



Scarlet Solar Energy Project

Final Environmental Impact Report No. 7230

SCH#2018091022

prepared by

County of Fresno

Department of Public Works and Planning

2220 Tulare Street, Sixth Floor

Fresno, California 96721

Contact: Ejaz Ahmad

prepared with the assistance of

Rincon Consultants, Inc.

7080 N. Whitney, Suite 101

Fresno, California 93720

August 2021



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

rinconconsultants.com

Scarlet Solar Energy Project

Final Environmental Impact Report No. 7230

SCH#2018091022

prepared by

County of Fresno

Department of Public Works and Planning

2220 Tulare Street, Sixth Floor

Fresno, California 96721

Contact: Ejaz Ahmad

prepared with the assistance of

Rincon Consultants, Inc.

7080 N. Whitney, Suite 101

Fresno, California 93720

August 2021



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

rinconconsultants.com

This report prepared on 50% recycled paper with 50% post-consumer content.

Table of Contents

Table of Contents	i
1 Introduction	1-1
1.1 Background and Purpose of the EIR	1-1
1.2 CEQA Public Review Process	1-1
1.2.1 Notice of Preparation	1-2
1.2.2 Draft EIR	1-2
1.2.3 Final EIR	1-2
1.2.4 Certification of the Final EIR/Project Consideration	1-2
1.3 Intended Use of the EIR	1-3
1.4 Organization and Scope of the EIR	1-3
2 Comments and Responses on the Draft EIR	2-1
2.1 List of Comments	2-1
2.2 Comments and Responses	2-1
2.2.1 Requirements for Responding to Comments on a Draft EIR	2-1
2.2.2 Responses to Comments	2-2
3 Minor Revisions to the Draft EIR	3-1
3.1 Introduction	3-1
3.2 Minor Changes and Edits to the Draft EIR	3-1
 Tables	
Table 2-1 List of Commenters	2-1

Abbreviations

AB	Assembly Bill
AIA	Air Impact Analysis
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
County	Fresno County
EIR	Environmental Impact Report
MMRP	Mitigation Monitoring and Reporting Program
NAHC	Native American Heritage Commission
NOP	Notice of Preparation
Project	Scarlet Solar Energy Project
PV	Photovoltaic
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
VERA	Voluntary Emission Reduction Agreement

1 Introduction

1.1 Background and Purpose of the EIR

This Final Environmental Impact Report (Final EIR) is an informational document prepared by the County of Fresno (County) to evaluate the potential environmental impacts of the proposed Project. The primary objectives of the EIR process under the California Environmental Quality Act (CEQA) are to inform decision-makers and the public about a project's potential significant environmental effects, identify possible ways to minimize significant effects, and consider reasonable alternatives to the project.

The Draft EIR for the Scarlet Solar Energy Project (Project) (State Clearinghouse No. 2018091022) was circulated for 45-day public review between May 7, 2021 and June 22, 2021; however, comments were accepted through June 29, 2021 per the request of the San Joaquin Valley Air Pollution Control District.¹ An additional comment letter was received from the Santa Rosa Rancheria Tachi-Yokut Tribe on July 15, 2021, after the close of the public review period.²

As prescribed by the State CEQA Guidelines Sections 15088 and 15132, the lead agency, the County, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. In accordance CEQA Guidelines Section 15088, Fresno County (County), as the lead agency, has evaluated the comments received on the Draft EIR. This Final EIR contains individual responses to each written letter received during the public review period for the DEIR. In accordance with State CEQA Guidelines Section 15088(b), the written responses describe the disposition of significant environmental issues raised. The County has provided a good faith effort to respond in detail to all significant environmental issues raised by the comments.

The Final EIR consists of the Draft EIR together with the responses to the comments and revisions to the Draft EIR, which are included in this document, and the Mitigation Monitoring and Reporting Program (MMRP), which is provided under separate cover. Pursuant to the requirements of CEQA, the County must certify the Final EIR as complete and adequate prior to approval of the Project or a Project alternative. The Fresno County Planning Commission and County Board of Supervisors 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 Conditional Use Permit (CUP) application to the County Department of Public Works and Planning.

1.2 CEQA Public Review Process

The following provides a summary of the environmental review process to date for the Project that has resulted in the preparation of this Final EIR.

¹ Prior to the close of the public review period, the County agreed to the San Joaquin Valley Air Pollution Control District's request that their comment letter be accepted on June 29, 2021 after the close of the public review period.

² The County is only required to consider comments received within the public review period (Public Resources Code Section 21091[d][1]). Although the comment letter from the Santa Rosa Rancheria Tachi-Yokut Tribe was received after the close of the public review period, the County is providing a written response as a good faith effort to respond to public comments the project.

1.2.1 Notice of Preparation

The County of Fresno prepared an Initial Study and circulated a Notice of Preparation (NOP) regarding this EIR for a 34-day agency and public review period, starting on September 12, 2018 and ending on October 15, 2018. The Initial Study determined that the Project required the preparation of an EIR to further evaluate potentially significant impacts related to aesthetics, agriculture, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation, and utilities and service systems. In addition, the County held an EIR Scoping Meeting on October 11, 2018. The County received letters from five agencies and three County departments during the public review period in response to the NOP. No verbal comments were received during the EIR Scoping Meeting. The written comments are summarized in Table 1-1 of the Draft EIR, and the Initial Study, NOP, and NOP response letters are presented in Appendix A to the Draft EIR.

1.2.2 Draft EIR

The Draft EIR was released for public and agency review on May 7, 2021, with a 45-day review period ending on June 22, 2021; however, comments on the Draft EIR were accepted through June 29, 2021. The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at County offices, on the County's website, and at County libraries.

1.2.3 Final EIR

The County received comment letters from local, regional, and state agencies regarding the Draft EIR. This document responds to the written comments received, as required by CEQA. This document also contains minor edits to the Draft EIR, which are included in Section 3.0, Minor Revisions to the Draft EIR. This document constitutes the Final EIR.

1.2.4 Certification of the Final EIR/Project Consideration

The County will review and consider the Final EIR. In accordance with the requirements of CEQA and County procedures, the Final EIR must be certified as complete and adequate prior to any action on the proposed Project. Once the Final EIR is certified and all information considered, using its independent judgment, the County can take action to go forward with the proposed Project, make changes, or select an alternative to the proposed Project. While the information in the Final EIR does not control the County's ultimate decision, the County must respond to each significant effect and mitigation measure identified in the EIR by making findings supporting its decision in accordance with CEQA Guidelines Section 15091. Public Resources Code Section 21081.6 also requires lead agencies to adopt an MMRP to ensure the implementation of measures that have been adopted or have been made a condition of the Project approval to mitigate or avoid significant impacts on the environment.

1.3 Intended Use of the EIR

The EIR is intended to evaluate the environmental impacts of the Project. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all planning and permitting actions associated with the Project. Please refer to Section 2, Project Description, of the Draft EIR for a detailed discussion of the Project.

1.4 Organization and Scope of the EIR

This document is organized into the following sections:

- **Section 1.0 – Introduction:** Section 1.0 provides an overview of the EIR process to date and the requirements of the Final EIR.
- **Section 2.0 – Comments and Responses on the Draft EIR:** Section 2.0 provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 3.0 – Minor Revisions to the Draft EIR:** Section 3.0 contains refinements and clarifications on the Draft EIR, which have been incorporated as a result of comments.
- **MMRP** – The timing, responsible entity, and required actions of measures that have been adopted or made a condition of the Project approval to mitigate or avoid significant impacts on the environment have been included in the MMRP, provided under separate cover.

Because of its length, the text of the Draft EIR is not included with these written responses; however, it is included by reference in this Final EIR. None of the revisions or clarifications to the Draft EIR identified in this document constitute “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, recirculation of the Draft EIR is not required.

This page intentionally left blank

2 Comments and Responses on the Draft EIR

2.1 List of Comments

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented in Table 2-1. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 2-1 List of Commenters

Agency	Commenter Name (last, first)	Comment Date (mm/dd/yyyy)	Comment Code
State Agencies			
California Department of Transportation	Padilla, David	06/23/2021	Caltrans
Regional Agencies			
San Joaquin Valley Air Pollution Control District	Clements, Brian	06/29/2021	SJVAPCD
Local Agencies			
County of Monterey Housing and Community Development	Lundquist, Erik	05/14/2021	Monterey
Native American Tribes			
Santa Rosa Rancheria Tachi-Yokut Tribe	Samantha McCarthy	7/15/21	Tribe

2.2 Comments and Responses

2.2.1 Requirements for Responding to Comments on a Draft EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. CEQA Guidelines Section 15088 states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

- c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:
 - 1. Revise the text in the body of the EIR; or
 - 2. Include marginal notes showing that the information is revised in the responses to comments.

2.2.2 Responses to Comments

In accordance with CEQA Guidelines Section 15088, the County, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2018091022) for the Project, and has prepared the following responses to the comments received. This Responses to Comments document is part of the Final EIR for the Project in accordance with CEQA Guidelines Section 15132. The comment letters reproduced in the following pages follow the same organization as used in the List of Commenters (Table 2-1).

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-7373 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



June 23, 2021

06-FRE-33-58.422
DEIR #7230 CUP
DRAFT ENVIRONMENTAL IMPACT REPORT #7230
SCARLET SOLAR ENERGY PROJECT

Sent via email

Ejaz Ahmad
Divisions of Public Works and Planning
County of Fresno
2220 Tulare St. 6th Floor
Fresno, CA 93721

Dear Mr. Ejaz Ahmad:

Thank you for the opportunity to review the Draft Environmental Impact Report for the proposed photovoltaic electricity generation and storage facility. The project site is located on both sides of Manning Avenue and east of State Route (SR) 33 in Fresno County.

Caltrans-1 The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development -Intergovernmental Review (LD-IGR) Program 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:

- Caltrans-2 1. Oversized or heavy load vehicles used for the construction of this solar project may require a Transportation Permit Application from Caltrans Headquarters.
- Caltrans-3 2. It is recommended that a construction traffic management plan be prepared and submitted to Caltrans for Review.
- Caltrans-4 3. There currently exists 100 feet of Right of Way (ROW) and based on Caltrans' Transportation Concept Report for SR 33, the ultimate ROW is 110 feet. In the future, an additional five feet of ROW will be need. Any proposed structure (s) or development should be placed outside of Caltrans ultimate ROW for SR 33. In addition, Caltrans owns access control, therefore, direct access to SR 33 will not be allowed.
- Caltrans-5 4. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. **Please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058. Please review the permit application checklist at:**
<https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?fmid=TR0402&distpath=MAOTO&brapath=PERM>

Mr. Ejaz Ahmad
June 23, 2021
Page 3

Caltrans-6 If you have any further questions, please contact Nicholas Isla at (559) 981-7373 or email nicholas.isla@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Padilla". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

DAVID PADILLA, Branch Chief
Transportation Planning – North

California Department of Transportation (Caltrans)

Response Caltrans-1

The commenter provided introductory greetings, summarized the Project, summarized Caltrans' mission, and stated that the agency has provided comments on the Draft EIR. The comment is acknowledged by the County. The comment does not address the adequacy of the analysis in the Draft EIR; and therefore, no further response is required.

Response Caltrans-2

The commenter states that oversized and heavy load vehicles may require a Transportation Permit Application from Caltrans. As stated in Section 2.14 of the Draft EIR (page 2-35), an Oversize/Overweight permit from Caltrans would be required for the transportation of substation transformers.

Response Caltrans-3

The commenter states that a construction traffic management plan should be prepared and submitted to Caltrans for review. As stated in Section 2.14 of the Draft EIR (page 2-35), a Traffic Control Plan would be required for the transportation of substation transformers. The Traffic Control Plan would be submitted to Caltrans for review and approval.

Response Caltrans-4

The commenter provides information on future Caltrans right-of-way for State Route (SR) 33 and states that direct access to SR 33 is not allowed. Caltrans future right-of-way and access control for SR 33 is acknowledged. Section 2.9.5.6 of the Draft EIR (page 2-17) discusses the Caltrans future right-of-way adjacent to SR 33, which would be avoided by the Project. The Project modules and electrical infrastructure would be set back from the existing SR 33 highway by a minimum of 50 feet plus additional clearance for any deed restrictions and the future right-of-way. The only encroachment into SR 33 right-of-way would be the proposed overhead gen-tie lines, which would cross over SR 33.

As discussed in Section 2.9.5.6 of the Draft EIR (page 2-16) and shown on Figure 2-6 (page 2-6), direct access would not be provided via SR 33. Primary access to the portion of the Solar Facility south of West Manning Avenue would be provided from West Manning Avenue at South Monterey Avenue. Primary access to the portion of the Solar Facility north of West Manning Avenue would be provided from West Manning Avenue at the San Benito Avenue alignment. Multiple points of ingress/egress for emergency access would be provided. Primary access to the Tranquility Switching Station would be via the existing access gates at either South Ohio Avenue or West Dinuba Avenue.

Response Caltrans-5

The commenter states that an encroachment permit must be obtained from Caltrans for all proposed activities within, under, or over the State highway right-of-way and provides contact information for the Caltrans Encroachment Permit Office. As stated in Section 2.14 of the Draft EIR (page 2-35), a Caltrans encroachment permit would be required for the proposed overhead gen-tie lines which would cross over SR 33. The contact information is acknowledged by the County.

Response Caltrans-6

The commenter provided contact information to address any questions on the provided comments. The contact information is acknowledged by the County. The comment does not address the adequacy of the analysis in the Draft EIR; and therefore, no further response is required.

June 29, 2021

Ejaz Ahmed
County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Suite A
Fresno, CA. 96721

**Project: Draft Environmental Impact Report No. 7230 for Scarlet Solar Energy
Project Conditional Use Permit Application No. 3555**

District CEQA Reference No: 20210486

Dear Ejaz Ahmed:

SJVAPCD-1 The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the project referenced above from the County of Fresno (County). The project consists of an Unclassified Conditional Use Permit (CUP) to construct, operate, maintain and decommission a photovoltaic solar facility, energy storage, and associated infrastructure. (Project). The Project is located approximately 3.5 miles west-southwest of the community of Tranquility and approximately 6.5 miles east of Interstate 5, in Fresno County, CA. The District offers the following comments:

1) Voluntary Emissions Reduction Agreement (VERA)

SJVAPCD-2 The DEIR determined certain criteria pollutants emissions exceeded the thresholds of significance and included a Mitigation Measure “AQ-2 Further Reduction of NOx, PM10, and PM2.5 Emissions During Construction, and Decommissioning and PM10 Emissions During Operation and Maintenance” to mitigate the Project’s construction and decommissioning emissions of NOx, PM10, and PM2.5, and the Project’s operation and maintenance emissions of PM10 to a less than significant impact.

This Mitigation Measure states “If the Project Applicant is unable to guarantee that Project construction and decommissioning emissions of NOx, PM10, and PM2.5, and Project operation and maintenance emissions of PM10 would not exceed the SJVAPCD significance thresholds, the Project Applicant shall enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD to mitigate or reduce project emissions beyond the requirements of Rule 9510 through the payment of

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 657-6400 FAX: (209) 557-6475

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

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

↑ fees (on a per-ton basis) to the SJVAPCD. The payment of fees shall be made to the SJVAPCD based on the fee schedule in the development mitigation contract and the amount of reduction necessary to offset project emissions below the SJVAPCD's thresholds. Prior to the issuance of construction/grading permits for the Project, the Project Applicant shall provide evidence to the County of a fully-executed VERA, should one be required"

Although this Mitigation Measure is intended to mitigate the impacts as the Project's emissions were determined to be significant, it is unclear if the text in this Mitigation Measure regarding "If the Project Applicant is unable to guarantee that Project construction and decommissioning emissions of NOx, PM10, and PM2.5, and Project operation and maintenance emissions of PM10 would not exceed the SJVAPCD significance thresholds, the Project Applicant shall enter into a VERA with SJVAPCD to mitigate or reduce project emissions..." implies there would be a way for the applicant to guarantee to the County that the Project will not exceed CEQA significance thresholds. The District recommends that the County define the method by which the applicant substantiates Project emissions, or provide clarification for the applicant to demonstrate if the significance thresholds are exceeded, such that the need to enter into a VERA or lack thereof is well documented.

Regarding additional information on implementing a VERA, the District is available to provide assistance. Information can be obtained by contacting District CEQA staff at by email at CEQA@valleyair.org or by phone at (559) 230-6000.

2) District Rules and Regulation

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

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

2a) 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 requires operators of emission sources to obtain an Authority to

SJVAPCD-2
(cont.)

SJVAPCD-3

SJVAPCD-4

SJVAPCD-4
(cont.)

↑ Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 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 commencing construction on any permit-required equipment or process, a finalized Authority to Construct (ATC) must be issued to the Project proponent by the District. For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

2b) **District Rule 9510 (Indirect Source Review)**

↑ The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The proposed 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. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

An AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

SJVAPCD-5

2c) Other District Rules and Regulations

SJVAPCD-6

The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

3) District Comment Letter

SJVAPCD-7

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 Regine Letim by e-mail at regine.letim@valleyair.org or by phone at (559) 230-5892.

Sincerely,

Brian Clements
Director of Permit Services



For John Stagnaro
Program Manager

San Joaquin Valley Air Pollution Control District (SJVAPCD)

Response SJVAPCD-1

The commenter provided introductory greetings, summarized the Project, and stated that the agency has provided comments on the Draft EIR. The comment is acknowledged by the County. The comment does not address the adequacy of the analysis in the Draft EIR; and therefore, no further response is required.

Response SJVAPCD-2

The commenter recommends that Mitigation Measure AQ-2 be clarified as to the method in which the Applicant will substantiate Project emissions and demonstrate if significance thresholds are exceeded, resulting in the need to enter into a Voluntary Emission Reduction Agreement (VERA) with SJVAPCD. The commenter also provides contact information for further information on the VERA. Mitigation Measure AQ-2 has been revised to clarify that, prior to issuance of construction and grading permits, the Applicant will enter into a VERA with SJVAPCD for project construction and operation and maintenance emissions. Prior to decommissioning, the Applicant will provide evidence, consisting of an air quality analysis based on final decommissioning plans, to the County to demonstrate whether decommissioning emissions would exceed SJVAPCD thresholds. If decommissioning emissions are determined to exceed SJVAPCD thresholds, the Applicant will enter into a new VERA with SJVAPCD to offset decommissioning emissions. Specific revisions to Mitigation Measure AQ-2 are shown in Section 3.2 of this Final EIR. The County acknowledges SJVAPCD's contact information regarding further information on the VERA.

Response SJVAPCD-3

The commenter provided an introductory summary of SJVAPCD's rules and regulations. The comment is acknowledged by the County. The comment does not address the adequacy of the analysis in the Draft EIR; and therefore, no further response is required.

Response SJVAPCD-4

The commenter provides information on SJVAPCD's rules and regulations (Rules 2010 and 2201) and states these rules may be applicable to the Project. Rule 2201 applies to all new stationary sources and modifications to existing stationary sources which are subject to SJVAPCD permit requirements, and after construction emit or may emit one or more affected pollutant. The Project proposes to construct, operate, maintain, and decommission a solar photovoltaic (PV) electricity generating facility, energy storage system, and associated infrastructure. Additionally, the facility would be electrically powered, and electrically powered equipment does not emit criteria pollutants. Process gas that could emit criteria pollutants would not be used during operation. As a solar project, there are no stationary sources proposed that would emit criteria pollutants during regular operation and maintenance that would require a permit for the operation or maintenance of this facility under Rules 2010 and 2201. The primary emissions associated with the Project would be generated during construction and decommissioning and would be covered under Rule 9510 (refer to Response to Comment SJVAPCD-5 for a discussion of Project compliance with Rule 9510).

Based on the size of potential emergency generators or emergency fire water pump engines, an operating permit for non-emergency use may be required from the SJVAPCD under Rule 2201. Depending on the fuel, this equipment would be required to comply with the California Air Resources Board's (CARB) rules for compression-ignition or spark-ignition internal combustion

engines. Typically, SJVAPCD permits limit non-emergency use of this type of equipment to periodic testing. Use of portable equipment during operation and maintenance activities may require registration under the Portable Equipment Registration Program (PERP) for the equipment to be operated without having to obtain a permit. The Applicant will coordinate with the SJVAPCD to determine the applicability of the PERP and Rules 2010 and 2201 for any emergency generators or emergency fire water pumps that may be required for the Project.

Section 4.3.1.2 of the Draft EIR has been revised to reflect the potential applicability of Rules 2010 and 2201. The changes to the Draft EIR are shown in Section 3.2 of this Final EIR.

Response SJVAPCD-5

The commenter states the Project must comply with SJVAPCD's Rule 9510, Indirect Source Review, which requires an Air Impact Assessment (AIA) application be submitted to SJVAPCD. The purpose of Rule 9510 is acknowledged. The Project would comply with Rule 9510. Rule 9510 is described in the Draft EIR in Section 4.3.1.2 (page 4.3-8) and Section 4.3.2.2 (pages 4.3-17, 4.3-26, and 4.3-27). The Applicant will submit an AIA application to the SJVAPCD in compliance with Rule 9510. Proof of compliance and payment of any offsite mitigation fees would be made a condition of approval prior to issuance of grading permits by the County.

Response SJVAPCD-6

The commenter states that the Project may be subject to SJVAPCD's Regulation VIII and Rules 4102, 4601, 4641, and 4002. The Project's compliance with SJVAPCD Regulation VIII and Rules 4102, 4601, and 4641 is discussed in the Draft EIR in Section 4.3, Air Quality; specifically, pages 4.3-7 and 4.3-8 summarize applicable SJVAPCD regulations. The Project does not involve any demolition; therefore, the District Rule 4002 would not be applicable.

Response SJVAPCD-7

The commenter recommends that the comment letter be provided to the Project proponent and provides contact information to contact SJVAPCD for questions or further information. The comment letter from the SJVAPCD was provided to the Project proponent; therefore, no additional action is necessary. The County acknowledges SJVAPCD's contact information regarding further questions on the comment letter.

From: [Lundquist, Erik](#)
To: [Ahmad, Ejaz](#)
Subject: NOA - Scarlet Solar Energy Project
Date: Friday, May 14, 2021 12:43:24 PM

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

Ejaz

Monterey-1] Monterey County has no comment on the referenced project, from a transportation or planning perspective.

Thank you,

Erik V. Lundquist, AICP
Chief of Planning
County of Monterey Housing & Community Development
1441 Schilling Place South, 2nd Floor, Salinas, CA 93901
831-755-5154 | lundquiste@co.monterey.ca.us

County of Monterey Housing and Community Development

Response Monterey-1

The commenter states that the County of Monterey has no comments on the Project. The comment is acknowledged by the County. The comment does not address the adequacy of the analysis in the Draft EIR; and therefore, no further response is required.

Ahmad, Ejaz

From: Samantha McCarty <SMcCarty@tachi-yokut-nsn.gov>
Sent: Thursday, July 15, 2021 8:45 AM
To: Ahmad, Ejaz
Cc: Shana Powers; Maria Gonzales; William K. Barrios; Paige Berggren
Subject: Scarlet Solar Energy Project (County EIR No. 7230, CUP No. 3555)

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

Dear Ejaz,

Tribe-1 Thank you for contacting the Santa Rosa Rancheria Tachi-Yokut Tribe regarding: Scarlet Solar Energy Project (County EIR No. 7230, CUP No. 3555). The Tribe has concerns with this project is requesting to have a monitor on site for all ground disturbance related to the project, be retained for a cultural presentation to be given to all construction staff and the landowner, and to have a curation agreement created for this project as well. If you have any questions, comments, and or concerns please contact the Santa Rosa Rancheria Cultural Department. Thank you.

Sincerely,

Samantha McCarty

Santa Rosa Rancheria Tachi-Yokut Tribe

Cultural Specialist II

SMcCarty@tachi-yokut-nsn.gov

Office: (559) 924-1278 x 4091

Cell: (559) 633-6640

*PLEASE KEEP ALL CULTURAL STAFF IN EMAILS UNLESS STATED OTHERWISE

Santa Rosa Rancheria Tachi-Yokut Tribe

Response Tribe-1

The commenter requested that a tribal monitor be on-site to monitor all ground disturbing activities and provide cultural presentations to construction staff and the landowner. The commenter also requested that the tribal monitor have a curation agreement with the County for the project.

As discussed in the Initial Study and in Section 4.5, Cultural Resources of the Draft EIR, as part of preparation of the Cultural Resources Assessment prepared for the project, search of the Sacred Lands File was requested from the Native American Heritage Commission (NAHC) on August 5, 2016 to identify any known places of importance to Native Americans in or adjacent to the Project site. On August 11, 2016, the NAHC responded that no sacred lands or other Native American cultural resources were identified in the Project site and provided a contact list of eight Native American individuals or tribal organizations who may have knowledge of cultural resources. On August 17, 2016, consultation request letters were sent to the list of eight Native American individuals or tribal organizations who were on the list provided by the NAHC, which included the Santa Rosa Rancheria Tachi-Yokut Tribe. Follow up phone calls were made to the tribes on August 24, 2016. All eight tribes either declined to participate in the Native American consultation process, deferred to other tribes, or failed to respond. The Santa Rosa Rancheria Tachi-Yokut Tribe was among the tribes that failed to respond to the County's outreach efforts.

In addition, the four tribes, including the Santa Rosa Rancheria Tachi-Yokut Tribe, who had requested to be consulted pursuant to Assembly Bill 52 (AB 52) were notified of the Project on May 4, 2018. One tribe declined participation and the other tribes, including the Santa Rosa Rancheria Tachi-Yokut Tribe, failed to respond. The timeline established by AB 52 allows the lead agency to consider the information it receives during consultation in determining a project's impacts and mitigation measures for tribal cultural resources. Pursuant to AB 52, a tribe has 30 days after being notified of a project to request consultation. If the tribe does not respond in that period or writes to decline consultation, the lead agency has no further obligation.

The tribal consultation process provides tribal representatives the opportunity to provide early input on the Project, including potential impacts and appropriate mitigation for significant impacts to cultural tribal resources. Because the tribes, including the Santa Rosa Rancheria Tachi-Yokut Tribe, declined to provide input on the Project, the analysis in the Initial Study and Draft EIR were developed based on the results of the Cultural Resources Assessment prepared for the project, which took into consideration the information provided by the NAHC that no sacred lands or other Native American cultural resources are present on the Project site. Therefore, the Initial Study concluded that no impacts related to tribal cultural resources would occur and no mitigation for tribal cultural resources is required.

As discussed in Section 4.5, Cultural Resources of the Draft EIR, there is a low to moderate potential for buried archaeological resources to be discovered on the project site during construction. Therefore, Mitigation Measures CR-1(a) through CR-1(c) were developed to reduce impacts to archaeological resources. The mitigation measures developed for the Project (Mitigation Measure CR-1[b]) requires that a qualified archaeologist provide construction worker training and be contacted in the event of an unanticipated cultural resource discovery. In the unlikely event that unanticipated prehistoric archaeological resources are discovered on the project site, the appropriate tribe would be contacted, as required by Mitigation Measure CR-1(b). The approval of the qualified archaeologist is under the jurisdiction of the County, who is not obligated to use of a tribal monitor. The Santa Rosa Rancheria Tachi-Yokut Tribe, as well as the other tribes contacted as

part of the tribal consultation process for the project, have provided no evidence that tribal cultural resources have a potential to be present on the project site, that on-going monitoring for tribal cultural resources is needed, or that monitoring, construction worker training, and curation services are required to be provided by a tribal monitor instead of by a qualified archaeologist. No changes to the Final EIR were made in response to this comment letter.

3 Minor Revisions to the Draft EIR

3.1 Introduction

This section includes minor edits to the Draft EIR. These modifications were made in response to the public comments received on the Draft EIR. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

3.2 Minor Changes and Edits to the Draft EIR

Section 4.3 Air Quality

Section 4.3.1.2, pages 4.3-7 and 4.3-8, of the Draft EIR is revised as follows:

San Joaquin Valley Air Pollution Control District

The Project site is located within the jurisdiction of the SJVAPCD, which regulates air pollutant emissions for all sources throughout the Air Basin other than motor vehicles. The SJVAPCD enforces regulations and administers permits governing stationary sources. The following regional rules and regulations would apply to the Project:

- **Regulation VIII (Fugitive PM₁₀ Prohibitions)** contains rules developed pursuant to USEPA guidance for “serious” PM₁₀ nonattainment areas. Rules included under this regulation limit fugitive PM₁₀ emissions from the following sources: construction, demolition, excavation, extraction and other earth moving activities, bulk materials handling, carryout and track-out, open areas, paved and unpaved roads, unpaved vehicle/equipment traffic areas, and agricultural sources. Table 4.3-3 contains control measures that the Applicants would be required to implement during Project construction activities pursuant to Rule 8021, Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.
- **Rule 2010 (Permits Required)**. This rule requires that any project constructing, altering, replacing, or operating any source operation, the use of which emits, may emit, or may reduce emissions to obtain an Authority to Construct (ATC) and a Permit to Operate (PTO). This rule applies to the construction and operation of new or modified processes and equipment, except those specifically exempted from permitting requirements.
- **Rule 2201 (New and Modified Stationary Source Review)**. This rule applies to all new and modified stationary sources that would emit, after construction, a criteria pollutant for which there is an established NAAQS or CAAQS. The rule provides mechanisms by which an ATC can be granted without interfering with the basin’s attainment with ambient air quality standards. These mechanisms offer methods to generate no net increases in emissions of nonattainment pollutants over specific thresholds as detailed in the rule.
- **Rule 4101 (Visibility)** limits the visible plume from any source to 20 percent opacity.
- **Rule 4102 (Nuisance)** prohibits the discharge of air contaminants or other materials in quantities that may cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such person or the public.

- **Rule 4601 (Architectural Coatings)** limits volatile organic compound (VOC) emissions from architectural coatings. This rule specifies architectural coatings storage, cleanup, and labeling requirements.
- **Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)** limits VOC emissions by restricting the application and manufacturing of certain types of asphalt for paving and maintenance operations and applies to the manufacture and use of cutback asphalt, slow cure asphalt, and emulsified asphalt for paving and maintenance operations.
- **Rule 9510 (Indirect Source Review)** requires certain development projects to mitigate exhaust emissions from construction equipment greater than 50 horsepower to 20 percent below statewide average NO_x emissions and 45 percent below statewide average PM₁₀ exhaust emissions. This rule also requires applicants to reduce baseline emissions of NO_x and PM₁₀ emissions associated with operations by 33.3 percent and 50 percent respectively over a period of 10 years (SJVAPCD 2017b).

In addition to reducing a portion of the development project's impact on air quality through compliance with District Rule 9510, a developer can further reduce the project's impact on air quality by entering into a "Voluntary Emission Reduction Agreement" (VERA) with the District to address mitigation requirements under CEQA. Under a VERA, the developer may fully mitigate project emission impacts by providing funds to the District, which then are used by the District to administer emission reduction projects on behalf of the project proponent (SJVAPCD 2015b).

Executive Summary and Section 4.3 Air Quality

Mitigation Measure AQ-2 in Table ES-2 (page ES-11) and in Section 4.3.2.2 (pages 4.3-30 and 4.3-31) of the Draft EIR is revised as follows:

AQ-2 Further Reduction of NOX, PM10, and PM2.5 Emissions During Construction and Decommissioning, and PM10 Emissions During Operation and Maintenance. Prior to issuance of construction/grading permits for the Project, ~~the Project Applicant shall provide evidence, to the County that Project construction and decommissioning emissions of NO_x, PM₁₀, and PM_{2.5}, and Project operation and maintenance emissions of PM₁₀ would not exceed the SJVAPCD significance thresholds. If the Project Applicant is unable to guarantee that Project construction and decommissioning emissions of NO_x, PM₁₀, and PM_{2.5}, and Project operation and maintenance emissions of PM₁₀ would not exceed the SJVAPCD significance thresholds,~~ the Project Applicant shall enter into a Voluntary Emission Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to mitigate or reduce Project construction emissions of NO_x, PM₁₀, and PM_{2.5}, and Project operation and maintenance emissions of PM₁₀ beyond the requirements of Rule 9510 through the payment of fees (on a per-ton basis) to the SJVAPCD. The payment of fees shall be made to the SJVAPCD based on the fee schedule in the development mitigation contract and the amount of reduction necessary to offset project emissions below the SJVAPCD's thresholds. Prior to the issuance of construction/grading permits for the Project, the Project Applicant shall provide evidence to the County of a fully-executed VERA, ~~should one be required.~~

Twelve months prior to initiation of decommissioning activities, the Project Applicant shall provide evidence, consisting of an air quality analysis based on final decommissioning plans and prepared by an air quality specialist, to the County demonstrating that Project decommissioning emissions would not exceed the SJVAPCD PM₁₀ significance thresholds of

15 tons per year. If the PM₁₀ emissions will exceed the SJVAPCD thresholds of significance of 15 tons per year, the Project Applicant shall enter into a new VERA with the SJVAPCD to offset the decommissioning emissions below the thresholds of significance. Prior to the issuance of permits for decommissioning activities, the Project Applicant shall provide evidence to the County of the new fully-executed VERA, should one be required.

This page intentionally left blank