Type _____
[] Other: _____

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

Present Land Use/Zoning/General Plan Designation:
Agriculture, zoned Exclusive Agriculture, 20-acre minimum parcel size (AE-20)

Project Description: (please use a separate page if necessary)
The Little Bear Solar Project proposes to construct, operate, maintain, and ultimately decommission an up-to 180-megawatt (MW) photovoltaic (PV) electricity generating facility and associated infrastructure under County Conditional Use Permits (CUP Nos. 3550, 3551, 3552, 3553, and 3577). The Solar Facility would consist of up to five individual facilities with solar PV modules (or panels), support structures, electrical inverters, intermediate voltage transformers, an Energy Storage System, a 60-foot monopole design telecommunications tower and other necessary infrastructure. The Project also would involve installation of new and use of existing generation-tie lines to provide power to the grid via Pacific Gas & Electric's (PG&E's) Mendota substation.

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".

- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District #6 | <input checked="" type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB #5 |
| <input checked="" type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input checked="" type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input checked="" type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input checked="" type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input checked="" type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region #4 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input checked="" type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

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

Starting Date August 31, 2018 Ending Date October 15, 2018

Lead Agency (Complete if applicable):

Consulting Firm: <u>Environmental Science Associates</u>	Applicant: <u>Little Bear Solar 1, 3, 4, 5, and 6 LLCs</u>
Address: <u>550 Kearny Street, 8th Floor</u>	Address: <u>135 Main Street, 6th Floor</u>
City/State/Zip: <u>San Francisco CA 94108</u>	City/State/Zip: <u>San Francisco, CA 94105</u>
Contact: <u>Janna Scott</u>	Phone: <u>415-935-2500</u>
Phone: <u>415-896-5900</u>	

Signature of Lead Agency Representative: **Marianne Mollring** Digitally signed by Marianne Mollring
Date: 2018.06.29 12:46:32 -07'00' Date: _____

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

LITTLE BEAR SOLAR

Environmental Documents

[Notice of Preparation](#)

[Project Site Location Map](#)

[Project Description](#)

[Project Schedule](#)

Draft Environmental Impact Report

[Notice of Availability](#)

[Draft Environmental Impact Report \(DEIR\)](#)

[DEIR Appendix A-H](#)

[DEIR Appendix I](#)

[DEIR Appendix J-N](#)

A public comment meeting on the Draft Environmental Impact Report is scheduled to be held October 2, 2018, from 5:30 pm to 6:30 pm at the City of Mendota City Council Chambers, located at 643 Quince Street, Mendota, CA 93640.

Public Scoping Meeting

Was held Thursday, September 14, 2017

[Scoping Meeting Presentation](#)

Contact Information

Current Planning and Environmental Analysis (559) 600-4497

Our offices are located in Annex "A" and "B" of the Fresno County Plaza on the southwest corner of Tulare and "M" Streets

Office hours (available by phone): Monday - Thursday 8:00 a.m. - 5:00 p.m., Friday 8:00 a.m. - 12:30 p.m.

Lobby Counter Hours: Monday - Thursday 9:00 a.m. - 5:00 p.m., Friday 8:30 a.m. - 12:30 p.m.

Appendix B

Recipients of the Final EIR

RECIPIENTS OF THE FINAL EIR FOR THE LITTLE BEAR SOLAR PROJECT (EIR 7225)

Agency or Entity	Attention
Adams Broadwell Joseph & Cardozo	Attn: Sheila Sannadan
California Department of Fish and Wildlife	Attn: Julie A. Vance, Regional Manager Central Region
Cardella Rodney J Trustee	
City of Mendota	
Coit Family Farms LLC	
Corrections Corporation of America	% C Jagers
County of Fresno Development Services Division, Department of Public Works and Planning	Attn: Hector E. Luna
Department of Public Works and Planning Development Services and Capital Projects	Attn: Chuck Jonas CBO, Chief Building Inspector
Department of Public Works and Planning Water and Natural Resources Division	Attn: Glenn Allen, REHS, M.S., Water & Natural Resources Manager
Department of Public Works and Planning Water and Natural Resources Division	Attn: Roy Jimenez, Jr., Planner
Double J Farms	
Dumna Wo Wah Tribal Government	Attn: Robert Ledger, Tribal Chairman
Ensher Alexander & Barsoom Inc	
First Solar, Inc.	Attn: Robert Holbrook, P.E.
First Solar, Inc.	Attn: Dave Sterner
Fresno County Fire Protection District	Attn: Mark A. Johnson, Fire Chief
Fresno County Department of Agriculture	Attn: Fred Rinder, Deputy Agricultural Commissioner
Fresno County Environmental Health Division	Attn: Sukhdeep(Deep) Sidhu, R.E.H.S, Environmental Health Specialist
Gallagher Deetta L Trustee	
Giacone Carol D Trustee	
Giacone Carol D Trustee	
Giacone Carol D Trustee	
Giacone John A	
Giacone John L Trustee	
Giaconi John A	
Grandis Land Holding LLC	% Hannon Armstrong CAP LLC
Ha Northstar LLC	
Hendrickson Lloyd & Bertha Montijo	
Jolley Bryant L & Karen P	
Law Offices of John A. Belcher	Save Our Mojave
Lozeau Drury LLP	Attn: R. Drury/T. Rettinghouse
Multi J Enterprises	
Native American Heritage Commission Environmental and Cultural Department	Attn: Sharaya Souza, Staff Services Analyst
Pacific Gas & Electric Company/Michael Calvillo	Environmental Mgmt. - Electric Transmission
Pappas Equipment Co LLC	

RECIPIENTS OF THE FINAL EIR FOR THE LITTLE BEAR SOLAR PROJECT (EIR 7225)

Agency or Entity	Attention
Pappas Equipment Co LLC	
Pappas Family Farms I	
Pappas Family Farms III LP	
Pappas Family Farms III LP	
Picayune Rancheria of the Chukchansi Indians	Attn: Tara C. Estes-Harter, THPO/Cultural Resources Director
San Joaquin Valley Air Pollution Control District	Attn: Brian Clements, Program Manager
Stefanopoulos Athanasios & Pagona	
Stefanopoulos Christopher Spero	
Stefanopoulos Pagona	
Sustainable Property Holdings LLC	
Table Mountain Rancheria	Attn: Robert Pennell, Tribal Cultural Resources Director
U.S. Fish & Wildlife Service	Attn: Patricia Cole, Chief, San Joaquin Valley Division
Westlands Water District	Attn: Russ Freeman, Deputy General Manager of Resources