DOCKETED	
Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	263053
Document Title:	Darden Clean Energy Project Updated Staff Assessment
Description:	N/A
Filer:	Marichka Haws
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	5/12/2025 1:51:00 PM
Docketed Date:	5/12/2025

DARDEN CLEAN ENERGY PROJECT

Updated Staff Assessment

SCH # 2024091023

CALIFORNIA
ENERGY COMMISSION
Gavin Newsom,
Governor

May 2025
CEC-700-2025-001-USA

DOCKET NUMBER 23-OPT-02

UPDATED STAFF ASSESSMENT

Darden Clean Energy Project

(23-OPT-02)

Lead Agency

California Energy Commission

May 2025

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Section 1

Introduction

1 Introduction

1.1 Introduction

This Updated Staff Assessment, which includes the Final Environmental Report (EIR), has been prepared following the 60-day public comment period on the Staff Assessment (including Draft EIR). Consistent with California Code of Regulations, Title 20, Division 6, Chapter 3, Section 15131, this Updated Saff Assessment includes revisions made to the Staff Assessment in response to comments and recommendations received on the Staff Assessment raising significant environmental points.

1.2 Contents of the Updated Staff Assessment

Section 2, Comments and Responses. This section includes the comment letters raising significant environmental points and responses.

Section 3, Revisions to the Staff Assessment. This section includes excerpts where edits have been made to the Staff Assessment where comment letters raising significant environmental points resulted in edits. Deleted text is shown in ~~strikethrough~~ and new text is shown as **bold underline**.

One comment letter from Pacific Gas and Electric Company (PG&E) noted that as the utility switchyard would be constructed and owned by the applicant, Intersect Power, LLC., the switchyard would be under the jurisdiction of California Energy Commission (CEC) until the switchyard has been turned over to PG&E.

Staff has made revisions to several sections in the Staff Assessment to change references from what staff termed, "PG&E Utility Switchyard," to the new "BAAH [breaker-and-a-half] 500 kV [kilovolt] switchyard." Additionally, staff added switchyard-specific Conditions of Certification (COC), based on the mitigation measures that apply to the switchyard. The switchyard specific COC have "**SWITCH**" root for the naming convention. None of these revisions changed staff's conclusions from the Staff Assessment.

Section 4, Authors and Reviewers. This section lists the authors and reviewers for the Updated Staff Assessment.

1.3 Conclusions of the Updated Staff Assessment

Careful review of public comments received on the Staff Assessment did not result in determinations of any new significant impacts. Any edits that were made were for clarification purposes and to correct minor errors.

Section 2

Response to Comments Received on the Staff Assessment

2 Response to Comments Received on the Staff Assessment

2.1 Introduction

This section presents responses to the comments received during the 60-day public review period for the Staff Assessment (February 18, 2025 through April 21, 2025). A Notice of Availability of the Draft Environmental Impact Report was sent to the project's mailing list and posted to the project's docket. Staff received comments from a total of 32 commenters (agencies, non-governmental organizations, and the public).

The individual comment is numbered in the comment letter and the response immediately follows the comment. Revisions have been made to the Staff Assessment based on the comments or associated with clerical and other non-substantive clarifications. Staff responses to comments reference the general location of the text in the Staff Assessment that has been revised. **Section 3, Revisions to the Staff Assessment** includes excerpted text from the Staff Assessment showing the revised text as ~~strikeout~~ for deletions of text, and as **bold and underline** for new text. All revisions made to the Staff Assessment clarify or amplify existing analysis and information or make other insignificant modifications. No significant new information has been added requiring the recirculation of the Environmental Impact Report (within the Staff Assessment) as set forth in California Code of Regulations, title 14, section 15088.5.

Table 2-1 presents a list of those who have submitted comments on the Staff Assessment during the public comment period.

TABLE 2-1 COMMENTS RECEIVED ON STAFF ASSESSMENT

ID	Date Received	TN #	Commenter	Affiliation	Technical Area(s)/Subject
A	3/26/2025	N/A	Eliseo Gamino	Public	Community benefits
B	3/26/2025	N/A	Jose Espitia	Public	Community benefits
C	3/26/2025	N/A	Jose Ramirez	Rural Communities Rising	Community benefits
D	3/26/2025	N/A	Rey Leon	Mayor, Huron, California	Labor, agricultural job loss
E	3/26/2025	N/A	Stan Santos	Public	Community benefits
F	3/26/2025	N/A	Armin Garcia	Publi	Community benefits, connect with community
G	3/26/2025	N/A	Jamie Zweifler-Katz	Leadership Council	Biology
H	3/26/2025	N/A	Armin Garcia	Public	Valley Fever
I	3/26/2025	N/A	Sophia Markowska	Public	Revegetation Plan
J	3/26/2025	N/A	Rey Leon	Mayor, Huron, California	Battery safety, fire
K	3/26/2025	N/A	Jamie Zweifler-Katz	Leadership Council	Fire response
L	3/26/2025	N/A	Oralia Maceda	Central California Environmental Justice Network	Hazardous materials, closure of facility
M	3/26/2025	N/A	Natalie	Public	Hazardous materials, closure of facility
N	3/26/2025	N/A	Stan Santos	Public	Battery monitoring system
O	3/26/2025	N/A	Armin Garcia	Public	Fire- thermal runaway from batteries
P	3/26/2025	N/A	Andy Cosentino	Fresno County Fire Protection District	Fire response
Q	3/26/2025	N/A	Felipe Perez	Councilmember and former Mayor, Firebaugh, California	Community benefits
R	3/26/2025	N/A	Esther Ramirez	Public	Community benefits
S	3/26/2025	N/A	Maria Diaz	Public	Community benefits
T	3/26/2025	N/A	Jamie Zweifler-Katz	Leadership Council	Alternatives, EJ, community benefits
U	3/26/2025	N/A	Espi Sandoval	Public, former Councilmember, Kerman, California	Community benefits

TABLE 2-1 COMMENTS RECEIVED ON STAFF ASSESSMENT

ID	Date Received	TN #	Commenter	Affiliation	Technical Area(s)/Subject
V	3/26/2025	N/A	Leticia Villegas	Public	Community benefits
W	3/26/2025	N/A	Oralia Maceda	Central California Environmental Justice Network	Dust (Air Quality), traffic, community benefits
X	3/26/2025	N/A	Angela Isales	Public	Heat from panels, AQ, community benefits
Y	3/26/2025	N/A	Oralia Maceda	Central California Environmental Justice Network	Job fair
Z	3/26/2025	N/A	Jamie Zweifler-Katz	Leadership Council	Public notification of business meeting
1	3/2/2025	262051	Josh Walker	Public	Support project
2	3/28/2025	262489	Jose Antonio Ramirez	Rural Communities Rising	Community benefits
3	3/28/2025	262491	Felipe Perez	Public	Community benefits
4	4/1/2025	262523	Espi Sandoval	Rural Communities Rising	Community benefits
5	4/1/2025	262524	Eliseo Gamino	Rural Communities Rising, Board Member/Community Advocate	Community benefits
6	4/8/2025	26211	Monique Wilbur, Conservation Program Support Supervisor	Department of Conservation, Division of Land Resources Protection	Agriculture
7	3/17/2025	N/A	Community members via Jamie Zweifler-Katz	Public	Air quality, community inclusion, heat island effect, fire protection, emergency notification
8	4/9/2025	262642	Victor Martinez, Mayor	City of Mendota	Support
9	4/10/2025	262647	Felipe Piedra, Superintendent	Golden Plains Unified School District	Community benefits
10	4/10/2025	262650	Ronny Jungk	IBEW Local 100	Support, labor
11	4/16/2025	262695	Becky Moores	Intersect Power	Project description, facility design, transmission system engineering, worker safety and fire protection, air quality, biological resources,

TABLE 2-1 COMMENTS RECEIVED ON STAFF ASSESSMENT

ID	Date Received	TN #	Commenter	Affiliation	Technical Area(s)/Subject
					paleontology, noise, public health, solid waste management, transmission line safety and nuisance, transportation, visual resources, water resources, compliance, and mandatory opt-in requirements (property tax)
12	4/17/2025	262704	Jonathan Mezza	Mendota Chamber of Commerce	Support, property tax
13	4/21/2025	262720	Maria Pacheco, Mayor	City of Kerman, California	Support
14	4/21/2025	262721	Garry George	Audubon	Biological resources
15	4/21/2025	262722	Garry Cunha	Westside Elementary School	Support
16	4/21/2025	262724	Michael Corder	San Joaquin Valley Air Pollution District	Air quality
17	4/21/2025	262726	Mona Cummings	Tree Fresno	Support
18	4/21/2025	262727	Mariana Alvarenga/ Oralia Maceda	Leadership Counsel for Justice and Accountability/ Central California Environmental Justice Network	Community benefits, fire station, community center
19	4/21/2025	262728	Sophia Markowska	Defenders of Wildlife	Biological resources
20	4/21/2025	262729	Diane Dutton-Jones	Public	Opposition to AB 205
21	4/21/2025	262731	Kaitlin Cox	Center For Energy Efficiency and Renewable Technologies	Biological resources and habitat protection, air quality and dust control, water resources, transmission and fire risk, engagement and outreach, public health and cumulative risk, workforce development, fiscal and infrastructure equity,
22	4/21/2025	262732	Marybeth Benton	Nature Conservancy of California	Support
23	4/21/2025	262733	Mariana Alvarenga, Jamie Zwiefler-Katz,	Leadership Counsel for Justice and Accountability	Project description, air quality, hazards, hazardous waste, and wildfire, noise

TABLE 2-1 COMMENTS RECEIVED ON STAFF ASSESSMENT

ID	Date Received	TN #	Commenter	Affiliation	Technical Area(s)/Subject
			Natalie Delgado-Carrillo, and Angela Islas	(LCJA), the Central California Environmental Justice Network (CCEJN), and Comunidades de Westside (Communidades)	and vibration, socioeconomics, solid waste management, transmission line safety and nuisance, transportation, water resources, visual resources, heat island effect, cumulative project list, cumulative impacts, mitigation measures, alternatives, community benefits agreement, environmental leadership development project requirements, public benefits, environmental justice
24	4/21/2025	262734	Stephen Farmer	Westlands Water District	Water resources, decommissioning, weed management and fire risk, district facilities
25	4/22/2025	262736	Julie A. Vance, Regional Manager	California Department of Fish and Wildlife	Biological resources
26	4/21/2025	262828	Jameson Saberon	Pacific Gas and Electric Company	CEC versus CPUC jurisdiction for construction of new switchyard
27	4/29/2025	262855	Arianna Brown	County of Fresno, Department of Public Works and Planning	Farmland, Williamson Act contract, transportation

2.2 Master Responses

Several subjects were mentioned frequently in comment letters on the Staff Assessment and have been grouped and summarized by single theme. Each theme includes a comprehensive discussion that serves as a "master response" for each individual comment. These "master responses" are provided to simplify responses to individual comments by avoiding unnecessary repetition, and address issues in a broader context than responding to an individual comment would cover. A response to themes raised in comment letters can bring the relationship to the larger interconnected picture.

The following themes have frequently been raised in several comment letters:

1. Concern about community benefits agreements
2. Economic and community benefits of the project

Master Comment 1 - Concern about community benefits agreements

Summary of comment

Commenters are concerned that any community benefits are not being trickled down to communities in Western Fresno County. Commenters are concerned about equity and inclusion for those in disadvantaged communities in Fresno County. The commenters' opinion is that the applicant's community benefits agreements do not provide the type of help the communities need.

Master Response 1. As noted in **Section 10, Mandatory Opt-In Requirements** of the Staff Assessment, pages 10-10 to 10-11, Public Resources Code § 25545.10 states that the CEC shall not certify a site and related facility unless the CEC finds that the applicant has entered into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more qualifying community-based organizations where there is mutual benefit to the parties. The statute does not require consultation with all potential community-based organizations, nor does it mandate that specific input be sought from every group regarding how community benefits are structured or distributed. Additionally, it does not require that community benefit agreements be executed directly with individual communities.

To satisfy the requirements of PRC § 25545.10(a), the applicant executed a legally binding and enforceable agreement with Centro La Familia Advocacy Services, a qualifying nonprofit based in Fresno County. This agreement clearly establishes mutual benefit and is not terminable at will, meeting the enforceability standard set forth in the statute.

In addition, the applicant voluntarily entered into seven other agreements with community-serving organizations, including Tree Fresno, Central California Food Bank, Westside Elementary School, Central California Asthma Collective, Cornell University, Fresno Rural Transit Agency, and Fresno Housing Education Corps. While these additional agreements contain a termination clause and thus do not independently

satisfy the statutory enforceability requirement, they reflect the applicant's broader effort to provide meaningful, voluntary community benefits beyond what is legally required.

While not legally binding, the applicant has engaged with multiple organizations and is distributing benefits across a diverse set of community-serving entities. Staff does not have a role in deciding what community benefits are provided. No additional changes to the Final EIR are required in response to this comment.

Master Comment 2 - Economic and community benefits of project

Summary of comment

Commenters are concerned that the project will not provide enough economic and community benefits to the surrounding residents and community. The commenters are concerned that jobs are being lost in the community, and believe that more local jobs should be provided by the project.

Master Response 2. The administrative record contains evidence of net positive economic benefits of the project and other community benefits. The applicant's Socioeconomic Report (TN 256013) identified substantial positive fiscal impacts to Fresno County, including an estimated $33 million in sales tax revenue during construction, $1,800,000 annually during operations, and a one-time school impact fee of $14,000. An independent analysis conducted by Life Cycle Associates (LCA) (**Appendix C** in the Staff Assessment) estimated net economics benefits of approximately $169.3 million over the life of the project. In **Appendix C** in the Staff Assessment, LCA also considered a more conservative scenario where the project would not earn any revenue from selling power back to the grid. In this scenario the project still produces large net economic benefits over its lifetime ($153,000,000). These economic benefits include local construction jobs and associated payrolls, tax revenue, equipment rentals, and spending by workers and contractors. Once construction is completed, the project would employ fulltime staff and contribute taxes to the local community.

LCA has revised **Appendix C** to include an alternative scenario in their analysis related to property tax estimates from the Darden Clean Energy Project to account for a scenario where the solar development property tax exemption applies to the project for its first three years of operation due to the January 1, 2027 sunset date for the solar tax exemption. In the scenario, the project continues to meet the net economic benefit requirement with $167.8 million of estimated net economic benefits over the life of the project. The updated text can be found in **Section 3, Revisions to Staff Assessment**.

In addition to these fiscal and contractual benefits, the applicant is engaging directly with the community through outreach events. Intersect Power hosted a community open house on April 24, 2025, in Cantua Creek Elementary School, to discuss career

and small business opportunities associated with the project and discuss community issues. If the project is approved, Intersect Power would host a job fair this summer.

2.3 Comment Letter and Response

Staff's response follows the comment letter.

Commenter A to Z

Eliseo, would you like to come up? And we're going to have a timer on the screen for three minutes, and I'm going to just give you the mic, and just a reminder to spell your name for the recording.

MR. GAMINO: Yes. Don't start the time yet, though.

MS. BADIE: No.

MR. GAMINO: Eliseo, E-L-I-S-E-O, Gamino, G-A-M-I-N-O. I'm also a school trustee. I already have six years as a trustee in Fresno County, but I'm also a father, a teacher, an educator, and a community advocate, and so a board member of Rural Communities Rising, so I'll be speaking in those hats that I wear. I will mention, I will be speaking Spanish, as well.

A-1

(Speaking Spanish.) I believe there's a translation there. Okay, perfect.

Okay, first of all, I want to start by saying that when I say we support Rural Communities Rising, as well as other local organizations, our investment here in the heart of San Joaquin Valley, it's an honor to welcome green energies, clean energies here to the valley, and we're definitely in support of it.

There are some concerns, though, because we want to make sure that there's equity and that there's inclusion. And what I mean by that is that over the years,

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Continued

as a father and as an advocate, we have been organizing communities, organizing to a point of 36 communities in Rural Communities Rising to talk about the benefits of clean energy coming here in the valley, but also some of the impacts that put some of these farm working families, low-income families at a disadvantage.

Just last week, I went with a few members and we personally walked and knocked on doors, and some families were not aware of the providing input today, that there was transportation. Thank you for providing that access to transportation so they can be here. But it's hard to reach, and I don't blame you for it, but this is why we go to the towns and we communicate, and we want to make sure that you understand also where we're coming from.

A lot of times, these rural communities, and I say this also to Fresno County at large, we talk about giving resources and community benefits, but sometimes the outskirts of Fresno County, things don't get trickled down. And so it's so important that you guys have an operator that focuses on equity, that focuses on inclusion, and we definitely advocate, and we're in support of the program.

We represent over 600 members that are elected. The trustees that are elected to the board from the families themselves. We do surveys in Spanish and English. We go old-fashioned, knocking doors, talking, getting to

A-1 Continued

know the community. And this is why I'm here, because it's so important to make sure that the most impacted are not left out, including Arroyo Cantua, Three Rocks. I talked with two members this past weekend, and they were telling me (speaking Spanish), but I have to drive an hour now just to keep employed because this is land (indiscernible).

Families have been displaced. And it's important not to lose sight that we want, also, something in return, whether it's -- if it's electricity, we appreciate it. Can some of these families get a reduced benefit because it is energy, clean energy, that's produced here. These are some of the -- Fresno County is one of the poorest, most taxed counties in the state of California.

And with that, I believe that was my time. Thank you for the opportunity to allow me to speak. Thank you.

MS. BADIE: Thank you so much.

And we have one other commenter for this comment period, Jose Espitia. Excuse me, Espitia. And I would ask that Marc or Ruben, please help us in the room. Yes, Ruben, okay.

B-1

MS. ESPITIA: (Via Spanish Interpreter.) Okay. My name is Jose Espitia. I represent Five Points. We want to inform everything that has to do with this project. We want (indiscernible) of all the residents. We want (indiscernible) to speak for (indiscernible) of the

B-1 Continued

economic support (indiscernible) for our comments. We want the support, the financial support, to come directly to our community. That's it.

MS. BADIE: Thank you.

Alright, and then we're going to transition over to Zoom. If you would like to make use of the initial public comment period as an accommodation because you cannot stay for the duration of the event, and you'd like to comment at this time, please raise your hand. And the raise-hand picture on Zoom looks like an open palm on your screen. And if you're joining us by phone, you'll press star nine. Those are the ways to raise your hand.

And I have J. Ramirez. J. Ramirez, I'm going to open your line. You'll unmute on your end. There's going to be a timer on the screen. We are asking for comments to be three minutes or less, and it is helpful to capture the record. If you could please state and spell your name before beginning.

MR. RAMIREZ: Yes. Can you hear me?

MS. BADIE: Yes.

MR. RAMIREZ: Okay. My name is Jose Ramirez. It's J-O-S-E, last name is R-A-M-I-R-E-Z. I actually represent Rural Communities Rising. I'm the current Interim Executive Director for Rural Communities Rising. We are a non-profit organization that just got started

C-1

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C-1 Continued

recently. However, you know, we have a lot, too, that we would like to share.

First, we are very generally supportive of the Darden Project. Of course, the project started prior to our inception, but we plan to have a board in place by the end of April. And we currently have -- we plan on having 21 board members that represent the west side of Western Fresno County. And so, currently, we are working towards, like I said, having broad representation. And as my colleague mentioned a little while ago, we've been able to engage and register about 600 residents in Western Fresno County, again, to have this board representation.

C-2

Number two, the founding board, like I said, is generally supportive of the Darden Project, but we would certainly like to have the broader community be part of these discussions that are taking place and fully engage the representatives of this project. And we, of course, encourage the CEC to champion policies and/or promote legislation that legitimately positions organized impacted communities with their own multi-community representative, like the non-profit that we represent, that -- and then, and also, lead the entities in a way where it's engaging energy developers with respect to community benefit agreements and community siting reviews.

And we also understand that there's going to be

C-2
Continued

some communities that might not be in favor and might not want to have these large-scale utilities in their backyard, and so we respect that. We believe that by doing so, impacted communities will predominantly become advocates for clean energy development.

So thank you again for the opportunity to share a few comments. That concludes my comment period.

MS. BADIE: Thank you. Thank you for your comments.

And I'm not seeing any other raised hands on Zoom, so I'm going to turn the mic back over to Lisa.

COMMISSIONER GALLARDO: Lisa, may I make a comment real quick?

MS. WORRALL: Of course.

COMMISSIONER GALLARDO: I forgot to recognize a team from the Energy Commission earlier. Our Chief Counsel's Office has been on this journey with us, so I wanted to make sure I recognize them. Giving Lisa a little bit of time to get there.

Also, earlier, I think we asked for government leaders, elected officials to introduce themselves. I do see the mayor in the room, in case he wants to talk to me to introduce himself (indiscernible).

MAYOR LEON: Well, buenas tardes, good afternoon. My name is Rey Leon, and as you can see, I'm a Cal Bear.

The reason I'm wearing this is because every year we host -- what's up, David? -- every year we host students from Berkeley, alternative breaks from UC Berkeley, and today we have -- well this week, we have nine kids, and they help us out in the community gardens. They're doing the e-trike bike ride today in our -- with the program, and just help with a bunch of stuff, and getting exposed to the farmworker experience, take them to the fields, take them to the UC Research Center down the way, and so forth.

But it's my pleasure to be here, it's great to see David. He hasn't come and done the tour. I know (indiscernible) has already done it.

CHAIR HOCHSCHILD: I did it today. I did it today.

MAYOR LEON: (Indiscernible) was waiting for you, I know Patricia did it briefly, but also the former Commissioner, who is now back at CPUC, Karen --

COMMISSIONER GALLARDO: Karen Douglas. Karen Douglas.

MAYOR LEON: Yeah, Commissioner Douglas, my ex-counselor from CERN (phonetic), and so (indiscernible).

CHAIR HOCHSCHILD: That's a lot of peer pressure here.

MAYOR LEON: I'm adding it up. I'm adding it up. And it's my pleasure to be here.

D-1

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Continued

And so, you know what, now that I'm on the mic, can I just do my public comments? I might as well take care of it. I'm ready, so good afternoon.

And you know, I've been doing air quality policy and environmental justice systems change since 2002, and have been part of the fights in the legislature for AB 32, SB 100, a lot of the policies that have, I think, brought us to the point in which California is now the greenest state in the country.

And we continue to be innovative. We have a non-profit called the LEAP Institute based in Huron, California, which is nine miles away from here, great tacos, come and visit. And I'm also, of course, the mayor of the hometown, my hometown, where my father arrived in 1951 as an undocumented orphan farmworker from Michoacan, who became a (speaking Spanish), became, you know, a resident and a citizen and so forth, and a businessman.

But I'm very proud of this area. I'm very proud of being from the west side. And you guys have heard me speak before, whether it's within the state of the capital or somewhere else in the country, I always make sure to mention that west side is the best side, you know, because I also grew up on the west side of my community. You know, and I'm very proud of this region. It's just unfortunate that we're always overlooked, undermined. You know, the

D-1 Continued

resources are scarce in our area.

One of our struggles in the city is for our high school. You know, we don't have our own high school. We're the only city between Sacramento and Los Angeles with no high school or its own school district.

You know, my brother, he dropped out of 10th grade numerous years back, got a job in a harvesting company, Ferguson Harvesting. Last year, that company closed its doors because no longer were hopeful of the cotton industry. They sold their combines and displaced a lot of farmers, you know, because it just wasn't possible anymore.

D-2

You know, with all these orchards that are not labor-intensive, with all these solar parks coming in that are also not labor-intensive, you know, from my assessor, Paul Decos (phonetic), what he shared was that every 1,000 acres of prime or subprime farmland, no matter why it's happening, but every 1,000 acres represents 50 jobs on the field, on the farm, 200 jobs off the farm, 250 jobs. So I got to calculate, you know. So at minimum wage, what does that mean in the lifespan of a solar panel? 20 years.

Well, my calculation is $115 million out of the local economy in 20 years -- I mean, no, in the -- yeah, in 20 years. Then my calculation of how much is being made per gigawatt hour in the 20 years is, I think it was like,

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D-2 Continued

it's $800 million. So it's a good change; right?

But I think what's important and the reason why I'm sharing this is because, let's be mindful. You know, even though we're talking about, well, the drought's going to happen, yeah, but why is it happening? And let's not get into diving into dissecting that, but it's not the farmworkers' fault that that's happening, you know? But it's the farm workers that are being displaced.

You know, no longer will kids be able to drop out of 10th grade and get a job, because there's not going to be no jobs in those fields. They're going to have to have some skills. And if the quality of education in our schools is where it's at, then that's not right.

So basically what I'm saying is that all of us are part of the same team, and these resources that we're going to be able to generate on these properties, these lands, should be coming back to empower and help prepare and employ these residents from these areas. Otherwise, we're going to kill these communities. And I say it not just as an environmental justice leader, an elected official, and somebody from the community, but somebody that's working hard and trying to prevent that.

You know, Commissioner Noemi, thank you very much for coming down here to Huron with Advisor Jimmy. You know, I gave him a tour of the renewable technology

D-2 Continued

products that we're manufacturing. You know, I'm not talking about it, we are doing it. My brother, who was a displaced farmworker, well, he's one of our guys. He's in EV maintenance. We got welders. We got builders. I invite you all to come through to check it out.

So we're building what we call climate -- mobile climate resilient refuge products, technologies. Basically, it's a shade trailer. We've done it with a bunch of technology, including solar battery storage, air quality monitor, and just a bunch of cool stuff. But we're building it, and people are getting paid to do it. They have those skills. You know, through the Uplift the Valley Green Workforce Development Program, we've trained solar installers, EV maintenance, EV charger maintenance. You know, we are currently doing a commercial to encourage mechanics to do EV maintenance. That's from your guys' money. Thank you. We're finishing that up right now.

We are also going to be training folks in rainwater systems installation through DOC, working with Westlands Water District. But Huron is one of the first cities to install a rainwater systems ordinance. So with new homes, it comes rainwater systems ready, and apartment complexes with full-fledged rainwater systems. So we did it before San Francisco, and we're not even (indiscernible).

D-3

You know, so we're up on it, because we know the importance and the value of water. We know the importance and the value of work, because our work ethic is like no other. Farmworkers are the strongest workers in all the land. I firmly believe in that.

So I look forward to having continue the conversation. David, you got to come down, come see it, you know, because there's a way we can get out of this, and then we can prevent the worst situation. But it's all about quality of education. It's all about scholarships, internships, fellowships. You know, it's all about upskilling, reskilling.

You know, I sit on the board of the Center for Energy Efficiency and Renewable Technology. So I've met a lot of the companies that do renewable energy, and they don't reflect the demographics of California. We need to see some of that happen here, or else people are going to have the door shut on them, you know, forever. In terms of getting into the industry, being actual, you know, agents and players within the agency, we need to do some work there as well.

But thank you very much for indulging me, and good to see everybody here.

UNIDENTIFIED MALE: (Indiscernible) you took 20 minutes.

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MS. BADIE: Thank you. We don't have a timer for --

MAYOR LEON: I was here, man.

MS. BADIE: We don't have timers for California tribes and other government entities. Thanks.

We have one more comment on Zoom that we'd like to get to before we transition back to the presentation.

So Stan Santos, I'm going to open your line. You'll unmute on your end. We will have a timer on the screen for three minutes. And just a reminder to please spell your name for the record before you begin.

MR. SANTOS: Okay. Very good. Yeah, thank you very much. And I appreciate having the opportunity to be here with you, at least virtually. I'd like to just make a couple of comments very quickly.

You know, during COVID, the west side suffered horribly. And one of the projects that I worked with as a technology officer with the Central Valley Leadership Roundtable, Eliseo and some of my other colleagues are here, was just testing and realizing the disparity in the availability to -- for access for the rural students.

And around that time -- or rather I should say in August of 2020, the Centers for Disease Control held a listening session with several community leaders from the west side. And the lack of broadband was the top item of

E-1

E-1
Continued

concern. And CDC officials stressed the need for increased dissemination of information during the pandemic, which was impossible when families were sheltering and unable to communicate with service providers.

They subsequently shared a presentation titled Incorporating Social Determinants of Health into an Analysis of Health Disparities in Rural Communities. And there was two or three very significant conclusions. Health outcomes statistics track closely with high versus low broadband access. COVID-19 deaths were twice as high in counties with less than 60 percent broadband access. And based on hypothesis testing, higher broadband access suggest reduced infant mortality, cancer mortality, and diabetes prevalence, increased life expectancy, and reduced COVID-19 death rates.

So there's a causation relation between broadband and health. And if anything is going to be invested into these communities, any type of community benefits aspect, we would hope and we would urge everyone involved to recognize these social determinants of health and invest in broadband access, which could be done right alongside the infrastructure that's going to be put in place for the solar transmission and storage. Because they could be joint poles, they could be joint structures, there could be undergrounding, and it would be a huge benefit, which is

not otherwise happening in the west side.

So I am working with Rural Communities Rising. I'm supporting their efforts to gain as much benefit for these underserved and unserved communities. And I think this will be a huge opportunity for us to further that work which we have already begun. And so I would urge you and hope that you will consider this for any investments that would be derived from these projects.

E-1 Continued

I thank you very much.

MS. BADIE: Thank you.

And again, this is the initial public comment period for folks that can't stay with us for the duration of the event. And we're going to have another main comment period later. Our plan is to hear from everyone who wants to comment today.

And we have one more commenter on Zoom. Armin Garcia, I'm going to open your line. Just a reminder, we'll have a timer on the screen for three minutes. And if you could please spell your name for the court reporter that will help our record.

MR. GARCIA: My name is Armin, A-R-M, as in Mary, -I-N, as in Nancy, last name Garcia, G-A-R-C-I-A.

I want to raise one issue that I think needs further consideration here in that a lot of these communities are unincorporated and, basically, this work is

F-1

being developed on their area. You know, they are directly impacted by this. And in doing so, there is no representation for these communities.

I want to point out earlier on the question about whether there were anybody -- if there's anybody from Fresno County present there? In my opinion, that's an issue because Fresno County is the one responsible for representing these communities.

F1 Continued

So what am I saying here, is the California Energy Commission needs to go above and beyond their efforts to go in there and connect with these communities. So, you know, the community engagement part is critical.

I also want to reemphasize a comment that was made by one of -- the second individual that talked in Spanish. And they pointed out that, you know, if there's any benefits to be handed out, you know, please make sure that those benefits wind up at the community. So that is a critical aspect.

F-2

The third thing, I want to reemphasize a point that Mayor Leon made, is that if we consider the amount of investment or amount of revenue that's being generated, first of all, from a capital perspective, how much of that's being invested, and second, how much revenue is being generated, what percentage of that remains in the community? Because if it's 100 percent, that is called an

F-3

F-3 Continued

extractive economy.

And the question that we need to face upon ourselves here is asked, what amount is being reinvested? Is this about, you know, handing out turkeys during Thanksgiving? My hope it's above and beyond that. The idea here is to include these communities in the economic cycle so that it creates opportunity.

Thank you.

MS. BADIE: Thank you for your comments.

and I'm going to hand it back over to Lisa.

MS. WORRALL: Great. Thank you so much, Mona.

Okay, just for those of you who might have just joined this meeting, we're here tonight to present the CEC staff assessment on the Darden Clean Energy Project, and to listen to public comments.

To recap, we've presented already that the proposed project includes a 1,150 megawatt solar PV, or photovoltaic system, a 4,600 megawatt-hour battery storage system, also known as BESS, B-E-S-S. We just finished our initial comment period, public comment period, for those who were unable to stay until the end of the meeting.

Now, CEC technical staff will be sharing their findings and conclusions for some of the key technical areas that we believe are of interest to the public. And these are the technical areas within the staff assessment.

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Okay, how about we get back to 6:25 so we can start promptly at 6:25? So if we can put that on the break slide reminder? Thank you.

(Off the record at 6:10 p.m.)

(On the record at 6:31 p.m.)

MS. WORRALL: Okay, so welcome back everybody. We just came back from a little bit of a break. And we'd like to open up to see if, first of all in-house if anyone has any questions or comments related to biological resources, can you raise your hand and I can come to you with the microphone? Make sure you state and spell your name, speak closely to the mic so those who are on Zoom can hear, and also the court reporter can hear, because we really want to hear your comments and any questions.

So if anyone has any questions or comments for biological resources, can you raise your hand? Good.

MS. ZWEIFLER-KATZ: Hi, I'll further comment later, but this is Jamie Zweifler-Katz with Leadership Counsel.

G-1

My question is I've looked at environmental impact reports for solar projects where in the biological resources section is evaluated the impact of heat sort of immediately above the project. I don't see that assessment in the Biological Resources section of this DEIR, so I'm wondering if that is presented as a part of the Final

EIR -- or DEIR and Final EIR?

MS. WORRALL: Okay, I'm just going to repeat that for the Zoom people because you have to be like almost on top of this thing. Jamie was wondering about the heat effect analysis. There wasn't -- he didn't see one, didn't see one inside the staff assessment in Biological Resources, and was wondering if that's something that would be part of the updated staff assessment. And it may be either biology staff, or it may actually be air quality staff, either Carol -- I don't know, Wenjun Qian, if you can raise your hand?

MS. QIAN: Hello, can you hear me?

MS. WORRALL: Yes. Yes, we can hear you, Wenjun.

MS. QIAN: Hi.

MS. WORRALL: THANK YOU.

MS. QIAN: Thank you for your comment. And we are diligently working on this and trying to gather information on this, and we will try to respond to this comment in our updated staff assessment.

MS. WORRALL: Okay, thank you, Wenjun, for that.

Let's turn -- first of all, any more people have questions or comments for biological resources in the room? Okay, I'm not seeing anyone.

Kevin, do we have anybody?

Anyone who's on Zoom who would like to have

questions or comments regarding biological resources, if you can please raise your hand and that way --

MS. BADIE: Star nine for the phone.

MS. WORRALL: -- or star nine and joining by phone. Yeah, we unmute.

Armin Garcia, you can go ahead now. You've been unmuted.

MR. GARCIA: Yes, my name is Armin Garcia.

MS. WORRALL: Can you state, also, state and spell your name? thank you.

MR. GARCIA: Armin Garcia, A-R-M, as in Mary, -I-N, as in Nancy, last name Garcia, G-A-R-C-I-A

So the question I've got is really more focused on Valley fever, and just really curious as to what mitigation strategies are in place and what studies support these mitigation strategies? A lot of construction work in the Central Valley, workers have gotten ill from Valley fever.

And, you know, in addition to the workers, what efforts are being done to ensure that Valley fever doesn't spread to the community?

Thank you.

MS. WATSON: That's a great question. And I'm going to imagine that Brett Fooks is going to address that next, or perhaps Dr. Alvin Greenberg.

H-1

I think it's helpful to explain to the public --

MS. WORRALL: Yeah, sorry.

COMMISSIONER GALLARDO: -- who may not understand, you know, how it functions.

MS. WORRALL: Right, sorry if I didn't make that clear.

Okay, yes, sorry, one more question on Zoom. Oh, yes, Sophia Markowska, you're going to be unmuted right now and you're able to talk. If you spell your name, that would be helpful. Thank you.

MS. MARKOWSKA: Yes, hi, can you hear me?

MS. WORRALL: Yes.

MS. MARKOWSKA: Yes, so my name is Sophia Markowska, S-O-P-H-I-A M-A-R-K-O-W-S-K-A. And I've heard some concerns about how the re-vegetation plan will be implemented and any impact that will have on irrigation or SGMA. So I was wondering if there's any information on that or if you plan to address that a little more in depth in the Final EIR?

I-1

MS. WATSON: I can answer that. That's a great question. So there is existing analysis, and also mitigation measures in the current Draft EIR for biology. Were you unable to find that or were -- I don't -- so some of the mitigation measures, to be more clear, let me just expand on that a little bit.

Some of the mitigation measures addressed the timing, the type of plant palette, which means the type of seeds that would be used, if those would be native, the type of watering regime, even the type of -- you know, the analysis looks at things like grazing by sheep used to manage the vegetation.

If you could be -- if there's a more specific question, then I can refine my answer a little more for you.

MS. MARKOWSKA: Yes, hi, sorry I was unmuted again. Can everyone hear me?

MS. WATSON: Yes.

MS. MARKOWSKA: Yeah, so what I've heard is that there's still some concerns over how watering for the revegetation would take place and that it might not be doable or feasible. So I was just wondering if, you know, if that is still a concern? And I'm hearing this, you know, from other organizations, so I just wondered if this was a concern that, you know, you guys still see or if it's going to be addressed more or if you don't have those same concerns?

I-2

MS. WATSON: That's a great question. I understand. Thank you. I understand better now.

Yes, absolutely. The way that the mitigation measure is laid out, which mirrors what the Applicant had

proposed and that is then enshrined so far or recommended by staff, is that it's designed as a scientific experiment in a bit of a way so that there would be several iterations as necessary of planting palettes. And if we have the project proponent on the line they could probably explain better than I.

But I think that a good way to think of it is that they might not be successful on the first go-round, or even the second planting, and that is the way that the mitigation and the Condition of Certification, these terms are synonymous under the CEC license, those are the way that it is envisioned, that they would have some time to come to success with a planting palette, given the lack of natural water, given the depleted nature of the soils on site, if that begins to answer your question?

MS. MARKOWSKA: Yeah, so with the seed palets, I'm assuming that would also apply to nesting trees for Swainson's hawk that are planning on being planted there, that if it fails they would just continue to plant nesting trees; is that accurate?

I-3

MS. WATSON: That is accurate, yes, that's my understanding. And that would go on for years, yeah, as success criteria are managed or met. Success criteria are outlined in the Draft EIR and staff's assessment. It's a rather lengthy condition, a couple different conditions for

to deal with any incident that could occur at the project site.

In closing, this project would be required to meet strict safety and environmental standards and, if built and operated, would be the largest battery energy storage system built to date in the state of California. CEC is invested in safe and reliable BESS projects being built in California so that we can achieve our goal of supporting California's transition to clean energy. Staff are requiring safety measures that would be part of project approval and would be monitored and enforced for the life of the project.

Dr. Greenberg and I would like to thank Chief Dustin Hail, Assistant Chief Andy Cosentino, who I believe is here tonight, and Division Chief for Operations Ryan Michaels for their time and expertise in the many meetings for making this a better project.

Alright, I'll turn it back over to Lisa.

MS. WORRALL: Thank you so much, Brett, for that.

I'd like to open up for questions in the room on battery.

Okay, we've got (indiscernible). We'll let you go first. And remember to speak very closely and --

MAYOR LEON: Will do. Once again, I'm Rey Leon, Mayor Leon, City of Huron, which is nine miles southwest of

J-1

J-1 Continued

here. And I'm just hoping that we are learning the lessons of what has taken place in Moss Landing, right, to ensure that we prevent any type of scenario like what they've experienced. I don't know what batteries they had out there. I know they're lithium. I don't know if there was a Tesla, whatever, powerpacks or whatever. But, you know, it sounds like all of their batteries were, I don't know, just not separated, you know? If one would have went out and the rest wouldn't have, maybe it would not have been such a disaster; right?

But I don't know. I'm not that expert in it, but I'm just saying, you guys are. We got, you know, the technicians with the CEC and our leaders from the Commission, so let's do everything possible to prevent any of any scenarios such as what happened at Moss Landing take place here, not just because it's not a good thing to see happen, it will impact everything and everyone, but mostly it will impact my community, which is south-south-east of that tract. And believe me, we smell the feedlot, and then that's going to be kind of above that, so that stream of air comes all the way down. There will be a (indiscernible) on a vulnerable community that will, you know, be disastrous and expensive and so on and so forth.

So every single thing we can do to prevent that, I don't know if this is the case where the precautionary

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J-1 Continued

principle has to kick in, in terms of there being a bond that will be the amount of what the disaster would cost, you know, to take care of, you know, or what would need to happen there, but, you know, this Moss Landing is a scary situation.

So thank you.

MS. WORRALL: Thank you so much for that.

MR. FOOKS: Lisa, just real quick, to respond.

MS. WORRALL: Oh, yes, let's respond.

MR. FOOKS: Because you had some questions in there, staff has -- the CEC staff have been out to Moss Landing. And specifically for anyone who's on Zoom, we do talk about this, about -- because you're right, Moss Landing is different than the Darden Clean Energy Project. There are substantial differences. One being chemistry. They're not the same, so I will mention one for Darden, which is lithium iron phosphate. Sorry, we're getting kind of technical here. The one at Moss Landing was a nickel manganese cobalt. It's a higher energy density.

I think the biggest thing, as you pointed out, is for fire propagation perspectives, is these are completely different. These are containers, so these would be separate containers of so much stored energy versus inside a building where it's harder to contain the fire, as we obviously learned on January 16th.

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So what happened is the code that got adopted in 2022 is really strict. And so, you know, that early stuff -- and you know, this, by the way, happened with our phones, too. You guys remember the Samsung fires with cell phones, you know, and there is a learning curve, unfortunately, with this technology. Luckily, there haven't been any injuries or fatalities from these incidents.

But this is something we are laser focused on. We just convened a gathering of 35 of the top experts in the battery industry to focus on this, along with CAL FIRE to ensure full safety for the whole fleet going forward.

So I thank you. Alright, thank you.

MAYOR LEON: and with that, I depart.

CHAIR HOCHSCHILD: Okay.

MS. WORRALL: Thank you for that. Thank you, Chair.

MS. ZWEIFLER-KATZ: Hi, I'm Jamie Katz, or Jamie Zweifler-Katz, J-A-M-I-E Z-W-E-I-L-E-R dash K-A-T-Z.

Two questions. One, in terms of the coordination with local fire safety, we hear from residents in nearby communities that one of their key concerns is that there is not a local fire station. And so I'm wondering if that coordination with fire departments will include investments in that and assurances that appropriate fire suppression

K-1

K-2

capacity is available?

The second question is, in the event of this fire, how -- of a fire, how would residents be notified of that in order to evacuate?

Thank you.

MS. FOOKS: So for your first question, I would say, we have done a few relative impact analysis and worked with the FCFPD to determine that there is, obviously, an impact. And we do have mitigation, or what we call conditional certification, that would require a project owner to help fund a specific dollar project funding to eliminate those impacts. So I do think that's happening. We work with them, and we have a conditional certification that would require the Fresno County Fire Protection District to work with the project owner to come up to that reasonable amount of funding, for your first question, to address that.

And then the second one, like we mentioned, there will be emergency response plans, and that's where things will be detailed; right? They don't exist today, but they will be -- the project owner will be developing these. They will be reviewed by CEC staff, and also by the local fire district, to ensure that notification protocols and all of those things are implemented correctly for anyone living near the site. So an incident commander,

specifically your local fire department, FCFPD, would then go down and know what to do in a case of an emergency, like whether to notify nearby residents to shelter in place or whatever the case may be depending on the situation on the site.

So I hope that answers your question.

MS. ZWEIFLER-KATZ: Thank you for that.

MS. WORRALL: Yeah, can we have a translator in here, please?

MR. ANGULO: He's coming up.

MS. WORRALL: Okay, he's coming. Thank you so much, Ruben.

MS. MACEDA: (Via Spanish Interpreter.) My name is Oralia Maceda with the (indiscernible). My question is, what are we going to do with the panels when they don't work anymore? And we're noticing the contamination that is causing these (indiscernible). We think about the plastic bags. We were using them in this. And now we are (indiscernible), we're thinking about these solar panels. What's going to happen with these batteries? What's going to be the end here? At the end of the day, they go back to the recycle places in (indiscernible). What's going to happen?

L-1

CHAIR HOCHSCHILD: Can you translate for her?

SPANISH INTERPRETER: Yes.

--

CHAIR HOCHSCHILD: Okay.

MS. WORRALL: -- what we would reiterate.

CHAIR HOCHSCHILD: Okay. Yeah.

MS. WORRALL: So thank you.

Can you spell and state and spell your name?

MS. MACEDA: (Via Spanish Interpreter.) Oralia, O-R-A-L-I-A, Maceda, M-A-C-E-D-A.

MS. WORRALL: Do we have any more, you know, fire safety?

NATALIE: Hi. Good afternoon, my name is Natalie. I work with the Central California Environmental Justice Network. And I just want to just ask, will there be -- like will the EIR analyze like the end of life of like the battery storage system? Just because it's important that these storages and these batteries don't end up in San Joaquin Valley communities because communities like Buttonwillow, Kettleman City, and (indiscernible) are already dealing with a lot of the effects of landfills and toxic waste that comes from those landfills.

So I think it's important to include that end of life process that was for battery energy and storage. And I just wanted to uplift that. Thank you.

M-1

MS. WORRALL: Thank you.

MS. FOOKS: To answer your question, the way that

we approach that is if they're given -- if it is approved as a project, and they're given a license to construct and operate, they're also responsible for the decommissioning of those items. And one of the conditions or mitigations that we have is they're required to present to us a closure plan and a complete how they're going to take it down and take it back down to grade, settle the earth or whatever, but we will -- they won't be able to abandon it, per se. You know, we will have conditions of certification, and that's how we deal with end of life with regards to projects once they are no longer viable, if you will.

So I hope that helps. It's a condition, it's COM 15 or COM -- where we require closure plans a year in advance, then we impose additional conditions of certification to deal with, just as you mentioned, recycling the things, whatever we can do, and make sure that it's not (indiscernible) with the community (indiscernible).

MS. WORRALL: Do we have any more questions on battery safety in the room?

Okay, I'll turn to Zoom. Do we have anyone who has questions on battery safety? If you can raise your hand or star nine, press star nine.

Okay, Stan Santos, we're going to open your mic. Alright. Go ahead.

MR. SANTOS: Okay. Yeah, hi.

MS. WORRALL: State and spell your name, please. Thank you very much.

MR. SANTOS: Okay, Stan Santos, S-T-A-N S-A-N-T-O-S.

I'm sorry, I wasn't able to hear because the sound quality is kind of poor, but my question is from having worked in telecom and worked in controlled environment vaults with battery systems, we have monitoring, and it was environmental, that had high heat, moisture, combustible, et cetera. And I'd like to know what kind of systems you have?

N-1

But I'd also like to know, you said you're going to have monitoring, but there's a question of the connectivity of the system to your monitors and whether that's going to be optical fiber and whether you're going to have enough capacity in the fiber to be able to monitor such a large amount, just the sheer volume of information that has to be constantly being processed, and what is going to be your platform? Is it going to be a fiber-based or if it's going to be a satellite? Because we do not have a lot of confidence in a satellite-based if you need real-time reporting to avoid either the system overheating or having a blowup or explosion or something, or a fire.

So I'd like to see if your engineers or

N-1 Continued

technicians would agree with that assessment and that they would -- if they could shed some light on the type of monitoring system? Because that would really adversely affect all of the surrounding communities, and that would be a huge concern that we would have.

N-2

Also, if that's all going to be installed and monitored and the systems are going to be installed by a union or IBEW-type or telco union workers who have been trained and certified in all of the necessary aspects and job functions.

That would be it. Thank you very much.

MS. FOOKS: Yeah, I don't think we have the technical detail at this time to know how the battery management systems will be reporting back. Presumably it will be remote, given that Tesla does that, but we'll have to go back to that. Thank you for your comment.

MS. WORRALL: Okay, do we have any more? Alrighty.

Armin Garcia, you're unmuted. If you can state and spell your name? Thank you very much.

MR. GARCIA: My name is Armin, A-R-M, as in Mary, -I-N, as in Nancy, and Garcia, G-A-R-C-I-A.

O-1

My question -- well, first of all, the CEC has done an extraordinary job of funding alternative types of batteries. And there are batteries that have a better

O-1 Continued

levelized cost of energy than lithium-based batteries that have zero thermal runaway. And one example is a vanadium flow battery.

So my question here is, I mean, why aren't these batteries being utilized in this particular situation, especially given the fact that there is, like I said, zero thermal runaway and no risk of emitting contaminants to the environment? Vanadium flow batteries are organic in nature, so they're very ecofriendly. And so the question remains, why aren't these batteries being considered?

Thank you.

CHAIR HOCHSCHILD: This is David Hochschild, again, with the Energy Commission.

We do not select battery chemistry. That is for the market to determine. We, at the Energy Commission, have funded a wide variety of battery chemistries, everything from vanadium, such as you're citing, to chromium, to zinc and iron air, and other long-duration chemistries, compressed air. And then it's really up for the developer and communities developing these projects to look at the characteristics and select.

The thing that we are absolutely insistent on is safety. And as I mentioned, there has been a big shift within the lithium-ion space from NMC to LFP, which is a lower temperature, lower energy kind of intensity chemistry

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And what we'd like to do is reserve space at the start for California Native American tribes and other governmental entities. And so on the cards, we've had some folks turn in for government. And also, if you are on Zoom and you're from a tribe or a governmental entity, please raise your hand.

Alright, so I'm going to start with folks in the room. And we have Andy Cosentino, Fresno County Fire. I don't know if you're still in the room with us. And then just a reminder to please spell your name for the court reporter. And we're asking for comments to be -- oh, no, for government, we don't have a timer. Sorry about that.

MR. COSENTINO: Thank you. Andy Cosentino, Assistant Chief with Fresno County Fire, A-N-D-Y C-O-S-E-N-T-I-N-O (indiscernible). I guess it's fitting after the battery storage system that we go first.

I just want to speak on our comments during the staff assessment period. We did note, for those that are in the community, that, one, we want to be a good partner with the developer, as well as the community. And so as it sits, where this lies, it lies right in the middle of two response areas. One is stationed right out here from Harris Ranch and the other in Tranquility. And so our main condition is to not reduce services that we are already supplying to the community. We've made that very apparent

P-1

with Darden. They've been very positive to work with through a lot of different discussions, as well as the CEC.

I would reference that with the CEC, that you consult the 2024 Fresno County General Plan on what it takes for new development within the County of Fresno, as well as design and response plans. So those are the items that we're looking at. We're looking to take them into consideration, the recent developments and battery energy storage. P-2

But from a fire perspective, we're looking at all emergency services. So medical aids, wildland fires in the area, vegetation fires, the different auxiliary incidents that come from projects like this, like motor vehicle accidents and those things of that nature. So we are taking that into account. We are working with both the developer, as well as the CEC, and we appreciate the opportunity to comment. And thank you for your concern that you brought up (indiscernible). P-3

That's the end of my time.

MS. BADIE: Thank you.

And next we'll hear from Felipe Perez from the City of Firebaugh. Do you want to come up.

And if we can have Ruben? Yes.

MR. PEREZ: Felipe Perez, F-E-L-I--P-E, Perez, P-E-R-E-Z. I'm a former Mayor of Firebaugh, a Q-1

Q-1 Continued

councilmember, active councilmember.

(Via Spanish Interpreter.) I'm just to be the -- in the board of -- board member. I also work on different types of projects. I have too many hats. I am a public servant. (Indiscernible.) I love to help people manage not only my community but the surrounding communities.

When they asked me to find leaders around the community to represent us, I really liked the idea because there are a lot of leaders in our communities. And thank you to all of these communities around this area and the ideas their leaders that are helping us.

Especially, I'm part of the board members, but it's not permanent, so we have to find new members. That's why we have 18 communities around us and we have only one that's got all these benefits.

I have spoken to about 1,000 persons, and the question comes up, why do we not have a fire department in our area, in Cantua Creek, please? That's one of the concerns of them, and they worry about it.

I'm a public servant, and I've been working from Firebaugh to Coalinga, and I like to go and knock on the doors. As a board member, my objective is to unite all these communities to have a voice. And to have all of these groups helping us, because one group cannot do everything. But together, we can achieve a lot of things.

Q-1 Continued

I know like, as you, as public servants, your job is to help all these communities around these communities, especially west of Fresno. I have done many, many surveys with people and a lot comes to mind, how are we going to pay the bills? That's what we're asking. I know the government is going to be getting a lot of money, and we want just a little bit of funds to go to these communities. I have experience. I know (indiscernible) you guys are going to try to do whatever you guys can do to help these communities a little bit.

Thank you very much. And I know that you're going to do your best to help all these communities.

MS. BADIE: Thank you.

And next, we're going to hear from Esther Ramirez. And just a reminder, Esther, please spell your name for the record. And then we're asking for comments to be three minutes or less. Thank you.

MS. RAMIREZ: Hello. My name is Esther, E-S-T-H-E-R, Ramirez, R-A-M-I-R-E-Z. I'm a Cantua Creek resident.

R-1

We understand community benefit agreements have been made with organizations. We as a community want to be included directly with Darden to enter into a community benefits agreement. We will feel the impacts directly. Please consider our community.

And Darden, we will see you on April 24th.

Thank you.

MS. BADIE: Thank you.

Alright, do we -- oh, okay.

COMMISSIONER GALLARDO: Oh, excuse me. Before moving forward, because I don't have a mic right now, when you're talking about direct benefits, are you talking about -- when you're referring to the direct benefits, are you talking about to the city, to --

MS. RAMIREZ: (Indiscernible) our community. Due to the EIR report, the requirement is for them to deal with the community, talk to them.

MS. BADIE: Talk into the mic so we can hear you.

MS. RAMIREZ: Oh, I'm sorry.

MS. WORRALL: Speak into the mic.

R-1 Continued

MS. RAMIREZ: Okay. I'm talking about the EIR that requires community involvement, dealing with the companies, and dealing with the communities. And we understand, there's other organizations that have been dealt with. I know the school has got a piano program for the next two years. They've got money already promised. And they're going to continue with the, I think, through the maintenance people to continue that. We, as a community right next door to the school, were part of it.

We want benefits too. And we're asking, but

R-1
Continued

we're not an organization, we're a community. But if they can only deal with organizations, then we're out. So what benefit do we get? Do we have to wait for the batteries to explode, or the traffic that's going to built up when all the cars are coming and going. The workers are not local. You can see the other solar projects. They just want to get the hell out of Dodge. They drive fast. They cut you off. They don't care. They're not from the community. We are.

That's all we're asking, so does that make sense?

COMMISSIONER GALLARDO: Thank you so much for making that clarification. It's really helpful to be able to understand fully what is being asked.

And from what I hear, there's someone from the developer who would like to speak or respond, I guess, to this query.

MS. KNOWLES: Yeah. No, I appreciate the comment, and I appreciate meeting -- having the opportunity to meet with you and the rest of the community members earlier today. But we have designed the Community Benefits Plan so that -- excuse me. My name is Elizabeth Knowles. I'm the Director of Community Engagement for Intersect Power.

So we designed the Community Benefits Plan to be flexible. We do have a variety of organizations that we do

Diaz.

And if you could come, Ruben, also come out and do interpretation?

MS. DIAZ: Good evening. My name Maria Diaz. I'm from Cantua Creek. One of these people that lives in this community that's going to be impacted with this project.

I have understood that some agencies have been funded economically, but not us. Our area has been impacted by this project. Some of our farmworkers, they have -- they don't have a job. And for other side, they fight over there, they have weather. We are very poor, especially when we have -- when we talk about fires. In these situations, they don't want to insure the houses because of these events.

S-1

Our water bills also are very high. At the present time, I owe $2,000 just for the water. Also, we don't have insurance for that.

And also, it impacted me that I have a Tesla battery and I don't have much information. And if there is a fire, what's going to happen?

I agree with this project. I understand that it's going to help the green environment. And the other side, how is it going to affect us? How is it going to benefit us? And what's going to happen with our house if

S-2

there's a fire?

That's it.

MS. BADIE: Thank you.

Alright, next, we're going to hear from Jamie Zweifler-Katz.

MS. ZWEIFLER-KATZ: Jamie Zweifler-Katz, J-A-M-I-E Z-W-E-I-F-L-E-R dash K-A-T-Z, with Leadership Counsel for Justice and Accountability. We work alongside Cantua Creek and El Porvenir residents who have been following project updates to better understand the project's impacts.

We appreciate CEC staff for working with residents to ensure they are able to attend this meeting. We urge the Commission to answer residents' questions ahead of a revised staff assessment to provide an opportunity for residents to incorporate responses into their comments on the project.

T-1

Leadership Counsel will submit written comments to uplift these concerns and others. We look forward to an amended EIR that addresses these impacts, includes sufficient mitigation measures, and fully evaluates an appropriate range of alternatives. We look forward to a process where residents' priorities are centered and meaningfully incorporated into this project.

As the first project to reach this stage in the

T-1 Continued

CEC's Opt-In Certification process -- oh, it's working again -- it is essential that the CEC not only does right by residents here, but sets a high standard for projects in the future.

T-2

The CEC needs to ensure that the communities closest to these projects receive community benefits. The residents we work alongside have identified specific priorities for a potential community benefits agreement, and we are in communication with the developer about these priorities. The Community Benefits Plan must be amended to include the priorities of Cantua Creek, El Porvenir, and Five Points residents. This is an indispensable opportunity for the CEC to demonstrate that its commitments to environmental justice and a just energy transition are not just words, but meaningful action.

Thank you.

MS. BADIE: Thank you.

We're still hearing comments in the room, and then we're going to transition to Zoom. So next in the room, we have Espi Sandoval. I don't know if I said it correctly.

U-1

MR. SANDOVAL: Hi. My name is Espi Sandoval and I'm a resident of Fresno County for 53 years, since 1972. And welcome to the Appalachian of the West. We have the poorest communities, and they didn't become poor by

U-1
Continued

accident. If you understand, you know why.

We're people that pick the crops, like myself. I'm a former farmworker. I'm a former city council of Kerman, a community. I'm a former principal of Tranquility High School. Some of these ladies right here, I taught their kids. I was a teacher at Cantua Elementary, a teacher at Elm Elementary. If you don't recognize those guys, you guys are not from here. And if you do, thank you.

I'm also a teacher from Tranquility High, a teacher in (indiscernible) Elementary. I'm a long-time educator. And to me, it saddens me to see what's happening.

Also, you know, I've got involved with Rural Communities Rising because I really believe in giving the power to the people. I don't think Darden -- I don't like to criticize them, but I don't think they did their homework, because the agencies that they got given money to, that's never going to come to these communities. I know that for a fact. I've been here 52 years. Nothing's changed. You guys are dropping everything, believe me. It reminds me of the teachers that come to Cantua and leave. Reminds me of the teachers that come to Tranquility High School. They come, they give their teaching, and they go back to Clovis. You understand?

U-1 Continued

You guys are coming from Sacramento. I don't know where you're coming from, but you're here, and you're going to be leaving. Darden is just dropping in, taking advantage of our communities, just like the farmers have done. Now, the richest farmer in Central Valley has never had to shovel. You guys know that.

One thing that you've got to remember, we have absentee farmers. They're not even here. They live in Texas, but yet their farmworkers are working their lands. Most of these farmers got rich and bought their homes on the coast. People stay here. People can't really buy what they need.

So when I tell you, Appalachian of the West, Huron is the poorest community in the state. Mendota, Firebaugh, where we have the Councilman of Lupita Perez (phonetic). My community, Tranquility, San Joaquin, Cantua, that's where I grew up, Mendota. I live in Kerman. But you need to understand, we have real issues here, and some of us are not understanding. You know what? Bring in Tree Fresno. What are they going to do, plant trees? I can plant trees. You understand what I mean? Or we're going to bring more boxes of food from the food bank. That happens every day. But who's going to pay their bills? This young lady that owes $2,000 in water, what's going to happen?

U-1 Continued

So I think you need you to remember that I'm an educator, I'm a community advocate, and I'm a member of my community. And I want everybody here to understand, please, look at our communities. Darden, please, look at our communities so you know what you're doing. You know, what does Cornell have to do with this? What does food have to do with us? We get food all the time. I see food being thrown away because, after a while, they dump so much food with us that you don't understand that.

Not everybody, I'm going to tell you right now, not everybody needs a lot of food because we have hardworking people that work so they don't ask for food. But at the same time, a lot of us think that we're all hungry, that we're all human. Immigrant people are the hardest working people. We built this country, we built this land.

So that's all I have to tell you. Thank you and I appreciate it.

(Applause)

MS. BADIE: Thank you for your comment.

Alright, next, we're going to hear from Leticia Villegas.

V-1

MS. VILLEGAS: (Via Spanish Interpreter.) Good evening. My name is Leticia Villegas. I'm resident of Five Points. I am a resident of Five Points and I

California Reporting, LLC
229 Napa St., Rodeo, CA 94572
(510) 224-4476

V-1 Continued

currently worry about these solar panels. I understood that from where I live, it's going to be three miles. And I want to ask you, please, if this is approved, what worries us is the homes, they're falling down and we want to be here. We want the funds to go directly to our community and we don't want it to go to the businesses. Because the first priority is that our homes are falling down.

As a farmworker, I work during the -- when the weather is hot, and then at the end of the day, come home, and not having air conditioning if the weather has been hot. If these funds come to us, we want to use it to repair our homes, the streets, the air conditioning. But please, we want to be listened to.

MS. BADIE: Thank you for your comment.

And I wanted to just do -- we have one more blue card, but if there's anyone else who wants to comment in the room?

(Off mic colloquy)

MS. BADIE: Oh, sorry, yes. I was just -- no, we have yours.

Is there anyone else in the room? I wanted to get your blue cards now, and then we're going to transition over to Zoom.

Oralia Maceda?

California Reporting, LLC
229 Napa St., Rodeo, CA 94572
(510) 224-4476

MS. MACEDA: (Via Spanish Interpreter.) I am Oralia Maceda. Firstly, I have a question.

When is the next meeting to find out if this plan is going to be approved or (indiscernible) get approved? She's going to answer later, when you have a date? That's just one question.

I'm going to make a comment. I work with the Environmental Justice Network. And we work with the community of Five Points. It is very important, as the resident of Five Points said, that we need to be listened to. And we want to be notified when we have these meetings. And with all the things that we are having to explain about the communities, they worry about, if this is approved, all of these motor vehicles that are going to be coming around, or they're going to bring materials and they're going to be welding. The position of the residents is that they should pay attention to the streets. The dust that this project is going to provoke. And to mitigate this dust, a good idea is to have planting trees around the streets (indiscernible).

W-1

And very important is community agreements. And they should be reviewed, even though -- even though we have been working with them, that they work with organizations. And they need to be revised so the community members are the ones that get the benefits. We want to make sure that

W-1 Continued

this Commission, that they have in mind the community. So everyone in the communities have the (indiscernible).

Thank you.

MS. BADIE: Thank you.

Okay, we're going to transition now to the Zoom commenters. So if you're joining us on Zoom, you're going to use the raise-hand feature on your screen, it looks like an open palm, and that's going to tell us if you'd like to comment. And if you're joining by phone, you're going to press star nine. That's going to let us know you'd like to comment. And again, this is the main and last comment period.

And we have one hand up. Angela Islas, I'm going to open your line, Angela. Just a reminder to please state and spell your name for the record. We're asking for comments to be three minutes or less. Angela, if you could unmute. There you go.

MS. ISLAS: Can you hear me?

MS. BADIE: Yes.

MS. ISLAS: Okay. So my name is Angela Islas, A-N-G-E-L-A I-S-L-A-S, and I'm with the Central California Environmental Justice Network. Just wanted to thank you for the opportunity for hosting this EIR public hearing, and the opportunity, especially for our organization, to invite Five Points residents to attend this hearing. I

X-1

X-1 Continued

think it was very critical to have these residents present because the reality of what the EIR had highlighted in a very general way is the vicinity and miles that this community will be from the project. And so the reminder here is that they are about three miles north-south from the project -- or excuse me, southwest from the project.

So in this case, you know, we're really wanting to get more specific information regarding the impact overall of extreme heat for this community. I think that it's critical that when we're looking at the amount of solar panels that will be within the mile range from Five Points, you know, we're seeing or kind of assuming the risk of temperatures increasing based on just the infrastructure of the solar panels. So the ask here is to really try to look into an extreme heat impact study for the community of Five Points and identify those negative impacts or risks that that could cause.

And again, this is a general, you know, highlight that we're seeing with Five Points, you know, acknowledging that transportation is a need, safe walking paths is a need for this community. But when it comes to the environmental side of the impact, you know, we want to understand what that really is going to look like on a very like longer timeline scale for this community to just, you know, see like overall, like is this project really going to benefit

X-2

us if in reality it's going to harm our public health and just increase like the heat overall in their area?

And then just lastly, with 30 seconds left, just want to reinforce about workforce development. We're looking at retired agricultural lands, which means that there will be an impact to labor, impact to farmworkers. So we want to ensure that the project is trying to foresee a reinvestment in being able to create adequate and equitable programs that will support farm workers to transition into potential labor in like the clean energy space, et cetera.

So just wanted to put those two points out there again. Again, thank you so much for the opportunity to comment. I'm just looking forward to the next steps in understanding the process still for the EIR.

MS. BADIE: Thank you for that comment.

And I think, Lisa, do you have a mic so as to discuss --

MS. WORRALL: Right. Right, I do. Thank you, Mona.

Yes, kind of leading into the next steps, I wanted to talk about -- there was a question about, you know, additional meetings. For the CEC, there will be a business meeting that's going to be held in Sacramento, but it will be remote. It will be, also, remote as well, so it

and you guys too. But sometimes we lost what we are trying to say. We are lost because we stopped. The person has to speak. And sometimes it's not what we are saying.

So yeah, what I -- my suggestion is if you guys can have headphones for you guys, the people that don't understand English is going to have a headphone, please. Because when I was here, I lost myself.

Thank you.

MS. BADIE: Oh, wait. Lisa, can we get the microphone? There's one more.

MS. WORRALL: Oh, uno mas? Okay.

MS. BADIE: And the Interpreter.

MS. WORRALL: Interpreter? Yeah, can you get the Interpreter?

MS. MACEDA: (Via Spanish Interpreter.) (Indiscernible.) I have a question. You're saying that there's going to be a job fair. (Indiscernible) approved (indiscernible). That is my confusion. Because (indiscernible) approved and they're going to have these job fairs.

Y-1

COMMISSIONER GALLARDO: I can respond if you give me the mic.

MS. WORRALL: Did people understand that in English as well? Kevin, are we okay?

COMMISSIONER GALLARDO: Yeah.

MS. HUBER: Yeah, hi. For the court reporter, you all know me already, you know, from five hours ago. Elizabeth Huber. I'm the Division Director for Siting, Transmission, and Environment Protection for the CEC.

A point of clarification. We do assign -- you know, we try to notice as soon as possible for the entire calendar year when we are going to have business meetings. In statute for Opt-In, we do, as we presented, we try to do it within 270 days of an application meeting being complete, that you all learned that term tonight.

And so I know many of you already are on our LISTSERV, but please continue to watch our website, and we will try to find a way for the Public Advisor to notify if we do have a special business meeting in order to do it as close as feasible to the 270 days, so it could be by the end of June versus July 30th.

So I just want to make that point of clarification, because we don't want anyone to be surprised if it ends up being a little earlier than the July identified business meeting.

Yes?

MS. ZWEIFLER-KATZ: I just wanted to ask, if you're going to hold a special business meeting, how much notice will you provide?

MS. WORRALL: Oh, so your mic has to be on. Yes,

Z-1

Z-2

Elizabeth, that's a good question. Yeah.

MS. HUBER: Yeah, good comment. (Indiscernible.)

MS. ZWEIFLER-KATZ: Just wanted to clarify, if the CEC is going to hold a special business meeting to discuss this project, how much -- how much ahead of time will it provide the public notice of that special meeting?

MS. HUBER: Wonderful question. And as we shared in our process this evening, by the 240th day, we have to present -- publish our updated staff assessment, and at that time we will have identified if a special business meeting outside the normally scheduled July business meeting that's already noticed, so a minimum of 30 days in advance. Does that work? Thank you. Got a thumbs up for those in virtual.

MS. WORRALL: Okay. That's about it.

Can we bring up the next slide? Anyway, oh, yeah, I don't need a slide. I just wanted to wrap this meeting up.

And a final reminder that the comment period -- sorry -- the comment period for the staff assessment closes by 5:00 p.m. -- when does it -- April 21st. And so we appreciate all your comments.

And now I'd like to turn the mic over to Commissioner Gallardo for some closing comments. Thank you everyone for participating today.

Response to Commenter A - Eliseo Gamino, Board Member, Rural Communities Rising (RCR)

Response to A-1. Staff notes your comment and support of clean energy. See **Master Responses 1 and 2**.

Response to Commenter B - Jose Espitia

Response to B-1. Staff notes comment and support of clean energy. See **Master Response 1.**

Response to Commenter C - Jose Ramirez, Interim Executive Director, RCR

Response to C-1. Staff notes your comment.

Response to C-2. See **Master Response 1**.

Regarding community siting review, CEC review of energy projects include dockets for filing comments on the siting reviews, and meetings (near project locations when possible) to comment on the projects, such as the meetings at the Harris Ranch Resort in Coalinga, California on October 16, 2024, and March 26, 2025, for the Darden Clean Energy Project. CEC commissioners, public advisors, technical and legal support attended those meetings in person and by virtual video links. Notices for both public meetings were posted to the Darden Clean Energy Project docket. The notice for the meeting held on October 16, 2024, was posted on October 4, 2024 (TN 259447) and the notice for the meeting held on March 26, 2025, was posted on March 14, 2025 (TN 262194).

Response to Commenter D - Rey Leon, Mayor, City of Huron, California and founder and Executive Director, nonprofit LEAP Institute (Latino Equity Advocacy & Policy)

Response to D-1. Staff notes your comment.

Response to D-2 and D-3. Mayor Leon shares his calculations regarding loss of farmland leading to loss of jobs and revenue for the local economy. In 20 years he calculated $115 million would be lost from the local economy (for the loss of farmland). The electricity produced would be $800 million.

He says the resources generated on the properties, should be coming back to empower and help residents, especially employment. Mayor Leon is trying to prevent that. He shares several actions of progress with clean energy technologies, including solar battery storage, and training in rainwater systems installation through the Department of Conservation, working with Westlands Water District.

The applicant is required to and has entered into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more qualifying

community-based organizations where there is mutual benefit to the parties. See also **Master Response 1**.

The applicant's socioeconomic report identified positive fiscal impacts to Fresno County, including sales tax revenue during construction ($33,000,000) and operations ($1,800,000) and a one-time school impact fee ($14,000). An independent analysis done by Life Cycle Associates found the project produces net positive economic benefits over its lifetime (over $150,000,000). In addition to these fiscal and contractual benefits, the applicant is engaging directly with the community through outreach events. Intersect Power hosted a community open house on April 24, 2025, in Cantua Creek Elementary School, to discuss career and small business opportunities associated with the project and discuss community issues. See also **Master Response 2**.

Response to Commenter E - Stan Santos

Response to E-1. See **Master Responses 1 and 2**.

Response to Commenter F - Armin Garcia

Response to F-1. See **Response to C-2** for public input opportunities on this project.

Response to F-2. There is a community benefits agreement requirement, see **Master Response 1** for details of that requirement.

Response to F-3. See **Master Response 1, Master Response 2,** and **Responses to D-2, 9-1, and 10-1**.

Response to Commenter G - Jamie Zweifler-Katz, Leadership Counsel

Response to G-1. Please see **Response to Comment 23-26** regarding the heat island effect on human health.

From a biological resources aspect, "heat islands" associated with PV panels have not been documented to cause adverse impacts to wildlife or vegetation. No sensitive status vegetation occurs on the project site (**Table 5.2-1A** and **5.2-2**; page 5.2-48 and 5.2-89 of the Staff Assessment). Shade cast by PV panels is typically found beneficial to plants and, staff notes, therefore is also likely beneficial for wildlife. This type of land use, where solar energy production is combined with agricultural or habitat benefits, is known as "agrivoltaics" (see Adeh et al, 2019).

Response to Commenter H - Armin Garcia

Response to H-1. Brett Fooks (Manager of Safety and Reliability Branch within the STEP Division of the California Energy Commission) addressed this comment during the Staff Assessment Public Meeting on March 26, 2025. In addition, the Staff Assessment addresses Valley Fever in **Section 4.4, Worker Safety and Fire Protection** under the headings "Health Hazards", "4.4-5 Proposed Conditions of Certification", and "4.4-6 Recommended Mitigation Measures" on pages 4.4-14 through 4.4-15, and 4.4-36

through 4.4-38. The mitigation measures addressing Valley Fever are proposed Condition of Certification (COC) **WORKER SAFETY-11** and mitigation measure (**MM) WORKER SAFETY-2.** COC **WORKER SAFETY-11** would require a Valley Fever Prevention and Response Plan. It is well known that workers involved in soil disturbance are most exposed to the fungus that causes Valley Fever and thus if worker exposure is kept to a minimum, general public exposure will also be kept to a minimum.

The Staff Assessment also included COC **PUBLIC HEALTH-1** (**PH-1**) to minimize personnel and public exposure to Valley Fever. However, as explained in **Response to Comment 11-63**, staff agrees with replacing Condition of Certification (COC) **PH-1** by referencing the requirements outlined in COC **AQ-SC3** (**Section 5.1, Air Quality**) and COC **WORKER SAFETY-11** (**Section 4.4, Worker Safety and Fire Protection**).

Response to Commenter I - Sophia Markowska

Response to I-1. Carol Watson (Biological Resources staff within the STEP Division of the California Energy Commission) addressed this comment during the Staff Assessment Public Meeting on March 26, 2025. In addition, **Section 5.2, Biological Resources** in the Staff Assessment addresses implementation of the revegetation plan on pages 5.2-133, 5.2-134, and 5.2-164 through 5.2-165). Staff's proposed COC **BIO-9** (Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan) (pages 5.2-193 through 5.2-195) dictates how the plan would be implemented. Staff's proposed COC **BIO-11**, (Swainson's Hawk Conservation Easement and Revegetation Security) (pages 5.2-198 through 5.2-207), would establish a Security amount, required prior to start of construction, to ensure that adequate funding is available to support the success of COC **BIO-9**. Staff acknowledged the non-irrigation covenant (pages 5.2-3 and 5.2-93).

Only tree plantings would be given water via supplemental irrigation, per COC **BIO-9**, with the ultimate goal of self-sufficiency (with no supplemental irrigation). As specified in **Section 3, Revisions to Staff Assessment**, Staff has revised **Section 5.2, Biological Resources**, page 5.2-100 to clarify when water would be used for the project revegetation activities.

During the Staff Assessment Public Meeting on March 26, 2025, Carol Watson (Biological Resources staff within the STEP Division of the CEC), addressed Ms. Markowska's question. However, the Sustainable Groundwater Management Act (SGMA) was not mentioned specifically. The Westlands Water District and Fresno County are the agencies responsible for implementing SGMA in the groundwater basin beneath the project. The water demand to establish trees for Swainson's hawk nesting sites compared to the historic agricultural water use is very small. Based on the application documents, the estimated water demand to establish trees is 6 acre-feet per year (AFY) covering the 9,500-acre project area. Based on historic agricultural water use, 4,750 AFY would be needed to irrigate the project area.

Response to I-2. Carol Watson (Biological Resources staff within the STEP Division of the California Energy Commission) addressed this comment during the Staff Assessment Public Meeting on March 26, 2025. Please see also **Response to I-1**.

Response to I-3. Carol Watson (Biological Resources staff within the STEP Division of the California Energy Commission) answered this question during the Staff Assessment Public Meeting on March 26, 2025. **Section 5.2, Biological Resources** in the Staff Assessment addressed implementation of the nesting tree plan on pages 5.2-91 and 5.2-112, as well as COC **BIO-9**, which requires that tree plantings be continued until success criteria are met.

Response to Commenter J - Rey Leon, Mayor of the City of Huron, California and founder and Executive Director of the nonprofit LEAP Institute (Latino Equity Advocacy & Policy)

Response to J-1. Brett Fooks (Manager of Safety and Reliability Branch within the STEP Division of the California Energy Commission) and Commissioner Chair Hochschild provided responses to this question during the Staff Assessment Public Meeting.

Mayor Leon is correct that the Darden Project is different from the Moss Landing Project. Brett Fooks noted there are substantial differences between Moss Landing and the Proposed Darden BESS. Darden has different chemistry using lithium iron phosphate batteries that have a lower energy density than the nickel manganese cobalt (NMC) lithium batteries at Moss Landing. Brett Fooks further indicated that the major difference for fire propagation is that the proposed Darden BESS utilizes containers that have less stored energy versus batteries located inside a building where it's harder to contain the fire, as we learned on January 16, 2025.

Chair Hochschild added that he toured Moss Landing after the fire. The configuration, in his view, was the worst of all. It was a 2019 vintage NMC chemistry, which is higher risk of thermal runaways than the lithium iron phosphate (proposed by Darden Clean Energy Project). Moss Landing had an indoor configuration, and it was stacked. Darden uses lithium iron phosphate (LFP), much better chemistry, and they're outdoors in closed metal shipping containers on a pad with spacing between the units, and telemetry to detect any heat gain right away.

COC **WORKER SAFETY-7**, **-8,** and **-9** are all recommended by the Staff Assessment to minimize fire risks from the BESS and associated electrical equipment.

Response to Commenter K - Jamie Zweifler-Katz, Leadership Counsel

Response to K-1. Energy Commission staff appreciates the comments on this important topic and refers you to proposed COC **WORKER SAFETY-12,** found on pages 4.4-34 and 4.4-35 in **Section 4.4, Worker Safety and Fire Protection** in the Staff Assessment. See **Response 11-19** regarding funding for fire protection services.

Response to K-2. The very important issue of when to evacuate or shelter in-place if a fire occurs at this or any other battery energy storage project (BESS) site is vested with the local authorities. When the project owner prepares an Emergency Action Plan required by COC **WORKER SAFETY-2**, found on pages 4.4-29 and 4.4-30 of the Staff Assessment, the plan must be developed with input from the FCFPD and include the very measures you request, including who will issue any warnings or actions to take and direct the emergency response plus what entity will assume incident command (usually the fire department). This draft plan would then be reviewed by the Energy Commission Compliance Project Manager and Commission safety experts, revised if necessary, and approved not less than 30 days before operations begin. Also, section 761.3 of the California Public Utilities Code requires that an Emergency Action Plan and Emergency Response Plan include procedures for the local emergency response agency to establish shelter-in-place orders and road closure notifications when appropriate, and that when developing both plans, the owner or operator of the battery energy storage facility shall coordinate with local emergency management agencies, unified program agencies, and local first response agencies.

Response to Commenter L - Oralia Maceda, Central California Environmental Justice Network

Response to L-1. In response to Ms. Maceda at the Staff Assessment Public Meeting, Chair Hochschild provided an update on advancements in the recycling of PV panels and batteries, progress on the ability to recycle 100 percent of the solar panels and batteries. He concluded that the goal for the state of California is 100 percent recycling of all of these materials. See also **Response to M-1**, Brett Fooks describes the process and required steps required for decommissioning of the project.

Response to Commenter M - Natalie

Response to M-1. In response to the question at the Staff Assessment Public Meeting on March 26, 2025, Brett Fooks (Manager of Safety and Reliability Branch within the STEP Division of the California Energy Commission) responded that, if approved, the applicant would be given a license to construct and operate, and they would also be responsible for the decommissioning of the facilities. COC **COM-15** (Facility Closure Planning) is the condition related to decommissioning and is described on pages 9-16 through 9-19 in **Section 9, Compliance Conditions and Compliance Monitoring Plan** in the Staff Assessment. COC **COM-15** requires that no less than one year (or other Compliance Project Manager [CPM]-approved date) prior to initiating a permanent facility closure, the project owner shall submit for CEC review and approval a Final Closure Plan. There are many aspects of the Final Closure Plan including recycling and disposal methods for equipment and materials.

Response to Commenter N - Stan Santos

Response to N-1. As stated in **Section 3, Project Description** on p. 3-21 of the Staff Assessment, external telecommunications connections to the Supervisory Control and Data Acquisition (SCADA) system would be provided through either hard-wired

fiber optic cables (buried underground) or fixed wireless service via fixed wireless antennas.

Additionally, as stated on page 3-22, downstream communication upgrades for the utility switchyard include the installation of fiber optic lines using Optical Ground Wire (OPGW) and All-Dielectric Self-Supporting (ADSS) cables on existing transmission and distribution structures. These upgrades would provide redundant, high-capacity communication pathways that support PG&E's reliability standards and enable continuous data flow between the project site and utility operations.

Response to N-2. As stated in **Section 10, Mandatory Opt-In Requirements** on page 10-3 of the Staff Assessment, the applicant is required to use a skilled and trained workforce to perform all construction work. PG&E would be responsible for the downstream network upgrades, and that construction would not be subject to the Mandatory Opt-in requirements.

Response to Commenter O - Armin Garcia

Response to O-1. As explained at the Staff Assessment Public Meeting on March 26, 2025, by Brett Fooks (Manager of Safety and Reliability Branch within the STEP Division of the California Energy Commission), **Section 8, Alternatives** in the Staff Assessment considered the vanadium flow battery and ruled it out as an alternative due to lack of commercial use/availability.

As mentioned by Brett Fooks, the Staff Assessment considered other battery chemistries/technologies in **Section 8, Alternatives** in the Staff Assessment. Under "8.6.2 Other Battery Technologies," other battery technologies considered by CEC include Redox Flow Batteries, Sodium-Sulfur Batteries, and Lead-Acid Batteries (pages 8-6 through 8-7). These alternatives were considered but rejected from full analysis in the Alternatives Section. The summary on page 8-7 is as follows:

> **Summary of Other Battery Technologies.** In summary, although there is a known risk of thermal runaway with lithium-ion batteries proposed by the project, there are no other battery technologies that are commercially available that can be proposed to effectively and economically replace the lithium-ion batteries proposed for the project. Currently, proposed utility-scale BESS projects are all proposing lithium-ion batteries with enhanced engineering and fire prevention controls to minimize the risk, scale, and consequences of thermal runaway events.

Response to Commenter P - Andy Cosentino, Assistant Chief, Fresno County Fire Protection District

Response to P-1, P-2, and P-3. Energy Commission staff appreciates and thanks Assistant Chief Cosentino for his comments and for his extensive collaboration with staff in understanding the needs of the District. Staff has considered all these comments regarding not reducing fire services, the 2024 Fresno County General Plan, and ensuring that there are emergency services for the Darden project in the Staff

Assessment when recommending mitigation as described in COC **WORKER SAFETY-12**. Staff has further addressed these issues in new additions to the Staff Assessment found on page 4.4-4 where General Plan policies H and PF-H.2 through PF-H.9 are specifically called out, and in additions beginning on pages 4.4-23. **See Section 3, Revisions to Staff Assessment** for the revised text.

Response to Commenter Q - Felipe Perez, Councilmember and former Mayor, Firebaugh, California

Response to Q-1. See **Master Response 1**. See also **Response to P-1** addressing the concerns of the FCFPD and the agreement that would be reached to provide services for the proposed project such that there would be no reduction in service levels for the FCFPD.

Response to Commenter R - Esther Ramirez

Response to R-1. See **Master Response 1**.

Response to Commenter S - Maria Diaz

Response to S-1. See **Master Responses 1** and **2**.

Response to S-2. See **Master Response 1**. See also **Response to P-1** addressing the concerns of the FCFPD and the agreement that would be reached to provide services for the proposed project such that there would be no reduction in service levels for the FCFPD.

Response to Commenter T - Jamie Zweifler-Katz, Leadership Counsel

Response to T-1. The comment is supportive of CEC staff for working with residents to ensure they are able to attend the Staff Assessment Public Meeting on March 26, 2025 and notes the importance of the CEC doing right by residents and setting a high standard for future projects. CEC intends to set a high standard for future projects.

Leadership Counsel did submit written responses, see Comment Letter 18 and Comment Letter 23. See **Responses to 23-28** through **23-39** regarding the adequacy of mitigation measures. See **Response to 23-40** regarding the Staff Assessment range of alternative and **Response to 23-41** regarding alternative battery chemistry options.

Response to T-2. See **Master Response 1**.

Response to Commenter U - Espi Sandoval, former councilmember, Kerman, California

Response to U-1. The proposed Darden Clean Energy Project is expected to produce positive net economic benefits, see **Master Response 2**. For discussion of the community benefits agreements, see **Master Response 1**.

Response to Commenter V - Leticia Villegas

Response to V-1. The CEC has provided opportunities to listen to comments from the public. The CEC has hosted meetings (near the project location when possible) for the public to comment on the Darden Clean Energy Project, such as the meetings at the Harris Ranch Resort on October 16, 2024, and March 26, 2025. CEC commissioners, public advisors, technical and legal support attended those meetings in person and by virtual video links.

The proposed Darden Clean Energy Project is expected to produce positive net economic benefits for the region, which would include Five Points, see **Master Response 2**. For discussion of the community benefit agreements, see **Master Response 1**.

Response to Commenter W - Oralia Maceda, Central California Environmental Justice Network

Response to W-1. To be notified of the date of future meetings, please sign up to the Darden subscriptions. The subscription box is midway down the project's website page on the right side. You can access the project website at: https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/darden-clean-energy-project. Once enrolled, you will receive automatic emails any time an item has been posted to the project's website.

The next public meeting is expected to be when the project is presented for a decision by the Commissioners at a Business Meeting, possibly as soon as the June 11, 2025 meeting. Once the project is scheduled for a Business Meeting, the agenda for the meeting will be posted to the Darden Clean Energy Project docket. The CEC has held meetings to listen and receive feedback from the public, such as the meetings at the Harris Ranch Resort on October 16, 2024, and March 26, 2025. CEC commissioners, public advisors, technical and legal support attended those meetings in person and by virtual video links.

The comment raises concerns regarding dust. **Section 4.1, Air Quality** in the Staff Assessment addressed fugitive dust generated by construction and operation of the project on pages 5.1-19 through 5.1-31. Staff also developed COCs **AQ-SC1** to **AQ-SC6** as well as **MM AQ-1** to ensure effective and comprehensive best practices for avoiding air quality impacts during construction including impacts from fugitive dust.

See **Master Response 1** for discussion of community benefits agreements.

Response to Commenter X - Angela Isales

Response to X-1. Please see **Response to Comment 23-26**.

Response to X-2. As identified in the applicant's Darden Clean Energy Project Community Benefits Plan, submitted on May 17, 2024 (TN 256455), with the assistance of the applicant's local consultant, the applicant has engaged key stakeholders including

labor and workforce development entities. The applicant notes they would coordinate with the local halls, host local job fairs and collaborate with the local community college system to maximize local hiring potential In addition, the applicant notes they have engaged with Economic Opportunity Partners including Valley Build, the Fresno State Work-Study Program, and Fresno County Housing Education Corps (TN 256455). For a discussion of net economic benefit see **Master Response 2**, and for a discussion of community benefit agreements see **Master Response 1**.

Response to Commenter Y - Oralia Maceda, Central California Environmental Justice Network

Response to Y-1. During the Darden Energy Project Staff Assessment Public Meeting held March 26th, 2025, Ms. Elizabeth Knowles of Intersect Power stated that a job fair would be held this summer if the project were approved (Darden Energy Project March 26th Public Meeting Transcript TN 262715 page 99). For information about the net economic benefits from the project, see "10.4 Net Economic Benefit to the Local Government" in **Section 10, Mandatory Opt-In Requirements** in the Staff Assessment. Also, please see **Master Response 2**.

Response to Commenter Z - Oralia Maceda, Central California Environmental Justice Network

Response to Z-1. STEP Director Elizabeth Huber provided a response to this question during the Staff Assessment Public Meeting on March 26, 2025. There will not be a special business meeting scheduled. See also, **Response to W-1** discussing notice generally.

Response to Z-2. STEP Director Elizabeth Huber provided a response to this question during the Staff Assessment Public Meeting on March 26, 2025. There will not be a special business meeting scheduled. See also, **Response to W-1** discussing notice generally.

Commenter 1 - Josh Walker

Comment Received From: Josh Walker
Submitted On: 3/2/2025
Docket Number: 23-OPT-02

Support for Darden Energy Project

I strongly support the Darden Energy Project. We need more renewable energy and more storage to meet our state renewable energy goals. 1-1

Response to Commenter 1 - Josh Walker

Response to 1-1. Thank you for your comment.

Commenter 2 - Jose Ramirez, Acting Executive Director, RCR

Comment Received From: Jose Antonio Ramirez
Submitted On: 3/28/2025
Docket Number: 23-OPT-02

Rural Communities Rising Comments on Darden Clean Energy Project

I am Jose Antonio Ramirez, Acting Executive Director for Rural Communities Rising, and attended via Zoom the Darden Clean Energy Project meeting held at Harris Ranch on 3-26-25 - and provided testimony represented by the following which I request be of record for the Darden Clean Energy Project: 2-1

â€¢ Through one-to-one, small group and community meetings the past 9 months, over 600 residents have been engaged and registered on the Rural Communities Rising website from 36 rural communities across western Fresno County that will elect 18 new board members by the end of April, 2025. https://ruralcommunitiesrising.org/ 2-2

â€¢ The founding board of Rural Communities Rising generally supports the need and purpose of the Darden project, but strongly feel the community engagement process and resulting community benefits plan is not representative of the regional communities impacted and their needs, either qualitatively or quantitatively.

â€¢ We encourage the CEC to champion policies and/or promote legislation that legitimately positions 2-3
organized impacted communities with their own multi-community resident representative nonprofit, like that created by Rural Communities Rising for example, as lead entities for engaging energy developers with respect to community benefit agreements and community siting reviews. We believe by doing so, impacted communities will predominantly become advocates for clean energy development.

Response to Commenter 2 - Jose Ramirez, Acting Executive Director, RCR

Response to 2-1. Staff notes your comment.

Response to 2-2. See **Master Response 1**.

Response to 2-3. The requested legislation is beyond the CEC scope of review for the Darden Clean Energy Project.

Commenter 3 - Felipe Perez, RCR

Comment Received From: Felipe Perez
Submitted On: 3/28/2025
Docket Number: 23-OPT-02

Rural Community Rising

Comment by Felipe Perez of Rural Communities Rising on Darden Clean Energy Project

In my understanding of this Darden Clean Energy Project, the California Energy Commission (CEC), which regulates this companyâ€™s permit approval process, is committed to improving public policies regarding energy, like to improve the cost and that every human being has the opportunity to access the energy resources of our region, the San Joaquin Valley. All of these values connect with the organization of Rural Communities Rising (RCR), a nonprofit 510c3 of which I have the honor of being the founder and president, whose objective is to serve the more than 36 incorporated and unincorporated communities where today agriculture is their main livelihood and for which many of these families suffer from marginalization and extreme poverty. We at RCR want their voices to be heard. Therefore, my work since last year has been to speak with more than 600 people and to receive their comments through interviews, help them be members of RCR, so that we can put their voices on the table of CEC and Darden. However, until today, Darden has decided to only listen to a few organizations that are not the actual residents of our rural area communities, as are the people represented by RCR. For this reason, I would like you to take into account the comments of our organization and make them valid, and that Darden really helps to improve these rural areas and not just the interests of a few service organizations. Please see what we are doing at our website and work with us: https://ruralcommunitiesrising.org/ 3-1

Response to Commenter 3 - Felipe Perez, RCR

Response to 3-1. The commenter is concerned that Darden has only decided to listen to a few service organizations. See **Master Responses 1** and **2**.

Commenter 4 - Espi Sandoval, Board Member, RCR

Comment Received From: Espi Sandoval
Submitted On: 3/28/2025
Docket Number: 23-OPT-02

Rural Communities Rising

As a board member of Rural Communities Rising Organization and a resident of Western Fresno County since 1972, I have witnessed firsthand the stagnation and lack of progress in our communities. Despite the hard work of many residents, the majority of whom are agricultural workers, they continue to face low-paying jobs and limited opportunities for advancement. The agrarian system, dominated by large corporate agribusinesses, has long exploited the labor of these workers, leaving our communities in a state of persistent poverty. 4-1

Today, Western Fresno County remains home to some of the poorest communities in California. I am deeply disappointed by the lack of connection between the Darden Solar Project and the very communities it affects. In many ways, the situation feels reminiscent of past exploitation by agricultural corporations, with no tangible benefits being directed to the people who have long struggled here. 4-2

It is imperative that any development in our region, including the Darden Solar Project, directly benefits the residents of our communities. We need meaningful investments in the people who live here, not just in the nonprofits that were chosen without directly consulting the community to understand their needs. I would like to see the people connected to the Darden Project revisit how they plan to distribute these community benefits by consulting with residents directly, rather than relying on outside agencies that are not connected to our communities. 4-3

Response to Commenter 4 - Espi Sandoval, Board Member, RCR

Response to 4-1. See **Master Response 2.**

Response to 4-2. See **Master Responses 1** and **2**.

Response to 4-3. See **Master Responses 1** and **2**.

Commenter 5 - Eliseo Gamino, Board Member, RCR

Comment Received From: Rural Communities Rising Board Member/Community Advocate
Submitted On: 3/29/2025
Docket Number: 23-OPT-02

Equity and Inclusion for All Rural and Vulnerable Communities Impacted

As a Rural Communities Rising (RCR) Board Member, I support and see the value of the Darden Clean Energy Project in the Westside of Fresno County. We support investment in our rural communities which most of the time struggles with development, job-creation, job opportunities, affordable housing, rent gouging (as a result of housing speculation), limited health services, and educational opportunities for children. Many rural communities, Incorporated and Un-Incorporated have been abandon by elected officials for decades in the area of: equity, inclusion, investment, community beatification projects, improvement transportation projects, and educational technology projects for children. It is imperative for the Darden Clean Energy Project and the California Energy Commission to ensure at all Community Benefits Agreement reach the most impacted and vulnerable families in the affected areas. The Rural Communities Rising (RCR) was created and form specifically to make sure hard-working farmworker families living in the Westside of Fresno County (Incorporated and Unincorporated communities) are not left behind or overlooked when it come to direct community benefits. Currently, RCR has been diligently speaking to families in the 36 communities located in the Darden Clean Energy Project Region educating families of the pros and cons of such project. In the various town-hall meeting and over 600 survey (and/or questionnaires), RCR has documented the many needs in the affected region. Our registered Non-Profit is guided by the 7 Health Principals and Board Members are required to sign Conflict of Interest statements. I ask the California Energy Commission to ensure that all communities impacted are treated with equity and inclusion with it comes to Community Benefits Agreements (CBA's) because many families have been left behind. Many rural communities have been force to drive long distances for employment due to a reduction of farmland in the area. Other changes express by the families include limited places to purchases groceries, fuel stations, little or no access to a health clinic, and/or a park for their children to play. Other grave concerns from families living in the Westside of Fresno County is increasing risk for "Valley Fever" and access to safe drinking water. I, Eliseo GamiÃ±o, am committed to work with the Darden Clean Energy Project and the California Energy Commission to advocate for inclusion for all families living in the impacted region.

5-1

5-2

5-3

5-4

https://ruralcommunitiesrising.org/

Below, please find a few examples of our community outreach and community education that has been taking place since last year or most recent.

Eliseo Gamino Comments on Video 3-26-25
https://youtu.be/fZA2Skk1d68

Firebaugh Middle School 11-23-24
Father/Padre Rayanna Pudota...https://youtu.be/pnbYtWbIL-U

Mr. JosÃ© Antonio Ramirez Presents "Rural Communities Rising" Opportunities
https://youtu.be/NYethiNUIcQ

Leader, Ofelia Ochoa of Mendota Speaks: https://youtu.be/G81WCv4Bn64

Mr. Armin M. GarcÃa (CTO--SÃen,Inc.) https://youtu.be/XeR_U9Re3Z0

Mr. Armin M. GarcÃa Toma La Palabra...https://youtu.be/i5xOWwUj6qk

Response to Commenter 5 - Eliseo Gamino, Board Member, RCR

Response to 5-1. Staff notes your comment.

Response to 5-2. The Board Member indicates that it is imperative that the Community Benefits Agreement reach the most impacted and vulnerable families in the affected areas. See **Master Response 1.**

Response to 5-3. The comments are not specific to the Darden Clean Energy Project. Please note that the project would have net economic benefits. See **Master Response 2**.

Response to 5-4. Several sections of the Staff Assessment address actions to minimize the risk of Valley Fever, including **Section 4.4, Worker Safety and Fire Protection** where COC **Worker Safety-11** and **MM Worker Safety-2** requires compliance with protective measures for workers and any nearby public. In **Section 5.16, Water Resources** staff concluded that with the implementation of condition of certification (COC) **WATER-1** and **MM WATER-1** (revised to COC **SWITCH WATER-1**, see **Response to 26-85**), project construction would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Commenter 6 - Monique Wilber, Conservation Program Support Supervisor, California Department of Conservation

California
Department of Conservation
Division of Land Resource Protection

Gavin Newsom, Governor
Jennifer Lucchesi, Director

APRIL 8, 2025

VIA EMAIL: STEPSITING@ENERGY.CA.GOV
CALIFORNIA ENERGY COMMISSION
ATTN: LISA WORRALL
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
715 P STREET
SACRAMENTO, CA 95814

Dear Ms. Worrall:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DARDEN CLEAN ENERGY PROJECT, SCH# 2024091023

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Darden Clean Energy Project (Project).

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

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

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

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

PROJECT ATTRIBUTES

The proposed project includes solar photovoltaic panels, a battery energy storage system, and associated infrastructure and facilities. The project would have a total nameplate generating capacity of up to 1,150 megawatts (MW) and storage capacity of 4,600 MW-hour. The project site is located south of the community of Cantua Creek in Fresno County, with South Sonoma Avenue to the west and South Butte Avenue to the

State of California Natural Resources Agency | Department of Conservation
715 P Street, MS 1904, Sacramento, CA 95814
conservation.ca.gov | T: (916) 324-0850

east. The proposed system includes approximately 3,100,000 solar panels and lithium iron phosphate battery technology. The Project sites contain Prime Farmland and Farmland of Statewide Importance as designated by DOC's Farmland Mapping and Monitoring Program. A portion of the proposed project site may be subject to a Williamson Act contract.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land: 6-1

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

WILLIAMSON ACT

Where, as here, the project site is located on land subject to a Williamson Act contract, the Department advises that the environmental review discuss the compatibility of the project with the contract and local Williamson Act program requirements. 6-2

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (*See* Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; *see also King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.) 6-3

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional,

or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at: 6-3 Cont

California Council of Land Trusts

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts. 6-4

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

Sincerely,

Monique Wilber

Monique Wilber
Conservation Program Support Supervisor

Response to Commenter 6 - Monique Wilber, Conservation Program Support Supervisor, California Department of Conservation

Response to 6-1. This comment letter does not include specific concerns regarding the adequacy of environmental analysis in the Staff Assessment. See **Section 5.8, Land Use, Agriculture, and Forestry** in the Staff Assessment which includes the information noted in this comment. On pages 5.8-20 through 5.8-22 of the Staff Assessment, the type, amount, and location of farmland conversion resulting directly and indirectly from project implementation is further described. On pages 5.8-22 through 5.8-5.8-23 of the Staff Assessment, project compatibility with Williamson Act contracts is discussed. Under "5.8.2.3 Cumulative Impacts" on pages 5.8-25 through 5.8-28, of the Staff Assessment, the cumulative impacts to land use, agriculture, and forestry is discussed. Under "5.8.3 Jurisdictional Project Components' Conformance with Applicable LORS", **Table 5.8-4**, on pages 5.8-28 through 5.8-35 of the Staff Assessment identifies project conformance with applicable land use, agriculture, and forestry LORS.

In **Section 5.10, Mandatory Opt-In Requirements**, pages 10-5 to 10-10 discuss the project's fiscal impacts to the County.

Response to 6-2. In **Section 5.8, Land Use, Agriculture, and Forestry** of the Staff Assessment on pages 5.8-22 through 5.8-23, the project's compatibility with Williamson Act contracts is discussed.

Response to 6-3. The proposed project does not require mitigation for land use, agriculture, and forestry. As discussed on p. 5.8-1 of the Staff Assessment, the proposed solar facility, step up substation, BESS, O&M facility and a portion of the generation intertie line would be constructed on approximately 9,100 acres of property owned by Westland Water District (WWD) and would result in the conversion of unused and currently cultivated farmland to non-agricultural use; however, these agricultural lands have been designated for retirement and would be retired even without implementation of the project.

As discussed on page 5.8-10 of the Staff Assessment, construction of the new BAAH 500 kV switchyard would result in the conversion of a parcel that contains approximately 99 acres designated as Prime Farmland and approximately 38 acres designated as Farmland of Statewide Importance to non-agricultural use. However, this Farmland, located within the WWD boundary, would be designated to be retired in compliance with SGMA with an estimated 500,000 additional acres of land in the San Joaquin Valley by approximately 2040. Construction of the downstream network upgrades would not involve or require the conversion of agricultural land. The impact associated with construction and operation and of these components would be less than significant.

The portion of the generation-intertie line that would be constructed outside of the solar facility would require the conversion of discrete areas within an established

easement to be converted from agricultural to non-agricultural use; however, as discussed on p. 5.8-25 of the Staff Assessment, the County of Fresno General Plan considers the construction of linear facilities to be compatible with agricultural use.

Response to 6-4. See **Response to Comment 6-3**. The proposed project does not require mitigation for land use, agriculture, and forestry.

Commenter 7 - Community Members (from Jamie Zweifler-Katz)

CEC staff received questions from community members though an email from Jamie Zweifler-Katz, Leadership Council in advance of the March 26, 2025 public meeting for the Darden Clean Energy Project Staff Assessment. As noted during Lisa Worrall's presentation, CEC staff have responded to the following six questions:

1. How much of the land could be used for agriculture instead?
2. Why did they not include an analysis of the heat island effect?
3. Where are they planning to monitor air quality, especially during construction?
4. How will residents be notified in the case of an emergency, especially a battery fire? How will they evacuate?
5. Why did they not include the community of El Porvenir in the analysis?
6. What do they consider a local hire? Will they prioritize people who live in Cantua Creek and other nearby communities?

Response to Commenter 7 - Community Members (from Jamie Zweifler-Katz

Response to 7-1. The project does not propose any new agricultural uses. As described in the Staff Assessment, the Westlands Water District owns the area including the solar facility and would retire the lands from agricultural production to be consistent with the Groundwater Sustainability Plan. As part of the land transfer to the applicant, Westlands Water District would subject the land to a non-irrigation covenant, meaning that land would be restricted from irrigated agricultural use.

Response to 7-2. Please see **Response to 23-26**.

Response to 7-3. During the construction phase of the project, CEC staff recommend air quality staff conditions of certification (SC) (**AQ-SC1** through **AQ-SC5**) to specifically monitor air quality during construction. Construction activities such as earth-moving, the use of heavy-duty construction equipment, bulk storage, and all other activities could result in wind erosion causing visible construction dust and particulate matter to go into the air. An on-site Air Quality Construction Mitigation Manager would

be responsible for monitoring all construction activities for visible dust plumes, directing and documenting compliance with the staff conditions of certification for construction.

Response to 7-4. The very important issue of when to evacuate or shelter in-place if a fire occurs at this or any other battery energy storage project (BESS) site is vested with the local authorities. See **Response K-2**.

The project owner would prepare an Emergency Action Plan, or EAP, one for construction and another one for operations. The EAP would be submitted to the Compliance Project Manager (CPM) for review and approval and to the Fresno County Fire Protection District for review and comment to satisfy proposed Worker Safety COCs. The construction EAP must be submitted at least 90 days prior to start of construction, while the operation EAP must be submitted at least 30 days prior to the start of commissioning. Within the required EAP are separate requirements and plans to:

- identify fire and emergency reporting procedures to regulatory agencies
- develop alarm and communication system for the facility

The EAP would also have to fulfill the requirements of California Public Utilities Code 761.3 section (g), which specifically includes the surrounding community. For more details about the Emergency Action Plan requirements, see pages 4.4-10 of **Section 4.4, Worker Safety and Fire Protection**. See also proposed COCs **WORKER SAFETY-1** and **WORKER SAFETY-2**, at pages 4.4-28 through 4.4-30. See also **Response to K-2**.

The precise methods of notification to the public of a battery fire or other emergency are not yet described; however, the plan would be reviewed and commented on by the Fresno County Fire Protection District.

In addition, staff has found a publication error in the Verification part of **WORKER SAFETY-2** on page 4.4-30 and has added the missing wording. See **Section 3, Revisions to Staff Assessment** for the revised text. **Response to 7-5.** The unincorporated community of El Porvenir, also known as Three Rocks, is located in western Fresno County and was considered in specific analyses that extended beyond project boundaries. For example, the **Section 5.11, Socioeconomics** analysis considered a broad area that included the counties of Fresno, Madera, and a portion of Kings County. Similarly, the analyses in **Section 5.8, Land Use, Agriculture, and Forestry** considered all of Fresno County.

Response to 7-6. The context for the question is unknown, as local hiring was not mentioned in the Staff Assessment. As indicated in **Response X-2** there would be several local activities to maximize local hiring. Also see indicated in **Response Y-1** regarding a job fair to be held this summer if the project is approved. The local events mentioned at the March 26, 2025, Public Meeting discussed the community-wide open house that would occur April 24, 2025, at the Cantua Creek Elementary School. The

open house would include information regarding potential career opportunities and small business opportunities for local businesses wanting to work on the project (TN262715, pages 98-99). So Cantua Creek and nearby El Porvenir were prioritized for the open house about job opportunities for these events.

Section 5.11, Socioeconomics considered the available work force for construction of the proposed project as construction workers living within the counties of Fresno, Madera, and a portion of Kings County, a portion of which would travel more than 60 minutes to reach the project site. Subsection 5.11.2.2 addresses the potential direct and indirect effects of population growth as a result of the proposed project. In referring to the 16 permanent staff and 33 intermittent staff needed to support the solar facility, staff concluded that the labor force within the three-county project area would be sufficient to support permanent and intermittent employment needs (p. 5.11-15).

Commenter 8 - Victor Martinez, Mayor, City of Mendota

CITY OF MENDOTA

"Cantaloupe Center Of The World"

April 9, 2025

RE: Darden Clean Energy Project Community Benefits

To Whom It May Concern,

Intersect Power has been a valued partner and strong supporter of both the City of Mendota and of the Mendota Community Corporation. Their ongoing contributions have significantly enriched our community and reflect a sincere dedication to the well-being of our residents. 8-1

Specifically, Intersect Power provided funding for our 2nd Annual Christmas Celebration and Toy Giveaway. This event brought joy and festive cheer to countless families. Children had the opportunity to decorate ornaments, enjoy treats, and be entertained by local performances, culminating in the distribution of free toys that brought smiles to many faces.

Furthermore, Intersect Power has pledged support for the 2025 Mendota Earth Day Celebration, highlighting their commitment to environmental stewardship. They have also committed to be the Grand Event Sponsor for our June Firework Celebration, further demonstrating their dedication to community events and celebrations.

Intersect Power has consistently shown a willingness to invest in Mendota, working directly to improve the lives of our residents on the westside. Their partnership has been invaluable, and I look forward to continuing to work with them in the future.

Sincerely,

Victor Martinez
Mayor
City of Mendota

643 Quince Street Mendota, California 93640
Telephone: (559) 655-3291 Fax: (559) 655-4064
TDD/TTY 866-735-2919 (English) TDD/TTY 866-833-4703 (Spanish)

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Response to Commenter 8 - Victor Martinez, Mayor, City of Mendota

Response to 8-1. Staff notes your comment.

Commenter 9 - Felipe Piedra, Superintendent, Golden Plains Unified School District

RE: Darden Clean Energy Project Partnership with Golden Plains Unified School District

To Whom It May Concern,

As Superintendent of Golden Plains Unified School District, I am writing to share that Intersect Power has made significant contributions to our schools as part of their Community Benefits Plan for the Darden Clean Energy Project. 9-1

Intersect Power has demonstrated a strong commitment to our students and community. Notably, they have generously funded an after-school Steinway Piano Program at Cantua Creek Elementary School. This program will provide invaluable arts education opportunities, enriching the lives of our young students.

Furthermore, Intersect Power has made a contribution to Tranquility High School, supporting various activities that directly benefit our high school students. These funds are instrumental in enhancing the educational experience and fostering a vibrant school environment.

These investments by Intersect Power are directly supporting our westside students, providing them with resources and opportunities that might not otherwise be available. We deeply appreciate their partnership and commitment to our community's well-being.

Sincerely,

Felipe Piedra
Superintendent
Golden Plains Unified School District

Response to Commenter 9 - Felipe Piedra, Superintendent, Golden Plains Unified School District

Response to 9-1. Staff notes your comment.

Commenter 10 - Ronny Jungk, Business Manager/Financial Secretary, IBEW Local 100

Comment Received From: Ronny Jungk
Submitted On: 4/10/2025
Docket Number: 23-OPT-02

Darden Clean Energy Project Endorsement

Subject: Endorsement of the Darden Clean Energy Project

Dear CEC Commissioners and Staff

As the Business Manager of the International Brotherhood of Electrical Workers, IBEW Local 100, I am proud to endorse Intersect Powerâ€™s Darden Clean Energy Project. This infrastructure project holds immense potential to drive job creation and economic growth on the westside and in broader Fresno County. 10-1

We support the proposed Project, as discussed in the draft Environmental Impact Report (EIR), and believe that all impacts, as described, would be sufficiently mitigated by the Mitigation Measures included in the EIR. 10-2

The Darden Clean Energy Project promises to inject vitality into our local economy by generating employment opportunities and stimulating economic activity. With its implementation, we anticipate a surge in job opportunities and an expansion of the tax base, providing much-needed resources for public services and infrastructure development. 10-3

We believe that supporting projects like the Darden Project is crucial for the prosperity of our community and the advancement of our workforce. Therefore, we urge you to prioritize its approval and implementation.

Thank you for your attention to this matter. Please do not hesitate to contact us for further information or assistance.

Sincerely,

Ronny Jungk
Business Manager/ Financial Secretary
IBEW Local 100

Response to Commenter 10 - Ronny Jungk, Business Manager/Financial Secretary, IBEW Local 100

Response to 10-1. Staff notes your comment.

Response to 10-2. Staff notes your comment.

Response to 10-3. Staff notes your comment.

Commenter 11 - Becky Moores, Intersect Power

Table 1 Intersect Power Comments of the Darden Clean Energy Project Staff Assessment

Comment	
3 Project Description	
PG&E has revised their scope and location of the proposed downstream upgrades for transposition pole structures. The original scope is described in the SA in Table 3.3 Downstream Network Upgrades on page 3.27. Initially, PG&E Engineering had identified the Transmission-Line scope that was previously assigned to the Manning substation TPP upgrade, as required prior to the Harlan Switching Station coming online, since Harlan's target In-Service Date is earlier than Manning's. This scope included installing new lattice steel tower structures and their concrete foundations at approximately 8 miles and 16 miles south of Harlan (two total structures) in the existing PG&E 500 kV ROW. to transpose the conductors. Transposition structures are used to alleviate unbalances on long lengths of transmission lines between substations, and further design reviews by the PG&E system protection and construction planning teams identified separate locations that require upgrades. PG&E proposes a revision to the scope and locations described above in order to ensure the safety of their construction practices out in the field and ensure the reliability of the 500kV system. Provided below from PG&E is the updated transposition structure replacement location and scope on the Los Banos - Midway #2 500kV Transmission Line. This information should be updated in Table 3-3 in the staff assessment. PG&E proposes to conduct the following upgrades within the existing right-of-way of the Los Banos-Midway #2 500kV Transmission Line: • Replace an existing lattice steel tower located at coordinate 36.056685, -120.048335 with a new three-pole dead-end Tubular Steel Pole transposition structure • Remove existing lattice steel transposition structures located at coordinates 35.913868, -119.882015 and 35.913724, -119.882252 • Replace an existing lattice steel structure located at coordinate 35.914624 , -119.882877 with a new three-pole dead-end Tubular Steel Pole transposition structure • Replace an existing lattice steel structure located at the coordinates 35.909105, -119.877694 with a new three- pole dead-end Tubular Steel Pole transposition structure	11-1
4.1 Facility Design	
Comment on Condition of Certification GEN-3 The project owner should be directly involved with negotiating fees with the DCBO even if the CEC selects a third party for the role. This condition would benefit from more clarification on how the fees schedule would be set up. Update the section of the condition as suggested in the text below: "If the CEC delegates the DCBO function to a third party or local agency, the project owner, at the CEC's direction, shall make payments directly to the DCBO based upon a fee schedule negotiated between the CEC, **the project owner,** and the DCBO."	11-2

Staff Assessment Comments

Comment	
Comment on Condition of Certification GEN-4 Delegates identified by the RE should not be required to be a registered engineer in the state of California. For this and all Conditions of Certification that refer to the Resident Engineer, it is requested that the language be updated to add in reference to a qualified Construction Manager, and/or update language to state "resident engineer or delegate" throughout all COCs. It is not industry standard to have a CA registered person in these roles and such a requirement is overly burdensome on the project budget. Construction Managers/Project Mangers with experience in constructing renewable energy projects can successfully fulfill the role in alignment with the intent of this condition.	11-3
Comment on Condition of Certification GEN-5 This level of oversight on-site during construction is not necessary and not industry standard and will place a significant financial burden on the project. All engineers listed in GEN-5 will be engaged in the project and will stamp design drawings as required by applicable LORS but may not be on-site during construction. It is requested that references to being present or on-site are removed.	11-4
Comment on Condition of Certification GEN-7 Update this condition so that only significant discrepancies will require approval from the DCBO. Minor discrepancies such as typos or minor in-field adjustments would not significantly change design or construction and should not need approval	11-5
Comment on Condition of Certification CIVIL-2 Update language to include the Construction Manager and/or to state "The Resident Engineer or delegate" (refer to comment on GEN-4).	11-6
Comment on Condition of Certification MECH-2 Add clarification to this condition so that it only applies to permanent systems.	11-7
Comment on Condition of Certification ELEC-1 This condition appears to be applicable to a traditional synchronous generating facility and not a PV / BESS facility. These voltage levels don't exist within a PV facility. This condition should be updated to only be applicable to 34.5kV and above installations.	11-8
4.2 Facility Reliability	
No comments.	
4.3 Transmission System Engineering	
Comment on Condition of Certification TSE-1 This is duplicative of what is required in GEN-2, we suggest removing it to prevent conflicting requirements or confusion.	11-9
Comment on Conditions of Certification TSE-2 Much of this condition is duplicative of GEN-5. To prevent conflicting requirements, unnecessary duplicative reporting, and confusion, it's recommended this condition be updated to only include details above and beyond what is listed in GEN-5, or, deleting this condition and combining the requirements into GEN-5.	11-10

Staff Assessment Comments

Comment	
Comment on Condition of Certification TSE-3 This is duplicative of what is required in GEN-7 and the verification requirements would put the construction schedule at risk due to 15-day approval timelines. To prevent conflicting requirements, unnecessary duplicative reporting, and confusion, it's recommended this condition be removed.	11-11
Comment on Condition of Certification TSE-6 The submittals listed in this condition are managed by CAISO and outside the authority of the CEC. COC COM-6 requires monthly compliance reports to provide "*a listing of any filings submitted to, and permits issued by, other governmental agencies during the month*". For these reasons, COC TSE-6 should be removed in its entirety.	11-12
4.4 Worker Safety and Fire Protection	
Comment on Condition of Certification WS-2 Maintenance on the gen-tie line will be rare and may not require helicopter work. COC WS-2 measure (5) should be updated to state the following: "5. Should helicopter maintenance be determined to be necessary, an Operations Helicopter Code of Safe Practices plan will be prepared for helicopter use for maintenance or repairs, that incorporates all provisions of tit. 8 §s 1901-1909 and specially includes an added limitation of operations to be conducted only during day light hours, a landing zone dust control plan, a traffic control plan for areas where the loads would be deposited and near any public road or highway, includes requirements for a Designated Biologist(s) to monitor and avoid avian impacts, and complies with FAA Regulations 14 CFR Part 91 (General Operating and Flight Rules) and Part 133 (Rotorcraft External-Load Operations)."	11-13
Comment on Condition of Certification WS-4 This condition would add a fourth-party to the project by requiring a Safety Monitor independent of the DCBO, which is already a third party. This level of oversight is not necessary during construction due to the requirements in other conditions for the owner to have a Construction Safety Supervisor and to report safety related incidents to the CPM. This also places a financial burden on the project to pay for this duplicative position. This condition should be removed in its entirety.	11-14
Comment on Condition of Certification WS-6 Solar modules cannot be locked out and tagged out due to the nature of the design and that the equipment is energized at all times during the day when converting solar energy. The language in this measure should be updated to the following: "The project owner shall provide a procedure or augment existing procedure(s) for both solar facility construction and operations that details the following: a. Workers are trained to move away from a fire, even in an incipient stage, and call the control room to call 911 immediately. b. Workers use a standard form checklist when working on electrical components of an inverter or collector box to ensure that all components are locked out and tagged out until the job task is completed. **Workers will use proper PPE and safety procedures when handling solar modules during the day to mitigate the risk of energized modules."**	11-15

Comment	
Comment on Condition of Certification WS-7 Remove the requirements under item (e.) and (f.) The California Fire Code does not require fire hydrants for BESS facilities and allows for a water supply that includes water tanks (CFC 507.2). Additionally, a public water system is not installed in the vicinity of the project that could support the installation of fire hydrants, making the requirement infeasible. The language in item (l.) comingles requirements for the O&M buildings and the BESS, which should be treated separately. Update the language under item (l.) to state "Consult with the FCFPD in preparing the fire protection system specifications and drawings for 1) the BESS Operations and Maintenance structures, and 2) for the BESS facility to ensure an adequate water supply for the fire suppression systems."	11-16
Comment on Condition of Certification WS-10 Remove the last sentence "The training program shall be submitted to the CPM for review and approval." AED training programs are standardized and will be incorporated into the safety plans required under WS-1 and WS-2.	11-17
Comment on Condition of Certification WS-11 Update language to state: "a. Whenever visible dust is present, site workers will be made aware and dust masks (NIOSH N-95 or better) will be provided for optional use."	11-18
Comment on Condition of Certification WS-12 Condition WS-12 must be removed in its entirety. Information is provided below on why the condition is not permissible under existing LORS and how the Staff Assessment analysis and conclusions do not adequately support the need for the condition. IP Darden, LLC supports the brave first responders in Fresno County, and supports paying the project's fair share for fire protection services. This payment will be accomplished through the large property tax payments that will be made to the County and the Fire Protection District under existing law. IP Darden, LLC will be the second largest property tax payor in Fresno County once the Darden project is built, and the predicted payments to the Fire Protection District are more than sufficient to cover fire protection services and equipment needed to protect life and property. The Mitigation Fee Act regulates how public agencies may collect, maintain, and spend development impact fees. The fees would need to be based on the results of a comprehensive nexus study that evaluates appropriate fee levels for fire protection and emergency response needed to support new development. New development cannot be required to pay for existing deficiencies, and the amount of any impact fee must bear a reasonable relationship to the actual cost of providing the public services demanded by the new development on which the fee is imposed. Effective January 1, 2023, the Mitigation Fee Act requires local agencies to prepare a nexus study before adopting a development impact fee. (Govt. Code § 66016.5.) Fire districts lack legal authority to directly impose and collect mitigation fees. (Cal. Govt. Code §§ 66000, et seq. ("Mitigation Fee Act"); see also 73 Ops. Cal. Atty. Gen. 229 (August 21, 1990, 1990 WL 484792). Fresno County has an adopted ordinance to regulate the establishment of public facilities impact fees and schedule of fees. (Fresno County Code, Chapter 17.90.) The County Board of Supervisors has not, however, adopted a fire facilities mitigation fee pursuant to the ordinance and the Mitigation Fee Act. The fees proposed by FCFPD are not supported by a nexus study and there has been no demonstration that the amount of the fees meet the essential nexus and rough proportionality requirements of the Mitigation Fee Act. Further, under CEQA, public services impacts such	11-19

Comment
as fire protection are not CEQA environmental impact issues, unless the expansion of public services required by a particular project itself has environmental impacts. (City of Hayward v. Board of Trustees of the California State University (2015) 242 Cal.App.4th 833.) The Draft EIR found that the cumulative effect of hazards such as the lithium-ion BESS, would be limited to the solar facility components and BESS and immediately adjacent areas and no cumulative projects were identified at or immediately adjacent to the solar facility components or BESS, therefore there are no projects from the cumulative list with the potential to combine cumulatively with the solar facility components or BESS relative to hazards. The Draft EIR also concluded that the cumulative effect of wildfire would be limited because the solar facility components and BESS are not in or near a State Responsibility Area (SRA) or lands classified as a very high Fire Hazard Severity Zones (FHSZ), and not on land classified by the CPUC as having a fire threat. Additionally, no cumulative projects were identified at or immediately adjacent to the project. Therefore, there are no projects from the cumulative list with the potential to combine cumulatively with the solar facility components, and the combined impact would be a less than cumulatively considerable. Further, staff's assessment with respect to Worker Safety-12 is based partially on the assumption that that the solar project is 100 percent tax exempt, correlating to zero dollars of revenue to fire protection services when in fact the project will be subject to property tax. The solar tax exclusion sunsets on January 1, 2027, and tax experts advising IP Darden, LLC indicate that the Darden Project will pay tens of millions of dollars per year in property taxes, some of which will be allocated to the Fire District in accordance with established allocations for the distribution of taxes to county organizations. It is currently estimated that $220M in property tax payments will be made over the first 10 years. Other pending projects will also be subject to property taxes, including on future project improvements. Thus, FCFPD is expected to receive funds from the proposed solar projects to improve its resources. Any additional fees charged on top of those tax payments would overly burden the Project (and other projects) with payments that are not proportional to Project impacts and not in accordance with the law. Finally, the cumulative impacts section describes a cost allocation methodology that has been developed by the FCFPD based on several factors including project size, megawatts generated, additional energy projects built, and hazards posed. The methodology has not been presented publicly in the DEIR or Staff Assessment for appropriate analysis through the CEQA process. There is no supporting information on the methodology, how it was prepared, what information it was based on, and no details in the project Record of Proceeding of the discussions between CEC consultant staff and the FCFPD. Therefore, it is not supported and must be removed from the COCs for the project. Again, IP Darden, LLC supports first responders in Fresno County, and our property tax payments will fund the fire protection resources necessary to ensure protection of life and property in Fresno County.
5.1 Air Quality
Comment on Condition of Certification AQ-SC3 Update language in the first section of the condition to state: "The AQCMM shall submit documentation to the CPM in each Monthly Compliance Report that demonstrates compliance with the AQCMP mitigation measures for the purposes of minimizing fugitive dust emission creation from construction activities and preventing all fugitive dust plumes that would not comply with the performance standards identified in AQ-SC4 from leaving the project site. Any deviation from the AQCMP mitigation measures shall require prior CPM notification and approval **and shall require demonstration that such deviation**

11-20

Comment	
will not result in a new or increased significant environmental impact. Report monthly on the following fugitive dust mitigation measures that shall be included in the AQCMP required by AQ-SC2:"	
Comment on Condition of Certification AQ-SC5 Update language in the first section of the condition to state: "The AQCMM shall submit to the CPM, in the Monthly Compliance Report, a construction mitigation report that demonstrates compliance with the AQCMP mitigation measures for purposes of controlling diesel construction-related emissions. Any deviation from the AQCMP mitigation measures shall require prior and CPM notification and approval **and shall require demonstration that such deviation will not result in a new or increased significant environmental impact**. The following off-road diesel construction equipment mitigation measures shall be included in the Air Quality Construction Mitigation Plan (AQCMP) required by AQ-SC2:"	11-21
Comment on Condition of Certification AQ-SC6 Given the SJVAPCD is the agency with authority for the VERA, CEC does not have the authority to review and approve. COC AQ-SC-6 should be updated as suggested below: "The VERA shall be submitted and approved by the ~~CEC CPM and~~ SJVAPCD prior to beginning construction activities."	11-22
Comment on Condition of Certification AQ-11 On page 5.1-51 of the Staff Assessment, Condition of Certification AQ-11 states: "Emissions from this IC engine shall not exceed any of the following limits: 0.014 g-NOx/bhp-hr, 0.054 g-SOx/bhp-hr, 0.064 g-PM10/bhp-hr, 0.97 g-CO/bhp-hr, or 0.021 g-VOC/bhp-hr." The maximum emissions rates for the emergency backup liquid propane gas (LPG) generators specified in AQ-11 are substantially lower for nitrogen oxides (NOx), volatile organic compounds (VOC), and carbon monoxide (CO) than the emergency generators proposed by the Applicant and used in the Applicant's air quality analysis, as provided in Appendix A and Appendix B of Supplemental Data Request Response Set 1 (TN260649). Based on the San Joaquin Valley Air Pollution Control District Supplemental Application Form for Emergency/Low-Use IC Engines and the LPG Specifications provided in Appendix B (TN260649), emissions rates should instead reflect <1.00 g/bhp-hr for NOx, <0.70 g/bhp-hr for VOC, and <2.00 g/bhp-hr for CO. Provided the CEQA analysis was conducted for these emissions rates based on a specific model of generator provided on the application to the SJVAPCD and in the opt-in application materials, the conditions of certification should refer to those emissions rates. In order to meet the emissions rates specified in AQ-11, a change in equipment would be required and may not be feasible for the Applicant to incorporate. Further, the emissions rates used in the Applicant's air quality analysis did not result in significant impacts after mitigation.	11-23
Comment on Condition of Certification AQ-15 This defines a term and is not a condition. Suggest deleting and adding the language to AQ-14.	11-24

Staff Assessment Comments

Comment	
5.2 Biological Resources	
Comment on pg. 5.2-2 As noted in the response to Data Request DR BIO-1 in Data Response Set #4, the gen-tie line does not span Cantua Creek. At its closest point, Cantua Creek is within approximately 200 feet south of and parallel to the gen-tie corridor. No impacts to or work within the jurisdictional limits of Cantua Creek will occur.	11-25
Comment on pg. 5.2-3 to 5.2-4 The characterization of agricultural crops in the solar field, BESS, and substation is misleading. As identified in Data Response Set #6, Response to Data Request REV 1 DR BIO-1, all areas within the PV Development footprint and utility switchyard include non-active agriculture, almond orchard, or eucalyptus grove. While page 5.12-15 of Section 5-12 Biological Resources identified tomatoes and garlic, those are located on the parcels crossed by the gen-tie line, in addition to corn fields, onion fields, almond orchards, and pistachio orchards.	11-26
Comment on pg. 5.2-4 The most recent version of Table 2 with anticipated impact acreages according to land cover is provided in CEC Supplemental Data Request Response Set 1, dated December 13, 2024, in the response to Data Request SUP DR BIO-1, not in Data Response Set #4. Recommend revising this detail.	11-27
Comment on Agricultural Ditches On page 5.2-5, agricultural ditches are described as subject to the Porter-Cologne Water Quality Control Act, which conflicts with their description as not jurisdictional on page 5.2-154. As indicated in Appendix Q – Volume 1 *Biological Resources Assessment* of the Opt-in Application, the agricultural ditches are considered jurisdictional waters of the State under the Porter-Cologne Water Quality Control Act, but are not subject to the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (the Procedures; State Water Quality Control Board 2021) pursuant to Section IV.D.2.c of the Procedures, as they meet the definition of ditches excluded from the Procedures. Page 5.2-5 states: "There would be no discharges to waters of the state and discharges to agricultural ditches subject to the Porter Cologne Water Quality Control Act are not proposed as part of the project." To allow for potential project design changes that may require temporary impacts to the agricultural ditches during construction, please update the text on Page 5.2-5 to state: "Discharges to agricultural ditches classified as waters of the state may occur as a result of temporary construction activities. Temporarily impacted areas would be restored to pre-project conditions following construction." Please also update the analysis on page 5.2-154 to indicate the above and change the determination from No Impact to Less Than Significant With No Mitigation. Temporary impacts to the agricultural ditches would not be subject to permitting requirements specified in the Procedures. With incorporation of post-construction restoration, temporary impacts to agricultural ditches classified as waters of the state would be less than significant without mitigation.	11-28

Staff Assessment Comments

Comment	
Comment on pg. 5.2-7 Of the PG&E substations, aquatic features only intersect the Cantua Substation study area. No other substations study areas have aquatic features. The ponded feature in the vicinity of the Gates Substation is outside the substation study area. Refer to Section 3.2 and Table 4 of Data Response Set 6 - Appendix D REV 1 DR TSD-1 BRA Vol 1, dated August 20, 2024. Also to language in the paragraph following this one, which states: "A drainage ditch with ponded water was observed in the southeast corner of the property containing the Gates substation, although it lies outside the Gates Substation study area." Recommend revising to reflect this.	11-29
Comment on Green Hydrogen Removal pg. 5.2-10; figure 5.2-2 The green hydrogen component of the project was removed and only Option 1 was chosen. Therefore, Option 2, and Alternative Green Hydrogen components should not be reflected in the figure.	11-30
Comment on pg. 5.2-1A, 5.2-22, 5.2-51 As identified in Appendix B Special Status Species Evaluation Tables of Data Response Set 6 - Appendix D REV 1 DR TSD-1 BRA Vol 1, dated August 20, 2024, this text should be revised to indicate low potential along **Scenario 1** and Scenario 3 Fiber Line study areas, not Scenario 2 Fiber Line study area. Also please clarify that the CNDDB records mentioned here are not from 2024, since including that year in parentheses could cause confusion (2024 is the year the CNDDB search was conducted). As mentioned above, recommend revising which fiber line study area is intended when discussing proximity to alkali grassland and saltbush scrub. Scenario 2 Fiber Line study area is entirely on the east side of I-5 and not within or adjacent to such habitats in a meaningful way. Scenario 3 Fiber Line study area does transit west of I-5, but the alkali grassland and saltbush scrub habitats are not within that study area. Rather, those vegetation communities are closer to Scenario 1 Fiber Line study area.	11-31
Comment on Salt Creek pg. 5.2-1A, 5.2-22, 5.2-51 As identified in Table 4 and Figure 4e of Data Response Set 6 - Appendix D REV 1 DR TSD-1 BRA Vol 1 and Vol 2, dated August 20, 2024, Salt Creek does not intersect Scenario 1 Fiber Line study area. It only intersects the Scenario 2 Fiber Line and Scenario 3 Fiber Line study areas. Please correct this to identify low potential in **only Scenario 1 and Scenario 3** Fiber Line study areas.	11-32
Comment on Blunt Nose Leopard Lizard pg. 5.2-1B, 5.2-32, 5.2-59, 5.2-232 to 234 As noted in the response to Data Request DR BIO-9, BIO-10, and BIO-11 in Data Response Set #4, there is no suitable habitat for blunt-nosed leopard lizard since all lands within the project limits, including the PG&E utility switchyard, are regularly maintained agricultural fields, including orchards (such as in the switchyard). The undeveloped lands west of the Project include grasslands within the Ciervo Hills representing marginally suitable habitat due to high topographic relief, dense vegetation, no areas of bare ground, and no shrubs or other vegetation for shade or cover. The notes included in the 1993 CNDDB record (Occurrence 8) indicate the BNLL were all observed in grassland habitat outside of areas included in the jurisdictional project limits. Most of the observations included in the record are in the Panoche Hills over 30 miles north of the PG&E utility switchyard, and most are from the 1980s or earlier. The only observations noted in this record from the early 1990s (1991-1993) are along Panoche Road more than 30 miles north of the PG&E utility switchyard.	11-33

Comment	
In addition, as noted in the response to Data Request REV 1 DR BIO-2 in Data Response Set #6: "As detailed in Data Response to DR BIO-9, DR BIO-10, DR BIO-11 in Response Set 4, no suitable habitat for blunt-nosed leopard lizard is present within the Project site and linear facilities. The iNaturalist records of blunt-nosed leopard lizard within 3 to 5 miles of the utility switchyard include photograph-documentation with the observations that show a different type of habitat than is present west of the Project site. Specifically, the photographs for the iNaturalist records show the blunt-nosed leopard lizards observed in areas with little to no vegetation or open vegetation, consistent with where they would be expected to occur. This type of habitat is not present west of the Project site. Although dispersal distance for blunt-nosed leopard lizard is not known, the species is expected to have low dispersal abilities which are generally expected to be under one kilometer (Species Status Assessment for the Blunt-nosed leopard lizard Version 1.0, US Fish and Wildlife Service, July 2020). The closest iNaturalist occurrence to the Project site is over four kilometers from the Project site which would significantly exceed the species expected dispersal abilities."	11-34
Comment on CA Tiger Salamander Description on pg. 5.2-1B, 5.2-31, 5.2-58 Please revise the CA tiger salamander description to match the entry in Table 5.2-1B such that it is clear there is no suitable habitat for the species on or adjacent to the solar facility and other jurisdictional components or PG&E utility switchyard.	11-35
Comment on California Horned Lark Description on pg. 5.2-70 The first sentence of second paragraph states: "*This species is known to occur, and California horned lark were observed during surveys of the solar facility (RCI 2023w)*." Correct this to indicate low potential in the Scenario 2 and Scenario 3 Fiber Line study areas, which is what is noted in Table 5.2-1B on page 5.2-39 and in the PG&E downstream upgrades BRA (see Appendix C of that BRA, on page C-18).	11-36
Comment on Nest Buffers pages 5.2-107 to 110 As part of the discussion of applicant-proposed measures, DEIR states that buffer distances would range from **250 to 500 feet** around active nests depending upon the species. This is incorrect. Mitigation Measure BIO-8 (Nest Buffers) of the Opt-In application proposed: "Buffers shall be determined by the Qualified Biologist and be established based on the species and nest location, to allow for known species' behavior and environmental factors (e.g., line of sight to nest) when establishing avoidance buffers. **Standard buffers are typically 200-500 feet for common raptors and 30-50 feet for most common passerines**." Recommend revising to indicate that buffers around common passerines was proposed at 30-50 feet, not a minimum of 250 feet.	11-37
Comment on Mountain Plover on pg. 5.2-108 On the last paragraph of the page the Mountain plover is mentioned in a list of species as possible nesters on the project site during construction since they are somewhat disturbance tolerant. We request the text clarify that mountain plover does not have potential to nest on the project site since it is a winter migrant. Any mountain plover use of the project site during construction would be during the winter months and would include foraging only.	11-38

Comment	
Comment on pg. 5.2-112 The name of COC BIO-11 on this page uses "Strategy" instead of "Security." Please change to "Security" to be consistent with the name of BIO-10 provided elsewhere throughout the DEIR	11-39
Comment on Burrowing Owl – Nesting Impact Analysis pg. 5.2-114 In the last paragraph of the Burrowing Owl – Nesting impact analysis the sentence "*With implementation of staff's proposed COCs BIO-1 to BIO-7 and BIO-9, BIO-11, to BIO-13...*" should change the mention of BIO-11 (which is for Swainson's Hawk Security) to BIO-12 (for BUOW Impact Avoidance, Minimization, and Take Measures).	11-40
Comment on the second paragraph on pg. 5.2-144 In Data Response Set 4, the work by Diehl, Roberson, and Kosciuch was noted as ongoing and the analysis did not draw conclusions solely on that work. The information provided in Data Response Set 4 included review of additional research studies and literature to draw its conclusion. Recommend updating the language in this paragraph to clarify that, of the literature cited in Data Response Set 4, staff reviewed the study published under Diehl at al 2021 and not necessarily all studies cited. In addition, Data Response Set 4 notes: "Fatality monitoring has shown that there are avian injuries and fatalities associated with solar energy facilities, but the cause of the morbidity and mortality has been inconclusive (collision, predation, etc.), and there has been no report or evidence of large-scale avian fatality events at any PV solar project, and if avian carcasses are discovered, it is typically a single individual detection." Type text here	11-41
Comment on Operational Noise Analysis pg. 5.2-148 Analysis as currently written suggests that operational noise impacts would likely be less than significant. As a result, mitigation shouldn't be required to reduce impacts to less than significant. Please remove noise impact mitigation based on the analysis.	11-42
Comment Tricolored blackbird Nesting Season on pg. 5.2-191 Tricolored blackbird nesting season is defined in this measure as February 1 through September 15. However, this species typically nests from mid-March through July/August, and often times on the earlier side of that range in the San Joaquin Valley (many tricolored blackbirds move north to Sacramento Valley after their first nesting attempt in San Joaquin Valley). Recommend revising the tricolored blackbird nesting season in this COC.	11-43
Comment on Condition of Certification BIO-7 To maintain the project construction schedule, pile driving will be required throughout the project site throughout the year. Condition BIO-7 should be update to the following suggested text: "24. Minimize Noise Impacts. Loud construction activities (e.g., pile driving or other high-impact noise sources exceeding 60 dB(A) at active nest sites) shall be avoided during nesting season from February 1 to August 31 to the extent possible. The Designated Biologist(s) or Biological Monitor(s) shall monitor active nests within the range of construction-related noise in accordance with BIO-8. ~~If noise levels exceed 60 dB(A) at an active nest, additional mitigation measures (e.g., noise barriers, modified work hours) shall be implemented to minimize disturbance, per BIO-8.~~ The BRMIMP (BIO-6) shall outline adaptive management actions, including halting construction if the	11-44

Comment	
Designated Biologist determines it is causing disturbance. Triggers for adaptive management include evidence of project-related disturbance to nesting birds, such as agitation behavior (displacement, avoidance, or defense), increased vigilance at nest sites, altered foraging or feeding behavior, or nest abandonment."	
Comment on Condition of Certification BIO-8 Conducting two nesting bird pre-construction surveys provides no benefit, is not standard across all industries, and is therefore not necessary. Condition BIO-8 (2.) should be updated as follows: "2. Survey Schedules. ~~At least two pre-construction surveys shall be conducted, separated by a minimum 10-day interval~~. Pre-construction surveys shall be conducted no more than 14 days prior to initiation of construction activity. ~~One survey needs to be conducted within the 3-day period preceding initiation of site mobilization, vegetation removal, ground disturbance, or construction activity.~~ Surveys may be conducted in phases aligned with the phased construction approach, ensuring each area is surveyed, as required, prior to site mobilization or construction activities. Surveys shall be repeated throughout construction to ensure that birds are not nesting on equipment or have moved into an area after the initial vegetation clearance or ground disturbance has been completed. The NBMP shall include a survey schedule and a map of the project site that identifies each area to be surveyed for each phase. Any updates to the survey schedule and maps shall be provided to the CPM."	11-45
Comment on Condition of Certification BIO-9 **Swainson's Hawk Compensatory Mitigation Land Requirements** We appreciate the Staff Assessment's (SA) thorough analysis of potential impacts to Swainson's hawk foraging habitat that could occur as a result of Project implementation. As acknowledged in the SA, multiple studies have documented Swainson's hawk foraging behavior within solar arrays, thus confirming that solar project development may be implemented in a way that is compatible with continued project site use by the species. (See, e.g., SA at p. 5.2-97). We agree with CEC staff's conclusion that implementation of the Project's Swainson's Hawk Conservation Strategy and the Vegetation Management Plan would guide successful revegetation of the project site to facilitate effective weed control, increase Swainson's hawk nesting habitat, and improve foraging habitat for the Swainson's hawk over baseline conditions. (*Id.* at 5.2-98.) With successful implementation, we also agree that implementing these plans as required by COC BIO-9 would ensure that project impacts to the species are reduced to less than significant and fully mitigated. (*Id.*). However, as described in the Staff Assessment, CEC staff have recommended inclusion of a compensatory mitigation lands "backstop" if the success criteria established in the Project's Swainson's Hawk Conservation Strategy and the Vegetation Management Plan are not met after five years. We disagree with CEC staff's conclusion that compensatory mitigation would be necessary, and we have instead proposed revisions to COC BIO-9 that would require implementation of a robust adaptive management program to ensure all Swainson's Hawk Conservation Strategy and the Vegetation Management Plan success criteria are met on the Project site. We have also included a new requirement in COC BIO-9 for the project's Swainson's hawk independent research program to provide a publicly available final report addressing the efficacy of the project's conservation strategy and vegetation management plan and providing management recommendations for maintenance of Swainson's hawk habitat on Central Valley solar project sites. This research program, when combined with adaptive management to ensure successful implementation of the Project's Swainson's Hawk Conservation Strategy and	11-46

Comment
the Vegetation Management Plan, will ensure project impacts are fully mitigated such that compensatory mitigation for impacts to Swainson's hawk foraging habitat is not required. We strongly believe our proposed revisions to COC BIO-9 adequately address CEC staff's concerns about meeting CESA's "fully mitigate" standard. We also believe the compensatory mitigation proposed in COC BIO-9 vastly exceeds what would be required to meet the "fully mitigate" standard. Page 5.2-96 of the Biological Resources section in the DEIR states: "Due to the long-term temporary loss of foraging habitat during the construction phase of the project (construction would occur over 36 months) and prior to site restoration, and the estimated loss of up to 48% of the site during operation, staff determined that the overall consideration of the entire project footprint as a loss of foraging habitat would be appropriate to determine mitigation." However, the foraging analysis completed by one of the leading experts on Swainson's hawk ecology concludes there would be no significant impact to foraging habitat (see page 5.2-94 in the Biological Resources section). Additionally, CEC staff has assessed and incorporated the applicant's SWHA conservation strategy and revegetation plan into the approved approach for mitigating impacts to the species and concluded compensatory mitigation would only be required if attempts to revegetate the site and enhance suitable foraging habitat failed. Provided the majority of the project site is currently fallowed barren land, if revegetation efforts were to fail, the project site would present foraging habitat equivalent to existing conditions and only permanent impacts due to project infrastructure should be mitigated for, which accounts for approximately 4,818 acres of the overall project site. Therefore, if our proposed revisions to COC BIO-9 are not accepted, we ask that information in the DEIR analysis and COCs BIO-9 and BIO-11 be updated to account for contingent compensatory mitigation calculated using only the permanent impact acreage of 4,818 acres x 0.25:1 = 1,205 acres. As the conversion of Central Valley agricultural land continues as a result of reduced water availability and other factors, we are hopeful the CEC will encourage solar development on retired agricultural lands as part of a larger strategy to shift renewable energy development to these disturbed lands. To that end, pragmatic approaches to impact mitigation that recognize the habitat value of solar development for species like Swainson's hawk are needed. We believe the proposed COC BIO-9 revisions we have prepared strike the right balance in that they ensure adequate mitigation of impacts while incentivizing project development on disturbed and retired agricultural lands. Suggested changes to BIO-9 are provided in tracked changes as an attachment
Comment on Condition of Certification BIO-12 **Burrowing Owl Impact Avoidance, Minimization, and Take Mitigation Measures** ▪ Item 1: Please revise the definition of a "potential burrowing owl burrow" on page 5.2-207 to include the presence of additional burrowing owl-preferred habitat elements (e.g., topography, vegetation height, and proximity to foraging resources/prey) in the vicinity of "any subterranean hole three inches or larger" since the presence of such holes alone is not likely to be suitable for burrowing owl occupation. ▪ Item 6a: Please remove the requirement for avoidance of potential burrowing owl burrows since, by definition (on page 5.2-207), no evidence is present to conclude the burrow is being used currently or has been used in the past by burrowing owl. Loss of unoccupied habitat, if it is demonstrated to not directly or indirectly lead to reproductive suppression, would not be considered take pursuant to CESA and therefore does not require avoidance, minimization, or mitigation. ▪ Items 6b and 6c: Please update the buffer distance for occupied burrows from 1,600 feet to 200 meters (656 feet) consistent with the CDFW *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). A 1,600-foot buffer would cause significant constructability

11-47

Comment	
constraints and would not be necessary to avoid and minimize potential impacts to occupied burrows. A 200-meter buffer is consistent with industry standards and would be more than sufficient to avoid and minimize potential impacts to occupied burrows. In many cases for lower disturbance activities, a reduced buffer, smaller than 200-meters would be sufficient as detailed in the Burrowing Owl Conservation Strategy for Large-scale Solar Photovoltaic and Battery Energy Storage Projects in California (Large-Scale Solar [LSA] Association 2024) and the project's Burrowing Owl Management Plan (Rincon Consultants, Inc. 2024). ▪ Item 7 and 8: Please revise language to conduct only two consecutive 24-hour periods of monitoring to confirm the burrowing owl is not currently present prior to burrowing owl blockage. Additional periods of monitoring greater than 48 hours prior to blockage would not provide current data on the burrow's occupancy.	
Comment on Condition of Certification BIO-13 **Burrowing Owl Compensatory Mitigation Land Requirements** As recognized in the SA, implementing the Project's Swainson's Hawk Conservation Strategy and the Vegetation Management Plan will have an added benefit of improving burrowing owl habitat on the Project site. While the SA acknowledges that implementing these Plans will "largely mitigate" impacts to burrowing owl, CEC staff nonetheless determined that the perpetual protection and management of 200 acres of burrowing owl habitat would be necessary to meet CESA's "fully mitigate" standard. We disagree with this conclusion for a number of reasons. As an initial matter, the Project site's existing habitat value for burrowing owls is very low because the site is regularly disked and tilled and a majority of the site is currently barren. As acknowledged in the SA, there is only one potential burrowing owl burrow located in the interior of the project site. The remaining potential burrowing owl burrows are located on the perimeter of the site where successful burrow establishment is possible and where access to off-site foraging habitat is available. Even if revegetation efforts failed at the site, the project site's value for burrowing owl would increase due to the discontinuation of discing. We do not believe compensatory mitigation for impacts to burrowing owl are necessary given the site's low habitat value for the species and the Project's commitment to successful implementation of Swainson's Hawk Conservation Strategy and the Vegetation Management Plan. As revised, implementation of COC BIO-9 will ensure improved habitat conditions for burrowing owl on the Project site relative to existing conditions. However, we also understand CEC staff may be concerned regarding the lack of scientific evidence demonstrating burrowing use of solar projects. In light of this, we have proposed revisions to MM BIO-13 that would make the amount of compensatory mitigation required for burrowing owl contingent on the level of burrowing owl presence on the Project site after an initial five-year monitoring period. At the end of that period, if burrowing owl presence on the site has been maintained or increased relative to that identified in Project site surveys conducted in 2022-2025, as determined by a Qualified Biologist, the project would be required to provide for the permanent protection of 100 acres of offsite burrowing owl habitat. If burrowing owl presence on the site has not been maintained or increased after the initial five year monitoring period, the project would be required to provide for the permanent protection of 200 acres of offsite burrowing owl habitat. To ensure implementation of these requirements, prior to the commencement of construction, the Project would be required to post a security sufficient to protect 200 acres of burrowing owl habitat. With these revisions, CESA's "fully mitigate" standard would be met and exceeded by COC BIO-13. Suggested changes to BIO-13 are provided in tracked changes as an attachment	11-48

Comment	
Comment on Crotch's Bumble Bee and Condition of Certification **BIO-16 Crotch's Bumble Bee Avoidance and Minimization Measures** As stated on pages 5.2-114 and 115 the "majority of the project site does not provide suitable habitat and foraging resources". Therefore, the Applicant suggests clarifying that focused (protocol level) surveys for Crotch's bumble bee would only be required in areas where the habitat assessment has identified suitable foraging, nesting, and/or overwintering habitat. Additionally, given the large size of the project site, species presence should not be assumed for the entire project site solely based on positive detections in limited areas of the site. Foraging bees would move out of harm's way, therefore, the Applicant suggests clarifying that buffers would only be required where active nests are present. Finally, the Applicant recommends adding a statement to note that Crotch's bumble bee is currently still under review for CESA listing as a candidate species to clarify that implementation of avoidance and minimization measures would only be required if the species remains a candidate or is advanced to listing. To address these items, the following revisions are suggested for Condition BIO-16: **"BIO-16 Crotch's Bumble Bee Avoidance and Minimization Measures.** **If Crotch's bumble bee is still considered a CESA candidate species or has been listed as threatened or endangered under CESA at the time construction of specific Project components and/or phases commence, the following avoidance and minimization measures shall be implemented:** To avoid impacts to Crotch's bumble bee, the Designated Biologist(s) and/or Biological Monitor(s) shall conduct a habitat assessment to determine if the project site and the immediate surrounding vicinity (up to 50 feet, **as accessible**) contains habitat suitable to support foraging, nesting, and/or overwintering resources for Crotch's bumble bee. Potential nesting and overwintering sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. All floral resources shall be documented as well to identify potential for foraging at the site. If pot~~ential~~ly suitable habitat is identified, the Designated Biologist shall conduct focused (protocol level) surveys for Crotch's bumble bee **within** and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) (or more recent published guidelines). If **an active** Crotch's bumble bee nest is detected during construction or operation: All small mammal burrows, thatched/bunch grasses, and suitable floristic resources **within a 50-foot radius of the nest** shall be avoided by a minimum radius of 50 feet to avoid take and potentially significant impacts. An avoidance buffer of 50 feet shall be established around any observed **active** nests during both construction and operation. If ground-disturbing activities will occur during the overwintering period (October through February), the project owner shall consult with the CPM to discuss how to implement project activities and avoid take."	11-49

Comment

Comment on Recommended Mitigation Measure BIO-19 Western Red Bat Tree Removal Measures

On page 5.2-238, Mitigation Measure BIO-19 currently requires additional measures for tree removal if suitable western red bat roosting habitat is present. Specific tree removal methods to minimize impacts to roosting western red bat should only be required if bats or their sign are documented in the trees proposed for removal. In addition, the two-phased tree removal would cause a significant construction schedule constraint and is not necessary to avoid and minimize impacts to western red bat. A modified tree removal procedure is recommended to minimize construction delays while maintaining appropriate avoidance and minimize strategies for western red bat. To address these items, the Applicant requests the following revisions to Mitigation Measure BIO-19:

"MM BIO-19 Western Red Bat Tree Removal Measures.

To avoid and minimize impacts to western red bat (*Lasiurus blossevillii*) during tree removal, the following measures shall be implemented: 11-50

1. A qualified bat biologist shall conduct pre-construction surveys for roosting bats within 200 feet of the project area at least 15 days prior to tree removal. The biologist shall assess trees for **occupancy of western rat bat** ~~potential roosting habitat,~~ **including presence of individuals or their sign** ~~foliage roosts and crevices~~. If no **signs of occupancy are detected** ~~suitable roosting habitat is identified~~, tree removal may proceed without further measures for bats. If ~~habitat is~~ **bats or their sign are** present, additional measures shall be required, as detailed below.
2. If Western red bat are present to minimize disruption, tree removal should be scheduled outside of the bat maternity season (March 1 – August 31) and peak torpor period (December – February) whenever possible. If tree removal must occur during the maternity season, a qualified bat biologist shall confirm the absence of active maternity roosts before proceeding. If tree removal must occur in winter, a hibernation survey shall be conducted to assess bat occupancy and determine appropriate mitigation measures.
3. If ~~potential roosting habitat is~~ **bats or their sign are** present, tree removal shall occur ~~in two phases to encourage bat relocation.~~ **in a controlled manner. To ensure the optimum warning for any roosting bats that may still be present, the trees or structures shall be nudged lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. Trees or structures may then be pushed to the ground slowly under the supervision of a qualified bat biologist. Trees shall not be sawed up or mulched immediately. A period of at least 48 hours shall elapse prior to such operations to allow bats to escape. Felled trees shall remain in place until they are inspected by the qualified bat biologist.**

~~4. During the first phase, lower tree limbs shall be trimmed in the evening after 5:00 PM to encourage bats to abandon the roost. The trees shall be left standing overnight to allow remaining bats to vacate.~~

~~5. During the second phase, full tree removal shall take place the following morning to prevent bats from returning. Tree cutters shall inspect trees immediately before felling to ensure no bats remain.~~

~~6. If bats are detected, passive exclusion techniques shall be used, such as installing one way bat cones or netting over roost openings at least three days before removal, allowing bats to exit but not return. Trees with confirmed roosts shall be removed incrementally, beginning with non-roost trees nearby to encourage natural dispersal.~~

4.~~7.~~ To prevent winter roosting, leaf litter removal shall be conducted before the cold months to discourage bats from using it as a hibernation site. If trees must be removed between December and February, a qualified bat biologist will assess occupancy and

Comment	
recommend exclusion measures if needed. A qualified bat biologist shall monitor tree removal activities and document any observed bat presence. A post-removal survey report shall be submitted to the appropriate regulatory agencies, detailing survey findings, mitigation measures, and any observed bat activity."	
Comments on Condition of Certification BIO-17 The CEC does not have the authority to require the project to obtain a SPUT permit from the USFWS. There is no Federal nexus for the Applicant to apply for a SPUT permit, as the applicant is not a utility nor is it occupying federal land with project facilities. This measure must be struck.	11-51
5.3 Climate Change and Greenhouse Gas Emissions	
No Comments	
5.4 Cultural and Tribal Resources	
No Comments	
5.5 Efficiency and Energy Resources	
No Comments	
5.6 Geology, Paleontology, and Minerals	
Comment on Condition of Certification PAL-2 The plan drawing size requirements outlined in this measure require a scale that is inappropriate for a project of this size (9,000+ acres). Most engineering plan sets for the project are currently designed at 1" = 150', which covers 1 quadrant of a geographical Section (1 square mile) and display more than adequate detail for engineering design, environmental constraints, and construction planning. This scale is sufficient to satisfy the needs of COC PAL-2. The text of PAL-2 should be updated to remove the text as indicated below: "The plan drawings must show the location, depth, and extent of all ground disturbances. ~~and be at a scale between 1 inch = 40 feet (1:480) and 1 inch = 100 feet (1:1,200).~~"	11-52
Comment on Condition of Certification PAL-5 COC PAL-4 and PAL-5 should be combined, as they have duplicative requirements. The requirement to have the CPM review and approve the resume of the WEAP trainer must be removed, as that requirement is unnecessary and overly burdensome since appropriate WEAP training can be successfully provided by persons with varying backgrounds.	11-53

Comment	
Comment on Condition of Certification PAL-6 This COC is duplicative of the requirements in PAL-3 and it is suggested that this COC be deleted with any appropriate details incorporated into PAL-3. The condition should be updated to require a summary of the daily monitoring reports be included in the MCR, with daily monitoring logs included only if significant observations are documented.	11-54
5.7 Hazards, Hazardous Materials/Waste, and Wildfire	
Comment on Condition of Certification HAZ-2 The verification requirements for HAZ-2 must be updated to the text suggested below: "At least 30 days prior to **planned maintenance that requires** changing the quantity of or using a new hazardous material onsite, the project owner shall notify and seek approval from the CPM. **For any required unplanned maintenance that results in changes to the quantity or use of hazardous materials onsite, the project owner shall notify the CPM within 5 business days**. The project owner shall provide to the CPM, in the Annual Compliance Report, the HMBP's list of hazardous materials and quantities contained at the facility."	11-55
Comment on Condition of Certification HAZ-5 The analysis in section 5.7.2.2 does not logically conclude that the NERC site security measures in condition HAZ-5 are necessary or appropriate for the CEQA item analyzed. The item analyzed was: "*Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or hazardous waste?"* The conclusion in the operations section states: *"As indicated under the construction phase discussion above, the application indicates a security plan would be prepared. Staff concurs that security elements are needed to ensure the protection of California's electrical infrastructure from vandalism or domestic/foreign attacks. Therefore, staff proposes COC HAZ-5 which would require the project owner to create an operations security plan to ensure a minimum level of security for the project.*" An impact is not clearly defined related to hazardous waste and the mitigation measure is therefore not warranted. It is requested that condition HAZ-5 be removed in its entirety. If the condition is not deleted, the analysis in section 5.7 should be updated and the condition should be changed to relate only to how hazardous materials would be secured during operations. Additionally, the NERC Security Guideline provides "suggestions and recommendations that can enhance an organization's resiliency" and is not an official regulation that can be enforced on the project. Due to the various components of the project (solar PV, battery storage, substations, transmission) the recommendations do not apply equally across the project and should not be enforced for the project as a whole. The guidelines do not indicate that 8-foot-tall fencing with slats is recommended, and this fencing height and use of slats is not industry standard, is not necessary for the security of most project areas, and is infeasible due to the large financial burden it would place on the project.	11-56

Comment	
Comment on Condition of Certification HAZ-6 Professionals with various qualifications are capable of preparing a valid and comprehensive Soils Management Plan and the following requirement should be struck from HAZ-6 "The SMP shall be prepared/approved by a California Registered Civil Engineer or a California Registered Geologist with sufficient experience in hazardous waste management." Measure (8) in HAZ-6 should be updated. Measure (8) requires a Health and Safety Plan be prepared by a Certified Industrial Hygienist. These requirements are not necessary as they are not commensurate to the potential impact determined in the Staff Assessment analysis. The measure should be updated to the following suggested text: "Should hazardous soils be identified on site that pose a threat of toxicant exposure to construction workers, a site-specific Health and Safety Plan (HSP) shall be prepared and implemented for all ground disturbing work occurring near the area of identified contaminated soils. The HSP shall establish measures for protecting onsite workers by including engineering controls, personal protective equipment, monitoring, and security to prevent unauthorized entry and to reduce construction related hazards. The HSP shall be updated as needed if site conditions change significantly, such as discovery of additional hazards. Copies of the approved HSP shall be kept at the project site."	11-57
Comment on Condition of Certification HAZ-8 The requirements in HAZ-8 are duplicative of those in HAZ-6 (8) and are unnecessary. HAZ-8 should be removed in its entirety. Additionally, there are other qualified professionals outside of a "professional engineer or professional geologist" that can accomplish these tasks, and that specific requirement is too restrictive.	11-58
5.8 Land Use, Agriculture, and Forestry	
No comments	
5.9 Noise and Vibration	
Comment on Condition of Certification NOISE-1 COC COM-11 already requires these notification conditions making NOISE-1 duplicative and unnecessary. COC NOISE-1 should be removed in its entirety and the Staff Assessment should refer to COM-11.	11-59
Comment on Condition of Certification NOISE-4 The analysis in the Staff Assessment section 5.9 Noise and Vibration page 5.9-9 concludes operation of the project would have a less than significant impact, and the analysis on page 5.9-10 concludes that the project operational noise at nearby receptors "*would be below both the ambient noise level and the County Noise Ordinance's threshold*." This analysis clearly supports that project operations would not result in generation of a substantial increase in ambient noise levels in the vicinity of the project, and would therefore have a less than significant impact not requiring any mitigation or conditions. For these reasons, COC NOISE-4 should be deleted in its entirety.	11-60

Comment	
Comment on Condition of Certification NOISE-6 Gen-tie installation across I-5 will be approved by CalTrans and may require helicopter work at night and/or during the weekend. The condition should be updated as related to helicopter use to the text suggested below: "Helicopter operation shall be restricted to only the times delineated below: Mondays through Fridays: 6:00 A.M. to 7:00 P.M. Helicopter operation required for installation of the gen-tie across I-5 may occur outside these times if approved by CalTrans."	11-61
Comment on Condition of Certification NOISE-7 COC NOISE-7 should be removed. Notification to nearby residences is already covered under COM-11. COC NOISE-6 restricts heavy equipment use to certain hours within 1,000 feet of residences, which will also limit the noise disturbance to residences due to pile driving. The recommended BMPs in NOISE-7 are not feasible for this project as they would cause extreme delays to the project schedule, could create safety hazards for workers conducting the pile driving, and are not mechanically reasonable for installing pile foundations in hard soil conditions. For these reasons COC NOISE-7 should be removed in its entirety.	11-62
5.10 Public Health	
Comment on Condition of Certification PH-1 COC WS-11 already requires that "*The project owner shall develop and implement a worker Valley Fever (VF) Prevention and Response Plan that includes an enhanced Dust Control Plan*". COC PH-1 is redundant and unnecessary. PH-1 should be removed in its entirety and the Staff Assessment should be updated to instead reference COC WS-11. Additionally, mud and track out will be managed on-site as per other COCs. Washing all vehicles and equipment upon entry/exit is not a practical nor realistic control.	11-63
5.11 Socioeconomics	
No comments	
5.12 Solid Waste Management	
Comment on Condition of Certification WASTE-1 The applicant disagrees with the conclusions made in the Staff Assessment. *Section 5.12 Solid Waste Management* states: ▪ *"Assuming all the construction related solid waste could not be recycled, the estimated amount of solid waste generated during project construction would represent 0.2 percent of the available capacity of the three listed landfills."* ▪ *"Assuming all the operational solid waste could not be recycled, the estimated amount of solid waste generated during project operations would represent 0.001 percent of the available capacity of the three listed landfills."* Quantities less than 1 percent of available space at landfills is clearly a less than significant impact and the Staff Assessment should be updated to state project impacts related to waste would be less than significant. As such, mitigation measures would not be necessary and COC WASTE-1 would not be required. For these reasons, COC WASTE-1 should be removed in its entirety. At a minimum, WASTE-1 should remove the requirement to submit an Operations Waste Management Plan.	11-64

Comment	
5.13 Transmission Line Safety and Nuisance	
Comment on Condition of Certification TLSN-1 Several of the regulations listed in this condition do not apply to the project's gen-tie and only apply to overhead electrical supply and communication lines which are within the jurisdiction of the CPUC. Update COC TLSN-1 to remove reference of LORS that do not apply to the project's transmission line.	11-65
Comment on Condition of Certification TLSN-2 GO-95 is not applicable to the project's gen-tie line. The GO-95 rules apply to overhead electrical supply and communication lines which are within the jurisdiction of the CPUC. Update COC TLSN-2 to remove reference to GO-95.	11-66
Comment on Condition of Certification TLSN-5 This condition does not apply to the jurisdictional components of the project. Because the project is not within the jurisdiction of the CPUC, those regulations do not apply. Any recommended measures for PG&E must be included in the Mitigation Measures section, not within the Conditions of Certification. For these reasons, COC TLSN-5 should be deleted in its entirety.	11-67
5.14 Transportation	
Comment on Condition of Certification TRANS-1 Analysis of the Project's compliance with CEQA and CEC opt-in application requirements in the Staff Assessment concludes that the transportation impacts would either be Less Than Significant Impact or No Impact for the duration of the construction and operation of the Project and therefore mitigation is not required. The project owner must comply with LORS and Conditions of Certification are not necessary to enforce such LORS. CEC has stated they do not have authority to authorize road use permits and should therefore not be overseeing items that will be managed by other agencies. COC COM-6 requires monthly compliance reports to provide "*a listing of any filings submitted to, and permits issued by, other governmental agencies during the month*". For these reasons, COC TRANS-1 is not necessary or appropriate and should be removed in its entirety.	11-68
Comment on Condition of Certification TRANS-2 Analysis of the Project's compliance with CEQA and CEC opt-in application requirements in the Staff Assessment concludes that the transportation impacts would either be Less Than Significant Impact or No Impact for the duration of the construction and operation of the Project and therefore mitigation is not required. The project owner must comply with LORS and Conditions of Certification are not necessary to enforce such LORS. CEC has stated they do not have authority to authorize road use permits and should therefore not be overseeing items that will be managed by other agencies. COC COM-6 requires monthly compliance reports to provide "*a listing of any filings submitted to, and permits issued by, other governmental agencies during the month*". For these reasons, COC TRANS-2 is not necessary or appropriate and should be removed in its entirety.	11-69

Staff Assessment Comments

Comment	
Comment on Condition of Certification TRANS-3 Analysis of the Project's compliance with CEQA and CEC opt-in application requirements in the Staff Assessment concludes that the transportation impacts would either be Less Than Significant Impact or No Impact for the duration of the construction and operation of the Project and therefore mitigation is not required. The project owner must comply with LORS and Conditions of Certification are not necessary to enforce such LORS. CEC has stated they do not have authority to authorize road use permits and should therefore not be overseeing items that will be managed by other agencies. COC COM-6 requires monthly compliance reports to provide "*a listing of any filings submitted to, and permits issued by, other governmental agencies during the month*". Traffic within the project boundary on private access roads will have no impact to public traffic and transportation. For these reasons, COC TRANS-3 is not necessary or appropriate and should be removed in its entirety.	11-70
5.15 Visual Resources	
Comment on Condition of Certification VIS-1 CEC serves as the in-lieu permitting authority for any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency (PRC § 25545.1). As such, county review is not required and could cause significant schedule delays. Therefore, the requirement for submittals to the county must be removed from COC VIS-1 verification steps. The submission requirement for "ninety (90) days prior to executing a contract to purchase" may not be feasible could impact project design and construction. Update the requirement to submit " thirty (30) days prior to executing a contract to purchase".	11-71
Comment on Condition of Certification VIS-2 CEC serves as the in-lieu permitting authority for any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency (PRC § 25545.1). As such, county review is not required and could cause significant schedule delays. Therefore, the requirement for submittals to the county must be removed from COC VIS-2 verification steps. The submission requirement for "ninety (90) days prior to executing a contract to purchase" may not be feasible could impact project design and construction. Update the requirement to submit " thirty (30) days prior to executing a contract to purchase".	11-72
Comment on Condition of Certification VIS-3 CEC serves as the in-lieu permitting authority for any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency (PRC § 25545.1). As such, county review is not required and could cause significant schedule delays. Therefore, the requirement for submittals to the county must be removed from COC VIS-3 verification steps. This DEIR does not indicate this COC is necessary for reducing potential impacts to less than significant and is not mentioned in the analysis. Additionally, this condition is not necessary because it's duplicative of VIS-1. Therefore, this condition should be deleted in its entirety.	11-73

Comment	
5.16 Water Resources	
Comment on Condition of Certification WATER-3 Due to CEC's in-lieu authority granted by AB 205, county review for this condition is not necessary. Update the verification text to the following: *"No later than thirty (30) days prior to start of construction, the project owner shall submit a plan to install underground wiring to PV panels in compliance with Ordinance 15.48.080 (A)(2)(a) to the CPM for review and approval~~. and to Fresno County for review."~~*	11-74
Comment on Condition of Certification WATER-5 CEC serves as the in-lieu permitting authority for any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency (PRC § 25545.1), and has the authority to approve installation of groundwater wells. Condition WATER-4 does not allow for flexibility in water sourcing for operations. Condition WATER-5 should be updated to the text suggested below. "Water supply for operational use shall be groundwater beneath the project property by benefit of the purchase option agreement with the WWD. Should installation of a new groundwater well be necessary, the project owner shall submit materials to the CPM for review and approval. The groundwater production well(s) shall be installed and constructed per applicable California Water Code section, as well as DWR standards presented in bulletins 74-81 and 74-90, as well as applicable FCPWPD well installation requirements."	11-75
Comment on Condition of Certification WATER-6 As described in the application materials, purchase of the Westlands Water District lands for the project will provide water rights to IP Darden, and that water will be used for construction and operations. The water rights include 3,703 acre feet per year (AFY) during construction and 57 AFY for operations. Condition WATER-6 should be updated to the text below so the applicant is not limited to water use that is less than their legal water rights. "Water Use and Reporting. Water supply for project construction and operation shall be groundwater beneath the project property by benefit of the purchase option agreement with the WWD. The project owner shall provide the CPM with a copy of the WWD purchase option agreement after conclusion. The project owner shall record monthly water use for the project construction and operation. If water use during construction may exceed 1,200 AF and operational water use may exceed 40 AFY, the project owner shall notify the CPM and provide information on why additional water supply is required."	11-76
6 Environmental Justice	
No Comments	
7 Public Benefits	
No Comments	
8 Alternatives	
No Comments	

Comment	
9 Compliance Conditions and Compliance Monitoring Plan	
Comment on Condition of Certification COM-1 This condition is unacceptable as written and not in compliance with LORS such as NERC security standards. The condition must be updated as suggested below. "Site Access. The project owner shall provide escorted access to authorized CEC staff. CEC staff may include the CPM, responsible CEC staff, and delegate agencies or consultants that have been formally authorized and approved to access the project site. Access shall be provided to the facility site, related facilities, project-related staff, and the records maintained on site for the purpose of conducting audits, surveys, inspections, or general or closure-related site visits. Site access during construction for the CPM or DCBO may be unescorted if approved by the project owner. CEC staff shall provide 72-hour notice to the project owner prior to site access. The project owner shall accommodate unannounced site access requests when possible. Site access shall be accommodated for CEC staff and representatives during or in response to emergency situations."	11-77
Comment on Condition of Certification COM-2 Update condition COM-2 to state: "The project owner shall maintain electronic copies of all project files and submittals accessible on site, or at an alternative site approved by the CPM, for the operational life and closure of the project. ~~The files shall also contain at least one hard copy of:~~ **Hard copies will be maintained on-site for safety plans, training documentation, and a list of all current COCs, as well as any documentation required by applicable LORs.** ~~1. the facility's Opt-In Application;~~ ~~2. all amendment petitions and CEC orders;~~ ~~3. all site related environmental impact and survey documentation;~~ ~~4. all appraisals, assessments, and studies for the project;~~ ~~5. all finalized original and amended structural plans and "as-built" drawings for the entire project;~~ ~~6. all citations, warnings, violations, or corrective actions applicable to the project, and~~ ~~7. the most current versions of any plans, manuals, and training documentation required by the COCs or applicable LORS."~~	11-78
Comment on Condition of Certification COM-8 Design drawings and facility details must be kept confidential due to considerations of proprietary information, intellectual property, and physical, cyber, and national security. Condition COM-8 must be updated to state: "Any information that the project owner designates as confidential shall be submitted to the Energy Commission's Executive Director with an application for confidentiality, pursuant to Title 20, California Code of Regulations, section 2505(a). Any information deemed confidential pursuant to the regulations will remain undisclosed, as provided in Title 20, California Code of Regulations, section 2501 et seq. **A single application for confidentiality may be submitted for multiple detailed project design drawing submittals that are required by other COCs."**	11-79

Comment	
Comment on Condition of Certification COM-11 This timeline is unreasonable, and the condition should be updated to read: "The project owner shall respond to all recorded complaints within **72 hours or within three business days** ~~24 hours or the next business day~~."	11-80
Comment on Condition of Certification COM-12 The site will have an Emergency Operations Plan as required by FERC, an Emergency Action Plan for both construction and operations, and an Emergency Response Plan for both construction and operations. Having multiple emergency plans may result in confusion and harm during actual emergency situations. Due to condition COM-12 being duplicative of the requirements in WS-1 and WS-2 it is recommended this condition be deleted in its entirety.	11-81
Comment on Condition of Certification COM-13 California ISO Tariff 2.3.3.9.5 requires generating asset owners to report any forced outages to the CAISO. Given CAISO is the appropriate authority with jurisdiction for these notices, it is not necessary to provide notice to the CEC as it falls outside of the commission's authority to monitor compliance for air quality, water quality, and public health and safety. Similarly, onsite injuries, physical incidents, or cyber security incidents do not correlate to air quality, water quality, and public health and safety concerns and should be removed. The first portion of Condition COM-13 should be updated to the text below. The notification requirements portion can remain unchanged. "The project owner shall notify the CPM within one hour after it is safe and feasible, of any incident at the facility that results in any of the following: ~~1. An event of any kind that causes a "Forced Outage" as defined in the CAISO tariff;~~ 1. The activation of onsite emergency fire suppression equipment to combat a fire; 2. Any chemical, gas or hazardous materials release that could result in potential health impacts to the surrounding population; or create an offsite odor issue; and 3. Notification to, or response by, any off-site emergency response federal, state or local agency regarding a fire or hazardous materials release~~, onsite injury, or any physical or cyber security incident~~."	11-82
Comment on Condition of Certification COM-14 The authority granted to the commission under Public Resources Code section 25532 focuses on monitoring a facility's operations primarily for compliance with air quality, water quality, and public health and safety. The requirements in condition COM-14 do not directly relate to these purposes and therefore this condition is unwarranted and unnecessary. Project operation will be coordinated with the transmission provider and CAISO. This condition should be updated to state the following: "If the facility ceases operation temporarily (excluding planned and unplanned maintenance for longer than one week [or other CPM approved date], but less than three months [or other CPM-approved date]), the project owner shall notify the CPM. Notice of planned non-operation longer than three months shall be given at least two weeks prior to the scheduled date. Notice of unplanned non-operation that whas been determined to last longer than three months shall be provided no later than one week after non-operation begins. The notice	11-83

Comment
shall include information on non-operation, activities necessary to restore the facility to operation, the anticipated timeline to return to operation, and a discussion on any potential non-compliance with COC's due to the non-operation. If, after one year from the date of the project owner's notice, the facility does not resume operation or does not provide a plan to resume operation, the Executive Director may assign suspended status to the facility and recommend commencement of permanent closure activities. Within 90 days of the Executive Director's determination, the project owner shall do one of the following: 1. If the facility has a closure plan, the project owner shall update it and submit it for CEC review and approval; or 2. If the facility does not have a closure plan, the project owner shall develop one consistent with the requirements in this Compliance Plan and submit it for CEC review and approval." **10 Mandatory Opt-In Requirements** **Comment on Proposed Finding of Fact #9** The solar tax exclusion sunsets on January 1, 2027, prior to the commercial operation date for the Darden project. Tax experts advising IP Darden, LLC indicate that the Darden Project will pay tens of millions of dollars per year in property taxes, some of which will be allocated to the Fire District in accordance with established allocations for the distribution of taxes to county organizations. It is estimated that $220M in property tax payments will be made over the first 10 years. Other pending projects will also be subject to property taxes, including on future project improvements. For these reasons, item 9 in the Proposed Findings needs to struck and updated based on the information above.

11-84

Attachment 1

Suggested Changes to Conditions of Certification BIO-9 and BIO-13

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BIO-9 Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan. To mitigate for the loss of Swainson's hawk foraging habitat, the project owner shall revegetate and manage on-site vegetation throughout the life of the project in lieu of purchasing offsite compensation lands. The project owner shall submit a Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan to the CPM for review and approval prior to ground disturbance, including pre-construction site mobilization. Revegetation shall be initiated during construction and continue through operation. The plan shall detail the revegetation and long-term management actions necessary to establish and maintain suitable foraging habitat. The two plans included in Items 1 and 2, shall form the Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan.

1. Swainson's Hawk Conservation Strategy. The project shall prepare and implement a Swainson's Hawk Conservation Strategy for the project. The draft Swainson's Hawk Conservation Strategy submitted by the Applicant (RCI 2023hh) shall be submitted for review and revisions and approval from the CPM, in consultation with CDFW. The final plan shall be at least as stringent as the draft Swainson's Hawk Conservation Strategy and approved by the CPM.

2. Foraging Habitat Revegetation and Management Plan. The Project owner shall prepare and implement a Foraging Habitat Revegetation and Management Plan. The draft Vegetation and Management Plan submitted by the Applicant as Appendix D to the Swainson's Hawk Conservation Strategy (RCI 2023hh) shall be submitted for review and revisions and approval from the CPM, in consultation with CDFW. The final plan shall be at least as stringent as the draft Vegetation Management Plan (Appendix D of the draft Swainson's Hawk Conservation Strategy) and approved by the CPM. 11-85

3. Success Criteria. The success criteria for the Swainson's Hawk Conservation Strategy and the Foraging Habitat Revegetation and Management Plan shall be established to ensure the effective restoration and maintenance of suitable habitat. The success criteria shall be included in the Swainson's Hawk Conservation Strategy and the Foraging Habitat Revegetation and Management Plan and shall be at least as stringent as those included by the Applicant in the draft Vegetation Management Plan and draft Conservation Strategy (See Item 1 and 2) above. These include the success criteria for the following: nesting tree survivorship, vegetative cover, invasive species control, and Swainson's hawk habitat use or similar success criteria as approved by the CPM.

4. Reporting. The project owner shall provide annual monitoring reports to the CPM to demonstrate progress toward successful habitat establishment. The reports shall be prepared in coordination with the Designated Biologist. Specific contents and format of the annual report will be reviewed and approved by the CPM. Reporting shall begin upon initiation of pre-construction site mobilization for the previous calendar year and submitted to the CPM. The annual monitoring report shall cover a calendar year.

~~5. Security Release: If the success criteria are met, after 5 years of post construction monitoring, the project owner shall submit a request (in letter or email format) to the CPM for the release of the Security deposit required by **BIO-11**. The documentation that the success criteria have been met shall be included in the annual monitoring report for Year 5, after the start of operation. The CPM shall release the Security upon confirmation that the success criteria have been met based on review of the annual report. The release of the Security shall not be approved until the requirements of **BIO-11**, Item 1 have also been satisfied.~~

~~6. Compensation Lands. If after 5 years of monitoring from start of operation, or alternative date approved by the CPM based on Section 7, below, the success criteria have not been met and the revegetation and management efforts are determined by the CPM, in consultation with CDFW, to be unsuccessful in achieving functional foraging habitat for Swainson's hawk, then the project owner shall acquire and protect off site compensation lands. The compensation lands shall be for~~

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~~2,336 acres as specified in **BIO-11**. The acquisition of compensation lands shall follow the requirements outlined in BIO-13, subsection 1.3. If compensation lands are purchased, the project owner shall follow the requirements outlined in **BIO-11**, Subsection 2.7, for release of the Security~~

5. Remedial Actions. If the success criteria are not met after 5 years of post-construction monitoring, the project owner shall engage a qualified biologist to develop proposed adaptive management actions that will be taken to ensure the success criteria are met. The proposed adaptive management actions shall be reviewed by the CPM, in consultation with CDFW, and approved as appropriate. Following approval, the adaptive management actions shall be implemented by the project owner until the success criteria are met.

6. Independent Research Program Final Report. The Project's Vegetation Management Plan includes an independent research program to confirm the efficacy of the proposed conservation strategy and vegetation management plan, inform adaptive management procedures, and establish standard procedures for habitat management on renewable energy projects in the Central Valley. To ensure the Project contributes to scientific knowledge regarding management of Swainson's hawk habitat on Central Valley renewable energy project sites, the independent research program shall produce a publicly available final report analyzing the efficacy of the project's conservation strategy and vegetation management plan and providing management recommendations for maintenance of Swainson's hawk habitat on Central Valley renewable energy project sites.

~~7. The project owner may request an extension of time to meet the success criteria if environmental factors, such as drought conditions, unforeseen ecological challenges, or other relevant constraints, impede the successful establishment of functional foraging habitat. The extension request shall be submitted to the CPM and must include supporting data demonstrating the need for additional time to meet the success criteria. The request shall be reviewed by the CPM, in consultation with CDFW, and approved as appropriate.~~

Verification: No fewer than 60 days prior to the start of pre-construction site mobilization the project owner shall submit to the CPM, for review and approval, a draft Swainson's Hawk Conservation Strategy and a draft Foraging Habitat Revegetation and Management Plan to be included the Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan (Plan). The Plan shall be finalized prior to the start of ground disturbance. The project owner shall submit the annual monitoring reports to the CPM for review within 30 days after the end of each reporting period.

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BIO-13 Burrowing Owl Habitat Compensation. To mitigate for impacts to burrowing owl, the project owner shall cease all discing of the Project site and implement the Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan required pursuant to COC BIO-9. These requirements shall be implemented in lieu of providing Habitat Management lands or purchasing burrowing owl credits in an approved mitigation or conservation bank and are expected to enhance burrowing owl habitat and provide significantly improved burrowing owl nesting conditions on the Project site. Burrowing owl use of the Project site shall be monitored for the first five years following the completion of Project construction. If, at the end of the five-year monitoring period, burrowing owl presence on the Project site has been maintained or increased relative to that identified in Project site surveys conducted in 2022-2025 as determined by a Qualified Biologist, the project would be required to provide for the permanent protection of 100 acres of offsite burrowing owl habitat. If burrowing owl presence on the site has not been maintained or increased after the initial five-year monitoring period, the project would be required to provide for the permanent protection of 200 acres of offsite burrowing owl habitat. The Applicant shall be required to provide for offsite burrowing owl habitat acquisition and management as follows:

1. Habitat Management Land Acquisition for Burrowing Owl. To meet this requirement, the project owner shall either purchase a minimum of 100 or 200 acres of burrowing owl or other mitigation or conservation bank credits approved in advance by the CPM pursuant to the Burrowing Owl Credits (subsection 1.2, below) or shall provide for both the permanent protection and management of 100 or 200 acres of Habitat Management (HM) lands pursuant to the Habitat Management Lands Acquisition and Protection (subsection 1.3, below) and the calculation and deposit of the management funds pursuant to the Endowment Fund Condition of Approval (subsection 1.4, below). Purchase of burrowing owl credits or permanent protection and funding for perpetual management of HM lands must be complete ~~before starting pre-construction site mobilization~~within six months following the end of the five-year monitoring period described above, or within 24 months of ~~the pre-construction site mobilization~~the end of the monitoring period if Security is provided pursuant to the Security (Section 2, below) for all uncompleted obligations. 11-86

   1.1. Cost Estimates. For the purposes of determining the Security amount, the estimated cost is sufficient for the CPM or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:

      1.1.1. Land acquisition costs for HM lands identified in Habitat Management Lands Acquisition and Protection (subsection 1.3, below), estimated at $2318.00/acre for 200 acres: $463,600.00. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements.

      1.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conservation Easement (subsection 1.3.2, below): $268,600.00.

      1.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Start-up Activities (subsection 1.3.6, below), estimated at $74,890.00.

      1.1.4. Interim management period funding as described in Interim Management (Initial and Capital) (subsection 1.3.7, below), estimated at $196,512.00.

      1.1.5. Long-term management funding as described in Endowment Fund (subsection 1.4, below), estimated at $683,515.00.

      1.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions,

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expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Reimburse CDFW (Section 1.5, below), estimated at $12,000.00.

1.1.7. All costs associated with the CPM engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work $42,000.00.

1.2. Burrowing Owl Credits. If the project owner elects to purchase credits to complete burrowing owl compensatory mitigation obligations, then the project owner shall purchase 100 or 200 acres of burrowing owl credits from a mitigation or conservation bank approved in advance by the CPM within six months following the end of the five-year monitoring period described above~~prior to initiating pre-construction site mobilization~~, or no later than 24 months from the start of the end of the monitoring period ~~pre-construction site mobilization~~, if Security is provided pursuant to the Security Condition of Approval below. Prior to purchase of credits, the project owner shall obtain CPM approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. The project owner shall submit to the CPM a copy of the Bill of Sale(s) and Payment Receipt ~~prior to initiating pre-construction site mobilization or within 24 months from the start of pre-construction site mobilization if Security is provided~~confirming the purchase of credits.

1.3. Habitat Management Lands Acquisition and Protection. If the project owner elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the project owner shall:

1.3.1. Fee Title. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, the CPM, in consultation with CDFW, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended;

1.3.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in the CPM's discretion, in consultation with CDFW, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Project owner shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by the CPM, in consultation with CDFW, unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

1.3.3. HM Lands Approval. Obtain CPM written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased

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or property interest conveyed to an approved entity as mitigation for the project's impacts on burrowing owl;

1.3.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CPM for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of the CPM and if applicable, the Wildlife Conservation Board and the Department of General Services;

1.3.5. Land Manager. Designate both an interim and long-term land manager approved by the CPM. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. The land manager shall prepare a draft management plan for CPM review and written approval as part of the HM lands acquisition process. The project owner shall notify the CPM of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of the CPM in consultation with CDFW;

1.3.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by the CPM. Start-up activities include, at a minimum: (1) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (2) developing and transferring Geographic Information Systems (GIS) data if applicable; (3) establishing initial fencing; (4) conducting litter removal; (5) conducting initial habitat restoration or enhancement, if applicable; and (6) installing signage;

1.3.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by the CPM. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.

The project owner shall either (1) provide Security to the CPM for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by the CPM to pay the land manager annually in advance, or (3) establish a short-term enhancement account with the CPM or a the CPM approved entity for payment to the land manager.

1.4. Endowment Fund. If the project owner elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the project owner shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in condition, the conservation easement, and the final management plan approved by the CPM. After obtaining CPM approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term

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management fund (Endowment). The Endowment is a sum of money, held in a CPM-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this condition of certification, the conservation easement, and the management plan required by Land Manager (Section 1.3.5). Endowment as used in this condition of certification shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this Condition of Certification, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, the project owner shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this condition of certification, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

1.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either the CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.

The project owner shall submit to the CPM a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).

Within thirty days of the CPM's receipt of the project owner's written proposal, the CPM shall inform the project owner in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If the CPM does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).

1.4.2. Calculate the Endowment Funds Deposit. After obtaining the CPM's written approval of the HM lands, long-term management plan, and Endowment Manager, the project owner shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The project owner shall submit the CPM for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.

1.4.2.1. Capitalization Rate and Fees. The project owner shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.

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1.4.2.2. Endowment Buffers/Assumptions. The project owner shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

1.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

1.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.

1.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and the CPM.

1.4.3. Transfer Long-term Endowment Funds. The project owner shall transfer the long-term endowment funds to the Endowment Manager upon CPM approval of the Endowment Deposit Amount identified above.

1.4.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the burrowing owl but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this condition of certification, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CPM in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.

Notwithstanding Probate Code sections 18501-18510, if the CPM, in consultation with CDFW, determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from the CPM. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CPM's decision to make such an expenditure.

1.5. Reimburse CDFW. The project owner shall reimburse CDFW for all reasonable costs incurred by CDFW related to transfer of HM lands to CDFW, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

2. Security: ~~The project owner may proceed with Burrowing Owl Exclusion Activities only after the project owner has ensured funding (Security) to complete any activity required by Habitat~~

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~~Management Land Acquisition (subsection 2.7) that has not been completed before Covered Activities begin. The project owner shall provide Security~~If required, the Security described in these measures shall be provided as follows:

2.1. Security Amount. The Security shall be in the amount of $1,741,117.00 or in the amount identified in Cost Estimates (Section 1.1, above) specific to the obligation that has not been completed. This amount is determined by the CPM based on the cost estimates sufficient for the CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

2.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (template to be provided by the CPM upon request), or another form of Security approved in advance in writing by the CPM, in consultation with CDFW.

~~2.3. Security Timeline. The Security shall be provided to CPM before starting preconstruction site mobilization.~~

2.4. Security Holder. The Security shall be held by the CPM or in a manner approved in advance in writing by the CPM

2.5. Security Transmittal. The project owner shall transmit security to the CPM by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

2.6. Security Drawing. The Security shall allow the CPM to draw on the principal sum the CPM, in its sole discretion, determines that the project owner has failed to comply with the conditions of certification for burrowing owl (i.e. **BIO-12** and **BIO-13**)

2.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the project owner after the CPM has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by one of the following ~~either~~:

Credit Purchase

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of burrowing owl credits.

Habitat Management Land Acquisition

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements; and
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment.

Documentation Success Criteria Have been Met

- Written documentation from a Qualified Biologist confirming burrowing owl presence on the Project site has been maintained or increased following the end of the five-year monitoring period, relative to that identified in Project site surveys conducted in 2022-2025,

3. Even if Security is provided, the project owner must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 24 months following the end of the five-year monitoring period described above~~from the start of pre-construction site mobilization~~.

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The project owner shall provide Security in the amount of $1,741,117.00 in the form of an irrevocable letter of credit or another form of Security approved to the CPM ~~prior to the start of construction~~within 30 days following the end of the five-year monitoring period described above.

Verification: The project owner shall implement the Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan and monitor for five years. If success criteria are not met, the project owner shall provide Security in the amount of in the form of an irrevocable letter of credit or another form of Security approved to the CPM ~~prior to the start of pre-construction site mobilization~~, or the project owner may alternatively submit to the CPM a copy of the Bill of Sale(s) and Payment Receipt ~~prior to initiating pre-construction site mobilization or within 24 months from issuance of the pre-construction site mobilization if Security is provided~~.

Response to Commenter 11 - Becky Moores, Intersect Power

Response to 11-1. Staff has revised Table 3-3 to address this comment. See **Section 3, Revisions to Staff Assessment** for the revised text.

Response to 11-2. In response to the applicant's comment, staff revised COC **GEN-3** to include the project owner in the fee negotiation process. The updated text, which can be found in **Section 3, Revisions to Staff Assessment**, now states that if the CEC delegates the delegate chief building official (DCBO) function to a third party or local agency, the project owner, at the CEC's direction, shall make payments directly to the DCBO based upon a fee schedule negotiated between the CEC, the project owner, and the DCBO.

Response to 11-3. In response to the applicant's comment, staff revised COC **GEN-4** to allow the assignment of a qualified construction project manager, in addition to a registered architect or engineer, as the Resident Engineer (RE) when appropriate. The revised condition, which can be found in **Section 3, Revisions to Staff Assessment**, clarifies that licensure is not required if the RE's responsibilities do not involve design or engineering decisions. Language referring to the RE and delegated personnel was also updated to reflect this flexibility.

Response to 11-4. In response to the applicant's comment, staff revised COC **GEN-5** to remove references requiring the responsible engineers to be present on-site during construction. The revised condition can be found in Section 3, Revisions to Staff **Assessment**.

Response to 11-5. In response to the applicant's comment, staff revised COC **GEN-7** to clarify that only significant discrepancies in design or construction require DCBO review and approval. Minor discrepancies, such as typographical errors or minor in-field adjustments that do not materially affect the design or construction, do not require DCBO approval. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-6. In response to the applicant's comment, staff revised COC **CIVIL-2** to replace "resident engineer" with "resident engineer or delegate" for consistency with updates made to COC **GEN-4**. Revised COC **CIVIL-2** can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-7. In response to the applicant's comment, staff revised COC **MECH-2** to clarify that the condition applies only to permanent HVAC and refrigeration systems. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-8. In response to the applicant's comment, staff revised COC **ELEC-1** to reflect voltage levels applicable to a PV/BESS facility. References to 13.1 kilovolt (kV) and 4.16 kV systems were replaced with 34.5 kV to align with the actual electrical

configuration of the project. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-9. Our staff has specifically requested the Master drawing list for the project substation. This request is, therefore, required to remain in the COCs.

Response to 11-10. Our staff has specifically requested the Master drawing list for the project substation and other electrical facilities. This request is, therefore, required to remain in the COCs.

Response to 11-11. In response to the applicant's comment, staff has deleted COC **TSE-3** as this condition is covered in COC **GEN-7**. Deletion of the condition is shown in **Section 3, Revisions to Staff Assessment**.

Response to 11-12. This is a specific requirement for the applicant to follow up with California Independent System Operator (ISO) to interconnect the project to the grid with tests. The CEC staff should be informed about the synchronization test results and whether the project has been successfully interconnected. Staff therefore declines to revise this proposed COC as requested by the applicant.

Response to 11-13. All plans, including the Helicopter Code of Safe Practices plan, that are listed in any COC (including **WORKER SAFETY-2**) are required to be submitted before commencing either construction or operations and be reviewed and approved by the CPM. This applies to every plan regardless of if it is ultimately used or not. This is a standard procedure at the Energy Commission and allows time for the CPM to allocate technical staff resources in reviewing and approving plans. Staff therefore declines to revise this proposed COC as requested by the applicant.

Response to 11-14. Staff understands the request by the applicant to remove the requirement for a Safety Monitor from COC **WORKER SAFETY-4**, stating that one is not necessary and/or is redundant. Besides the Construction Safety Supervisor, there would be no other occupational safety and health professional on the site. The CPM is not trained in or familiar with worker safety and health matters and neither are the members of the DCBO staff. The safety monitor would be an on-site addition that the Energy Commission has found to be extremely necessary and useful in enhancing worker safety and health and in preventing injuries, accidents, spills, and even deaths. Staff hopes that the applicant views this addition in a positive light as an extra "set of eyes" to bolster occupational safety and health during the construction of the state's largest solar field and BESS. Staff therefore declines to revise this proposed COC as requested by the applicant.

Response to 11-15. There appears to be a small misunderstanding regarding the requirement for lock out/tag out of certain electrical components in the solar field in COC **WORKER SAFETY-6**. However, staff agrees with the applicant's proposed clarification and addition and has revised COC **WORKER SAFETY-6** accordingly. The revised condition is provided in **Section 3, Revisions to Staff Assessment**.

Response to 11-16. Regarding COC **WORKER SAFETY-7**, the applicant raises some valid points about the water supply and the difficulty of providing a fire water loop and hydrants to the BESS facility. In an effort to reflect the difficult restrictions of the site mentioned by the applicant (i.e., no public water system that could support a water main), staff has revised proposed **WORKER SAFETY-7** to remove the requirement for hydrants and to ensure a fire water flow of not less than 1500 gallons per minute. The revised condition is provided in **Section 3, Revisions to Staff Assessment**.

Response to 11-17. The applicant suggests that the AED training program requirement found in COC **WORKER SAFETY-10** be removed and placed instead in COC **WORKER SAFETY-2**. Although that may reasonably reflect the applicant's sense of organization, CEC staff has found that no confusion or redundancy has been expressed by numerous other applicants who must comply with this COC which has been frequently imposed and has been a CEC standard requirement over the past two decades. Staff therefore declines to remove this proposed requirement.

Response to 11-18. Staff disagrees with the applicant's proposed revisions to COC **WORKER SAFETY-11** and declines to revise the proposed condition. It is the employer's duty under the California Labor Code and the Federal Occupational Safety and Health Act of 1970 to provide and require personal protective equipment.

Response to 11-19. Staff does not agree with the removal of COC **WORKER SAFETY-12**, which addresses mitigation for both direct and cumulative impacts to the FCFPD. Staff disagrees that the "Mitigation Fee Act" applies to the Energy Commission determining a CEQA-required mitigation, and that a formal Nexus Study is required of the Energy Commission. Staff has provided a rationale for mitigation, a description of direct project impacts, and a list of cumulative projects that would impact the ability of the FCFPD to respond to a fire, EMS, or rescue situation at the Darden site. Staff has added additional analysis regarding response times and impacts on the fire protection services. Further, staff has revised **WORKER SAFETY-12** to remove the FCFPD cost allocation methodology. The revised analysis and condition is provided in **Section 3, Revisions to Staff Assessment**.

Response to 11-20. The staff agrees with modifying proposed COC **AQ-SC3** to require demonstration that a deviation would not result in a new or increased environmental impact. The requested edit has been made. The revised condition is provided in **Section 3, Revisions to Staff Assessment**.

Response to 11-21. The staff agrees with modifying proposed COC **AQ-SC5** to require demonstration that a deviation would not result in a new or increased environmental impact. The revised condition is provided in **Section 3, Revisions to Staff Assessment**.

Response to 11-22. Staff does not agree with the suggested deletion of CEC approval of the voluntary emissions reduction agreement (VERA). CEC's certificate is in lieu of other state laws and other permitting requirements, including those of the SJVAPCD.

CEC does have the authority to approve the VERA. However, CEC would work with the SJVAPCD for the approval of the VERA. No revisions have been made.

Response to 11-23. Staff does not agree with the proposed revisions regarding limits proposed in Condition of Certification **AQ-11**. The emission limits referenced in the condition were obtained from South Coast Air Quality Management District's (SCAQMD) certified internal combustion (IC) engines list. The current engines proposed would be certified and should have no issue meeting these limits in this COC. The emission factors referenced in the applicant's comment are for natural gas-fired IC engines, which are not representative of the proposed engines fired with liquid petroleum gas (LPG)/propane. No revisions have been made.

Response to 11-24. Staff does not agree with the proposed revisions to COC **AQ-15**. This condition, which is a definition, will remain as it is important to specify what is an emergency situation as these IC engines are emergency standby IC engines. If this condition was not included, there would be ambiguity in the definition of an emergency situation. In addition, COC **AQ-14** mainly focuses on the operation hour limit during maintenance, testing, and required regulatory purposes. COC **AQ-15**, as a separate condition, provides a clearer definition of emergency situations. Therefore, **AQ-15** should remain distinct and not be combined with **AQ-14**. No revisions have been made.

Response to 11-25. Staff agrees with the comment. In response to the applicant's comment please see revisions to **Section 5.2, Biological Resources**. The revisions, which are specified in **Section 3, Revisions to Staff Assessment**, note that the generation intertie-line corridor does not span Cantua Creek, but would be located 200 feet to the north of Cantua Creek.

Response to 11-26. Staff agrees with the comment. In response to the applicant's comment, please see revisions to **Section 5.2, Biological Resources**. The revisions, which are specified in **Section 3, Revisions to Staff Assessment**, remove reference to crop types (tomato and garlic) and correctly note the location of the gen-tie crossing of Cantua Creek. However, staff was unable to locate any references to crop types on page 5.12-15 as stated in commenter's letter, therefore no revisions were made to page 5.12-15.

Response to 11-27. Staff agrees with the comment. In response to the applicant's comment, please see editorial revisions to **Section 5.2**, **Biological Resources** to reference the most recent location of land cover data in the opt-in application. The revisions are specified in **Section 3, Revisions to Staff Assessment**.

Response to 11-28. Staff agrees with the applicant's comment in part. In response to the applicant's comment, please see editorial revisions to **Section 5.2**, **Biological Resources, Sections 5.2.1 and 5.2.2.2, and References, Section 5.2.7** to provide clarification on potential discharges to agricultural ditches as part of the project t. The revisions are specified in **Section 3, Revisions to Staff Assessment**. Staff has not added "No Mitigation" to the end of the statement "Less than Significant with No

Mitigation" as requested by the applicant. Staff has instead stated "Less than Significant".

Response to 11-29. Staff agrees with the comment. In response to the applicant's comment, please see editorial revisions to **Section 5.2, Biological Resources** to provide clarification on location of aquatic features along the downstream network upgrades. The revisions are specified in **Section 3, Revisions to Staff Assessment**.

Response to 11-30. Staff agrees with the comment and proposed changes. In response to the applicant's comment, please see revised **Figure 5.2-2**. The revised figure is provided in **Section 3, Revisions to Staff Assessment**, page 5.2-10.

Response to 11-31. The commenter does not specify the species of concern for the comment, nor is there a page numbered 5.2-1A. To address this comment, staff reviewed pages 5.2-22 and 5.2-51 and assume the comment refers to "recurved larkspur". Staff found a single reference to Scenario 2 fiber line in the table row that corresponds to "recurved larkspur," cross-referenced it to applicant's August 20, 2024 submission (TN 258574), page C-3, and corrected an error found on pages 5.2-22 and 5.2-51. Please see editorial revisions to **Section 5.2, Biological Resources** as specified in **Section 3, Revisions to Staff Assessment** to clarify the location of recurved larkspur along the downstream network upgrades.

The commenter also requested clarification regarding the use of the year "2024" in reference to California Natural Diversity Database (CNDDB) records, noting potential for confusion. Staff confirmed there are no CNDDB records from 2024 cited on page 5.2-22. However, under "Recurved Larkspur (*Delphinium recurvatum*) (page 5.2-51 of **Section 5.2, Biological Resources**, there is a reference to "CNDDB (2024)"). As specified in **Section 3, Revisions to Staff Assessment**, Staff has revised the text on page 5.2-51 to clarify that the year 2024 refers to the date of the CNDDB database search, not the date of the original species observations.

In **Section 5.2, Biological Resources**, staff made further clarifying edits to page 5.2-22 based on the applicant's materials submitted through multiple filings with Data Request Response Set 6. Those clarifying edits are specified in **Section 3, Revisions to Staff Assessment** to note the correct potential to occur for recurved larkspur along the downstream network upgrades.

Response to 11-32. The commenter does not specify the species of concern for the comment, nor is there a page numbered 5.2-1A. However, staff's Table 5.2-1A mentions "Salt Creek" with respect to Indian Valley bush-mallow, and staff has made brief clarifying revisions to page 5.2-25 to note the correct potential to occur for Indian Valley bush-mallow along the downstream network upgrades. The revisions are specified in Section 3, Revisions to Staff Assessment. The only other reference to Salt Creek is in **Section 5.2, Biological Resources**, page 5.2-7, "Seven intermittent riverine features mapped in the NWI were identified within the three alternative fiber line study areas and the Cantua Substation study area. These include Los Gatos Creek,

Domengine Creek, Martinez Creek, Salt Creek, Cantua Creek, and two unnamed drainages" (RCI 2024cc). Staff has confirmed the information is correct; no further revisions were made.

Response to 11-33. Please see **Response to 11-34**.

Response to 11-34. Staff acknowledges the applicant's position that, in their view, there is no suitable habitat for blunt-nosed leopard lizard (BNLL) within the project site and the PG&E utility switchyard (BAAH kV switchyard), and the characterization of nearby lands west of the project as marginally suitable. Staff also acknowledges the applicant's review of CNDDB records, iNaturalist observations, and reference to the USFWS Species Status Assessment regarding BNLL dispersal abilities.

Page 5.2-130 of **Section 5.2 Biological Resources** includes the following statement: "Therefore, PG&E does not have take authorization under the federal ESA or CESA for blunt nosed leopard lizard so full avoidance of take is necessary. If project activities may result in take under ESA or CESA, PG&E may need to coordinate with the USFWS and CDFW to obtain separate incidental take authorization, if required…".

Staff, in coordination with CDFW and USFWS, determined that the potential for blunt nosed leopard occurrence cannot be entirely ruled out and that the approach outlined in the Staff Assessment remains appropriately conservative, given the species' federal and state endangered and fully protected status.

Staff coordinated with the appropriate resource agencies throughout development of the Staff Assessment, pursuant to staff's responsibilities in assessing compliance with applicable laws, ordinances, regulations, and standards (LORS), including the Fresno County General Plan **Policy OS-E.1** (**Section 5.2, Biological Resources** page 5.2-80). While staff appreciates the applicant's differing perspective, no changes were made to staff's analysis or the corresponding MM (Mitigation Measure), which is now also included as **SWITCH BIO-1.** Revisions have been made to **SWITCH BIO-1** include the addition of a "Verification" as well as administerial measures for blunt-nosed leopard in lizard in the conditions of certification for the project.

Response to 11-35. Staff acknowledges the applicant's request to revise the California tiger salamander description for consistency with Table 5.2-1B. Staff reviewed the discussion on pages 5.2-31 and 5.2-57 through 5.2-58 and 5.2-31 of **Section 5.2, Biological Resources** of the Staff Assessment, and, as discussed below, finds that the analysis is consistent with the information presented in Table 5.2-1B.

Staff maintains that the analysis within **Section 5.2, Biological Resources** is consistent with best available scientific information, literature reviews, and coordination with resource agencies, as noted in **Section 5.2, Biological Resources**. The analysis states that the potential for presence of California tiger salamander is low (pages 5.2-57 through 5.2-58), given the suitability of habitat present (few water impoundments – natural or otherwise) and grasslands. Staff also has determined that the recommended

mitigation, based on PG&E's Standard Construction Measures and included as **Mitigation Measure BIO-20** (**MM BIO-20**) is appropriate (**Section 5.2, Biological Resources**, page 5.2-131) to address the low potential for occurrence given the scattered and largely inaccessible nature of suitable habitat and avoid take if individual California tiger salamander are unexpectedly encountered during construction. This would ensure compliance with the federal ESA or CESA.

Response to 11-36. Staff does not agree that the California horned lark description on the identified pages should be revised. Based on review of the applicant's Biological Resources Assessment (Appendix C, TN 258574), California horned lark was identified as having high potential to forage and nest within the Scenario 2 and Scenario 3 Fiber Line study areas. It is not described as having low potential in Scenario 2 or Scenario 3 for nesting or foraging. The comment stating that likelihood of occurrence for California horned lark should indicate "low potential" in Scenario 2 and Scenario 3 does not match the biological resources assessment. Page 5.2-37 (Table 5.2-1B) **Section 5.2, Biological Resources** lists California horned lark as having moderate nesting potential, with "suitable agricultural fields for foraging and open bare ground for nesting at the margins of agricultural fields and groves." Therefore, no revisions were made in response to the comment.

Response to 11-37. Staff acknowledges that the applicant's revisions to proposed COC BIO-8 would allow a Qualified Biologist to establish species-specific buffers, typically 200 to 500 feet for common raptors and 30 to 50 feet for common passerines, based on site conditions.

However, staff's discussion of nest buffers in the Staff Assessment reflects the requirements of Fresno County General Plan Policy OS-E.19, which establishes minimum buffer distances of 250 feet for non-raptor species and 500 feet for raptor species, unless a qualified biologist determines that a smaller buffer is appropriate. The buffer included in staff's recommended COC **BIO-8**, was developed to ensure consistency with applicable LORS, including Fresno County General Plan, Policy OS-E.19, page 5.2-81 through 5.2-82, **Section 5.2, Biological Resources**. Staff revised page 5.2-109 to reflect the applicant's proposed buffer distances and included additional discussion to explain that staff's recommended buffers ensure conformance with LORS. The revisions are specified in **Section 3, Revisions to Staff Assessment**.

Response to 11-38. Staff agrees with the comment, and revised page 5.2-108 of **Section 5.2 Biological Resources** to clarify that mountain plover is a winter migrant and does not breed in the project vicinity. The revisions are specified in **Section 3, Revisions to Staff Assessment**.

Response to 11-39. Staff agrees with the comment and revised page 5.2-112 of **Section 5.2 Biological Resources** to change "Strategy" to "Security" in "Swainson's Hawk Conservation Easement and Revegetation Strategy". The revisions are specified in **Section 3, Revisions to Staff Assessment**.

Response to 11-40. Staff agrees with the comment and revised page 5.2-114 of **Section 5.2, Biological Resources** to reference the COC for burrowing owl (**BIO-12**) instead of Swainson's hawk (**BIO-11**). The revisions are specified in **Section 3, Revisions to Staff Assessment**.

Response to 11-41. Staff disagrees with the comment and proposed changes. Staff continues to find the applicant's summary of the available literature does not accurately characterize the risk of avian mortality due to the project's operational effects, as first noted in the Staff Assessment on page 5.2-44. The comment states that "there has been no report or evidence of large-scale avian fatality events at any PV solar project, and if avian carcasses are discovered, it is typically a single individual detection."

Staff notes that even the detection of single mortality, if a special status species with death or injury attributable to the project, constitutes take under state law and may constitute take under federal law. Staff further notes that due diligence was performed by undertaking coordination with USFWS, who recommended that avian (and bat) mortality be monitored. No new evidence has been introduced to change staff's conclusions or contradict the USFWS. Therefore, no revisions were made to the Staff Assessment based on this comment.

Response to 11-42. Staff disagrees with the comment and proposed removal of noise impact mitigation. The full context of the operational noise analysis (p. 5.2-148) is that the impacts are considered "less than significant with mitigation incorporated" not less than significant without mitigation.

While some mobile animals may disperse in response to operational noise, those with nests or young (e.g., nesting birds, including Swainson's hawk or burrowing owl) have limited mobility and could still be adversely affected. The referenced conditions: **NOISE-4** (now, COC **NOISE-3**), **BIO-10**, **BIO-12**, **BIO-15**, and **BIO-16**, are still considered appropriate to ensure that noise impacts are reduced to less than significant levels. Staff also revised page 5.2-148 of **Section 5.2 Biological Resources** to provide clarification regarding potential impacts from operational noise. The revisions are specified in **Section 3, Revisions to Staff Assessment**.

Response to 11-43. Staff agrees with the comment and has reviewed available literature (Audubon 2016 and eBird 2025), and coordinated with CDFW, which generally supports the information provided. Staff agree to modify the survey window to March 15 to August 31. Please see revisions made to **Section 5.2, Biological Resources**, pages 5.2-109 and COC **BIO-8**. The revisions are specified in **Section 3, Revisions to Staff Assessment**.

Response to 11-44. Staff agrees with the proposed changes to COC **BIO-7**. Please see the strikethrough edits in COC **BIO-7**, Item 24. The revision was made since duplicative adaptive measures are already addressed in **Section 5.2, Biological Resources,** COC **BIO-8** item 5. The revised condition can be found in Section 3 (Revisions to Staff Assessment).

Response to 11-45. Staff disagrees with the proposed change. Requiring two pre-construction nesting bird surveys, separated by a minimum 10-day interval, is appropriate to ensure full compliance with the California Fish and Game Code Sections 3503 and 3503.5, and to protect nesting birds during site preparation and construction activities.

Conducting two surveys provides an opportunity to detect new nesting activity that may establish between survey efforts, especially for species that may initiate nests rapidly. The first survey is conducted 10 to 14 days before construction to identify any early nesting and allow time to cover large or complex sites. The second survey is conducted within 3 days helps detect any new nesting activity that may have begun since the initial survey. This approach reflects current best practices applied to similar energy projects with similar biological resources. Staff notes that the applicant did not provide any examples of industry standards where a single pre-construction survey is deemed sufficient for large-scale infrastructure projects involving sensitive biological resources. Therefore, no revisions were made to Condition of Certification **BIO-8** based on this comment.

Response to 11-46. Staff disagrees with the applicant's proposed edits to COC **BIO-9** (Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan). This response addresses the applicant's various proposed edits to staff's recommended COC **BIO-9**. Staff's recommended mitigation is clearly laid out in the staff assessment and justified and prepared in coordination with CDFW. Pursuant to CEQA, the applicant must provide substantial evidence, typically scientific or technical, demonstrating that the mitigation measure is not necessary or disproportionate to the environmental impact. In addition, the mitigation must also be shown to be ineffective, infeasible, or unrelated to the impact. The applicant has not provided such evidence.

Staff has determined that the recommended mitigation measures, as included in COC **BIO-9**, are necessary to satisfy the legal standard under the California Endangered Species Act (CESA) to fully mitigate impacts to Swainson's hawk, a state-listed threatened species. When an incidental take of a CESA listed species (like Swainson's hawk or candidate species burrowing owl) is anticipated and unavoidable, an Incidental Take Permit (ITP) must be obtained from CDFW. This requires a detailed mitigation plan that demonstrates full mitigation of impacts that includes habitat compensation for loss of habitat. In this case, pursuant to the CEC's in-lieu authority under the Warren-Alquist Act, the permit would be issued as part of a CEC's certification process.

Pursuant to CESA, the "fully mitigate" standard must be met. The applicant states that the Independent Research Program (**BIO-9**, Item #6) would contribute to the scientific understanding of Swainson's hawk use of solar projects and should be sufficient to satisfy the "fully mitigate" standard in lieu of or as a substitute for off-site compensatory mitigation. Research alone, as proposed, does not constitute mitigation for take or replace animals lost to take, as defined under CESA. Species Minimization and Mitigation is required to meet this standard thus habitat and species are required to be protected in perpetuity to meet the fully mitigate standard. Habitat that supports

listed species should be protected in perpetuity, which is the standard approach used in CDFW Region 4 for a variety of species.

To explain a bit further, while protocol-level surveys and monitoring are part of determining the presence or absence of a species and are a component of CEQA compliance, they are not sufficient on their own to satisfy the requirements for an ITP under the CESA. Conformance with CESA requires avoidance, minimization, and full mitigation of take, including compensatory habitat for habitat loss.

The applicant's proposed COC **BIO-9**, Item #5: Remedial Actions, would allow for adaptive management and include an extended timeframe to achieve revegetation success. However, within the framework of CESA, and taking into account the applicant's proposed five-year timeframe in their draft Swainson's Hawk Conservation Strategy as well as site constraints such as poor soils, staff has already incorporated flexibility into COC BIO-9, Item #7. This condition would allow the project owner to request an extension of time to meet habitat success criteria if environmental conditions or site-specific challenges delay progress.

These provisions were specifically designed to balance the need for enforceable mitigation with the applicant's financial and ecological considerations. The applicant's proposal to delete this provision would eliminate a key mechanism for ensuring that mitigation obligations are met if success criteria are not achieved. Therefore, staff rejects these proposals, and no edits were made based on the applicant's comments on **BIO-9**.

Mitigation, pursuant to CEQA Guidelines, section 15370, includes: a) avoiding the impact altogether by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree of magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and e) compensating for the impact by replacing or providing substitute resources or environments.

In the case of Swainson's hawk, staff developed a compensatory ratio of 0.25:1, based on the potential for habitat uplift from the applicant-proposed revegetation plan and the baseline characteristics of the site, as described in **Section 5.2, Biological Resources**. Therefore, staff has fully considered the applicant's proposed Conservation Strategy and incorporated its elements into staff's recommended Condition of Certification **BIO-9**, determining that it fully mitigates impacts pursuant to both CESA and CEQA.

Staff disagrees with the applicant's proposal to apply the 0.25:1 mitigation ratio to the approximately 4,818 acres they characterize as "permanent impacts," resulting in a proposed compensatory mitigation requirement of 1,205 acres. Staff finds that the 4,818-acre figure misrepresents the extent of impacts. The calculation of 4,818 acres of impacts was described in Section 5.2, Biological Resources, page 5.2-96, applies when

PV panels are nearly horizontal, potentially representing a worst-case scenario of occluding habitat from aerial foraging raptors (such as Swainson's hawk), should the species forage over the site. Because this estimate is based solely on proprietary research filed under confidential cover, and given the limited utility of the papers and weight afforded to that research in staff's analysis, staff feels it inappropriate to further constrict the limits of compensatory mitigation. Staff continues to find it appropriate to apply the 0.25:1 to 9,345 acres, which represent the temporary and permanent impacts to jurisdictional components of the project site. No revisions to the Staff Assessment have been made in response to this comment.

Response to 11-47. In response to the applicant's comment on Condition of Certification **BIO-12** Burrowing Owl Impact Avoidance, Minimization, and Take Mitigation Measures, staff have addressed the following:

Item 1: Staff has revised the definition of a "potential burrowing owl burrow" on page 5.2-207, **Section 5.2, Biological Resources** of the Staff Assessment to include reference to additional burrowing owl-preferred habitat elements (e.g., topography, vegetation height, and proximity to foraging resources/prey). The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Item 6a: Staff does not agree to the request to remove avoidance requirements for potential burrowing owl burrows. While the loss of unoccupied habitat may not constitute take under CESA if it does not result in direct mortality or reproductive suppression, the presence of suitable burrows, even if not currently or historically confirmed as occupied, requires a precautionary approach. Relying solely on a lack of evidence of current or past use, without implementing the survey approach outlined in the CDFW guidance, is not sufficient to rule out potential impacts. Therefore, staff maintains that avoidance of potentially suitable burrows remains appropriate unless and until absence can be confirmed through surveys consistent with the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012).

Staff notes that the last known protocol-level surveys conducted by the applicant occurred as follows: burrowing owls were detected during reconnaissance surveys conducted in December 2022 and March 30, 2023 (RCI 2023rr) and during the site inspections conducted from February and June 2023 (RCI 2023rr). In addition, the applicant noted they had conducted non-breeding season surveys starting in November 2024 through January 2025 however have not provided the results of these surveys to staff (IP 2024s) (page 5.2-62). Based on these survey results and past positive detections, the area is considered occupied by burrowing owl and all burrows or a-typical burrows of suitable size should be considered potentially occupied. Also, burrowing owl burrows that were used for nests/nesting are prohibited from take per Fish and Game Code, sections 3503 and 3503.5, as it is unlawful to needlessly destroy a nest or eggs of any bird. In this case, a nest is not qualified by being "active", rather, this code covers nests broadly and of any stage (new, active, old, or partly constructed). That said, a burrow loss that was a new, active, old, partly constructed, failed, successful, or otherwise a nest, is still a nest and destroying such nest/burrow

would not be lawful per Fish and Game Code, sections 3503 and/or 3503.5. No revisions were made to the text.

Items 6b and 6c: Staff does not agree with the proposed revisions, namely, that the buffer distance for occupied burrows be reduced from 1,600 feet to 200 meters (656 feet), as recommended in CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012). While the 2012 guidance was developed when the burrowing owl was designated as a species of special concern, its current status as a candidate for listing under CESA requires a more precautionary approach. Accordingly, staff has coordinated with CDFW to apply enhanced protections consistent with the species' elevated conservation status.

Item 7 and 8: Staff disagrees with this revision. The applicant has requested staff revise language to conduct only two consecutive 24-hour periods of monitoring to confirm burrowing owl is not currently present prior to burrowing owl blockage, and further states that additional periods of monitoring greater than 48 hours prior to blockage would not provide current data on the burrow's occupancy.

Staff has consulted with CDFW Region 4, and has determined that the amount of time a burrowing owl may remain in a burrow may vary with factors such as the habitat quality, if it is a female owl incubating eggs or young, or if a male is bringing food items. These variables may result in a considerable variation in occupancy time, ranging from as little as two days to more than 4 days. Staff has also reviewed CDFG Staff Report on Burrowing Owl (CDFG 2012), and identified relevant guidance under the "Mitigation Methods" section on page 11, which states "… burrowing owls should not be excluded from burrows unless or until: … Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season". Staff further notes that COC **BIO-12**, Item 6.d allows for flexibility in size of buffers used around a burrowing owl burrow.

Given the species candidacy status, the results of staff's investigation, and the lack of supporting literature or information provided by the applicant, no revisions were made to COC **BIO-12**.

Response to 11-48. Staff disagrees with the commentor's assessment regarding COC **BIO-13**. The burrowing owl is a candidate for listing under CESA. Habitat loss is considered a proxy for take, and the project could impact peripheral owl territories, thereby constituting take. This is because owls cannot survive without key habitat elements such as burrows (as dug by small mammals in suitable habitat) and they suffer sustained productivity (fecundity) losses when territories are lost. This is in addition to other factors lost during development of habitat which may lead to take. Further, this species may utilize different burrows, and may be attracted onto the site over a period of years exceeding the 5 year maximum proposed by the applicant, and ongoing incidental take authorization is therefore appropriate, and is already being

pursued the applicant via the burrowing owl Incidental Take Permit Application, Volumes 1 to 4 (TN 260669, 260670, 260671, and 260673).

Staff acknowledges the applicant's commitment to implementing the Swainson's Hawk Conservation Strategy and Vegetation Management Plan, and agrees these measures may provide indirect benefits to burrowing owl habitat over time. However, staff maintains that the standard for "fully mitigate" under CESA is not met through potential on-site habitat enhancement. Moreover, habitat management and revegetation are not considered functionally equivalent to the protection of established, occupied burrowing owl habitat offsite, as they serve to provide a portion of such mitigation efforts, but do not, in fact, fulfill the complete mitigation requirements. This is because CESA requires impacts be "fully mitigated" (CESA Section 2081.1(a)(3)) and also meet the mitigation standard per Section 2805(d) of Fish and Game Code, and both CEC staff and CDFW staff agree that off site in perpetuity protection is appropriate for this species with respect to the potential impacts of the proposed project.

The applicant's proposed performance-based mitigation structure, which delays full mitigation until after a five-year monitoring period, does not meet the requirement for compensatory mitigation to be secured in advance of or concurrent with impacts, as this may be considered deferred mitigation pursuant to CEQA, which requires that environmental review be undertaken at the earliest meaningful stage. Further, this approach would not reasonably provide biologically equivalent mitigation that is suitable in time and place as replacement for mitigation for a candidate-listed species.

The applicant proposes a stepwise approach to compensatory mitigation, whereby 100 acres of mitigation would be provided initially, with an additional 100 acres required only if post-construction monitoring demonstrates a decline in burrowing owl use after five years. Staff disagrees with the contingent, stepwise approach to burrowing owl mitigation.

The 200-acre mitigation requirement was developed in coordination with CDFW and is necessary to fully mitigate the project's impacts under CEQA and CESA. The project is expected to result take of burrowing owl, including one known burrowing owl in the center of the proposed solar field. In addition, the Incidental Take Permit would cover take of burrowing owl that could occur over the operational lifetime of the project during routine activities, and is not limited to the initial 5 years, as suggested by the applicant. As staff has stated in Staff Assessment in **Section 5.2, Biological Resources** on page 5.2-103, staff relied on data supplied from a literature review from the petition to list the species, which states that during the breeding season most foraging males focus their activities within a 600 m radius of a burrow, or within 280 acres (Center for Biological Diversity et al. 2024). In recognition of the potential for habitat uplift through revegetation efforts and the potential for use of artificial burrows to be created onsite, staff reduced the compensatory mitigation requirement from 280 acres to 200 acres. Staff has already considered the site-specific conditions and made appropriate adjustments to the mitigation approach. In contrast, the applicant's proposed approach is not founded in sound scientific principle, nor consistent with the

common practice for burrowing owl conservation in this region. No revisions to the Staff Assessment have been made in response to this comment.

Response to 11-49. Staff disagrees in part with commenter's proposed edits to COC **BIO-16**. Staff developed **BIO-16** in coordination with CDFW and it represents CEC staff's understanding of the biology of the species.

The suggested revisions are largely not acceptable due to their lack of ability to ensure full take avoidance of this state candidate species. The commenter has suggested that "foraging bees would move out of harm's way", whereas staff cannot verify such invertebrate behavior, particularly in the context of moving vehicles that may cause mortality or activities that could crush underground nests. Other edits would narrow the scope of Crotch's bumble bee surveys from all "potentially suitable habitat" as staff proposed, to habitat assessments for nests, without having first performed requisite surveys to allow detection of nests, which may occur underground in small mammal burrows, etc. Therefore, no revisions were made to COC **BIO-16** based on this comment.

The commenter further notes that the legal status of Crotch's bumble bee is currently under review by the California Fish and Game Commission, and may change prior to or during project construction, if the project is eventually licensed. In response, staff has proposed **BIO-16, Item B** to ensure appropriate avoidance and minimization measures are implemented under CEQA, consistent with the species' listing status at the time of construction. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-50. Staff has reviewed the requested changes to the mitigation measure, **MM BIO-19**. Revisions have been made accordingly to clarify that additional measures are necessary only if bats or their sign are present, rather than only the presence of roosting habitat. In addition, staff accepts the proposed revisions to the phased tree removal procedure, including the use of "nudging" techniques to minimize potential impacts to roosting individuals. Because the construction of the BAAH 500 kV switchyard is now considered under CEC's authority, **MM BIO-19** will be changed to COC **SWITCH BIO-2** in the Final Staff Assessment for the switchyard. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-51. Staff does not agree with the proposed revision. The CEC has the authority to require a federal permit, including a Special Purpose Utility Permit (SPUT) permit, to ensure compliance with Laws, Ordinances, Regulations, and Standards. A SPUT would be necessary to implement **BIO-17** in the event that the Designated Biologist and/or Biological Monitor would need to handle bird carcasses for identification during avian mortality monitoring. A SPUT authorizes utilities to collect, transport and temporarily possess migratory birds found dead on utility property, structures, and rights-of-way for avian mortality monitoring or disposal purposes. For the purposes of issuance of a SPUT by the USFWS, "utilities include facilities that generate or transmit electricity, gas, oil, water, or communications structures such as cellular towers,

microwave transmitters and their related infrastructure, as well as resource development and recovery businesses" therefore the Darden Clean Energy Project, to be owned and operated by Intersect Power, is considered a "utility". Therefore, no revisions were made to the Staff Assessment based on this comment.

Response to 11-52. Staff agrees with commenter and revised COC **PAL-2** on page 5.6-37 of the Staff Assessment to allow a minimum map scale no less than 1 in. = 200 ft., or 1/2,400. Staff deleted **MMs PAL-1** to **PAL-8** in response to another comment. All revisions can be found in Section 3 (Revisions to Staff Assessment).

Response to 11-53. Staff does not agree with the proposed revision. The project owner is required under COC **PAL-4** to prepare a Worker Environmental Awareness Program (WEAP) and lists required topics and components. COC **PAL-5** requires the WEAP training to occur prior to any ground disturbance activity. COC **PAL-5** requires the project owner to submit the WEAP trainer's qualifications and resume to the CPM.

Staff disagrees with the claim that COCs **PAL-4** and **PAL-5** are duplicative. **PAL-4** describes the topics and training materials that are required in the WEAP. COC **PAL-5** describes when the training shall occur and ensures a qualified individual provides the training. Staff disagree with the comment's suggestion to combine COCs **PAL-4** and **PAL-5**. No revisions have been made.

Response to 11-54. Staff disagrees with the claim that COCs **PAL-3** and **PAL-6** are duplicative. COC **PAL-3** describes the components that are required in the Paleontological Resources Monitoring and Mitigation Plan (PRMMP), including roles, on-site methodologies, and analyses. COC **PAL-6** describes procedures for reporting updates on the implementation of the PRMMP to the CPM. For example, COC **PAL-6** describes requirements for submitting daily monitoring logs in the MCR and reporting significant paleontological resource encounters or non-compliance incidents. Staff disagrees with the comment's suggestion to combine the COCs **PAL-3** and **PAL-6**.

However, staff revised COC **PAL-6** on pages 5.6-41 – to 5.6-43 of the Staff Assessment to give the CPM the option to require a summary of daily monitoring logs of paleontological resources in the MCR instead of copies of the daily monitoring logs. If significant paleontological resources are encountered, the MCR must include copies of the daily monitoring logs. Staff deleted **MMs PAL-1** to **PAL-8** in response to another comment. All revisions can be found in Section 3 (Revisions to Staff Assessment).

Response to 11-55. Staff does not agree with the proposed revisions regarding verification requirements for Condition of Certification **HAZ-2** so no revisions to **Section 5.7, Hazards, Hazardous Materials/Waste and Wildfire** will be made. As indicated in the text below, on page 5.7-30 of the Staff Assessment, the verification is to ensure hazardous materials on site comply with applicable LORS.

> "There is the potential for the project to increase the quantities or change the types of hazardous materials that are used at the project site. New or increased amounts

of hazardous materials could require new LORS requirements for the project site. Therefore, staff proposes COC **HAZ-2** which would require the project owner to notify and seek approval from the CPM before changing the quantity of or using a new hazardous material onsite. This would ensure that any new or the change in the amount of a hazardous material introduced to the project site would comply with applicable LORS."

Response to 11-56. The COC **HAZ-5** in **Section 5.7, Hazards, Hazardous Materials/Waste and Wildfire** was proposed for the potential hazard of vandalism or domestic/foreign attacks as discussed on page 5.7-30 of the Staff Assessment that was included in the discussion related to operations of the project. It is noted that the NERC Security Guidelines are suggestions and recommendations that can enhance an organization's resiliency; as such they are guidelines to be considered in determining the appropriate height for security fences. Other than location, the fence specifications were not provided in data request response TN 258570 (PV Site Plan Option 1). Fences are shown surround all the PV installations and the BESS and the BAAH 500 kV switchyard. The specification for fencing height in **HAZ-5**, item 1, has been modified to indicate that no slats would be required and that the fence height requirement would apply to the BESS, and step-up substation. Eight-foot fences are required by the California High Voltage Safety Order (CCR Title 8, Section 2812.1)**.** As indicated on page 3-25 of the Staff Assessment, a security wall or chain link barbed wire security fence up to approximately 20 feet in height would be installed at the BAAH 500 kV switchyard. There would be no security fence for the gen-tie transmission line.

Revisions have been made to COC **HAZ-5** in **Section 5.7, Hazards, Hazardous Materials/Waste and Wildfire** under "5.7-5 Proposed Conditions of Certification." on page 5.7-50 of the Staff Assessment. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-57. Staff agrees with the comment suggestion that there are various qualifications capable of preparing a valid and comprehensive Soils Management Plan. Staff also agrees with modifying COC **HAZ-6** item (8) requirement to broaden qualifications acceptable for preparing the Health and Safety Plan (HSP) is appropriate. Staff does not agree with the proposed language in the comment on COC **HAZ-6** item (8) that indicates an HSP should be prepared when contamination is found. This plan needs to be prepared in advance as it is a plan of how to deal with potential contamination. Revisions have been made in **Section 5.7, Hazards, Hazardous Materials/Waste and Wildfire** under "5.7-5 Proposed Conditions of Certification" on page 5.7-52 of the Staff Assessment. The updated text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-58. Staff agrees that Condition of Certification **HAZ-8** is duplicative with requirements in **HAZ-6**, item (8) and therefore **HAZ-8** can be removed in its entirety. The requested edit has been made in **Section 5.7, Hazards, Hazardous Materials/Waste, and Wildfire** on pages 5.7-34 to 5.7-35, and 5.7-54 of the Staff Assessment. The updated text can be found in **Section 3, Revisions to Staff**

Assessment. Additionally, staff agrees that other qualified professionals that may prepare the Soils Management Plan and Health and Safety Plan. Accordingly, **HAZ-6** on pages 5.7-52 to 5.7-53 has been revised to include environmental professionals with appropriate experience.

Response to 11-59. Staff agrees to remove COC **NOISE-1** from **Section 5.9, Noise and Vibration**. However, staff revised COC **COM-11** in **Section 9, Compliance Conditions and Compliance Monitoring Plan** to include "residences" in addition to "property owners" since not all residents are necessarily property owners. Also, staff added that the phone number posted on site would need to remain for the first year of project operation. **Section 5.9, Noise and Vibration** has been revised to reference COC **COM-11** in place of references to COC **NOISE-1**. Furthermore, the COCs have been renamed, updating the numberingto reflect the deletion of COC **NOISE-1**. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-60. Staff rejects the removal of COC **NOISE-4** (now renamed to COC **NOISE-3**). While the analysis indicates that operational noise levels are expected to remain below both ambient levels and County thresholds, actual site atmospheric and ground conditions, equipment types and quantities, and site arrangements and equipment locations may differ from those used in the noise model causing noncompliance. COC **NOISE-4** (now, COC **NOISE-3**) provides verification to ensure compliance if actual noise levels exceed expectations. This COC has not been removed.

Response to 11-61. In response to the applicant's recommendation, the following text has been added to COC **NOISE-6** (now renamed to COC **NOISE-5**) on page 5.9-17 of the Staff Assessment: "Helicopter operation required for installation of the gen-tie across I-5 may occur outside these times if approved by CalTrans." The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-62. Staff rejects the removal of COC **NOISE-7** (now renamed to COC **NOISE-6**), as analysis shows that pile driving may result in significant noise and vibration impacts to residences in the vicinity of the pile driving activity. However, to address the applicant's concerns and provide greater flexibility, staff revised **NOISE-7** (now, COC **NOISE-6**) in **Section 5.9, Noise and Vibration** so that it would apply only to pile driving within 1,000 feet of any residence, hence, limiting this COC to areas most likely to be affected. In addition, one more example of the noise-reducing techniques was added to include the installation of temporary barriers such as mobile sound screens or other effective measures, which would give the project owner flexibility to implement the most practical mitigation approach. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Furthermore, staff opposes the removal of the notification process in this COC. While COC **COM-11** in **Section 9, Compliance Conditions and Compliance Monitoring Plan** includes notification of the start of project construction, it does not include notification of pile driving. Because pile driving noise is expected to be higher than the

other construction actives, it is necessary to notify the residents prior to the start of this activity. No revisions associated with this request has been made.

Response to 11-63. The staff agrees with replacing OC **PH-1** by referencing the requirements outlined in COC **AQ-SC3** (**Section 5.1, Air Quality**) and COC **WORKER SAFETY-11** (**Section 4.4, Worker Safety and Fire Protection**). Staff agrees that COC **WORKER SAFETY-11** already requires the project owner to develop and implement a worker valley fever Prevention and Response Plan that includes an enhanced Dust Control Plan containing the requirements described in **AQ-SC3** and additional requirements. Staff does not agree with the complete removal of the requirement for washing vehicles and equipment. Instead, as specified in **AQ-SC3**, all construction equipment vehicle tires must be inspected and cleaned as necessary to remove dirt before entering paved roadways. This measure is crucial for preventing the spread of dust and soil, which can carry Coccidioides spores responsible for Valley Fever. By ensuring that vehicles do not track contaminated soil onto public roads, the project minimizes potential exposure risks to both workers and the surrounding community. Therefore, with the implementation of **AQ-SC3** and **WORKER SAFETY-11**, exposure to Valley Fever among personnel and the public would be reduced to the greatest extent feasible. Revisions have been made in **Section 5.10, Public Health** under "5.10.4 Conclusions and Recommendations" and "5.10.5 Proposed Conditions of Certification" on pages 5.10-19 and 5.10-20, as well as under "5.10.2.2 Direct and Indirect Impacts" on page 5.10-14, and under "5.10.2.3 Cumulative Impacts" on page 5.10-17 of the Staff Assessment. The updated text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-64. The applicant asserts that since the estimated impact of project solid waste to local landfills is less than 1 percent, the Operation Waste Management Plan at a minimum or the entire COC **WASTE-1** should be eliminated. However, the purpose of the waste management plans during both project construction and operation are to ensure that solid waste is recycled to the greatest extent possible per State statute and regulation. Therefore, COC **WASTE-1** has not been revised.

Response to 11-65. The CEC has jurisdiction over the generation intertie-line, and thus can place reasonable conditions on those facilities. Staff believe General Order (G.O.) 95, 128, and 131-E are good, thoughtful engineering standards that the industry has used for many years to ensure safety and reliability. Therefore, the Darden electrical facilities shall be built to the standards specified in G.O. 95, 128, and 131-E.

Response to 11-66. See **Response to Comment 11-65**.

Response to 11-67. See **Response to Comment 11-65**.

Response to 11-68. The CEC has the oversight role in this process, so they would verify that required permits and documents are not only submitted but also implemented. The project is expected to have a Less Than Significant Impact or No Impact by conforming with applicable LORS. Even though the CEC does not have the

authority to authorize road use permits, they do have the responsibility to verify that permits are obtained and implemented – even those managed by other agencies. COC **COM-6** would require monthly compliance reports to provide "a listing of any filings submitted to, and permits issued by, other governmental agencies during the month", but it does not address compliance with the permits. Therefore, the COC regarding limitations on vehicle sizes, weights, driver licensing, and truck routes is appropriate. No revisions to the Staff Assessment have been made.

Response to 11-69. The CEC has the oversight role in this process, so they would verify that required permits and documents are not only submitted but also implemented. The project is expected to have a Less Than Significant Impact or No Impact by conforming with existing LORS. Even though the CEC does not have the authority to authorize road use permits, they do have the responsibility to verify that permits are obtained and implemented – even those managed by other agencies. COC **COM-6** would require monthly compliance reports to provide "a listing of any filings submitted to, and permits issued by, other governmental agencies during the month", but it does not address compliance with the permits. Therefore, the COC regarding needed permits and/or licenses regarding transport of hazardous materials is appropriate. No revisions to the Staff Assessment have been made.

Response to 11-70. The CEC has the oversight role in this process, so they would make sure that required permits and documents are not only submitted but also implemented. The project is expected to have a Less Than Significant Impact or No Impact by conforming with existing LORS. Even though the CEC does not have the authority to authorize road use permits, they do have the responsibility to verify that permits are obtained and implemented – even those managed by other agencies. COC **COM-6** does require monthly compliance reports to provide "a listing of any filings submitted to, and permits issued by, other governmental agencies during the month", but it does not address compliance with the permits. Therefore, the COC regarding preparation and implementation of a Construction Management Plan is appropriate. To date, no Construction Management Plan has been submitted. No revisions to the Staff Assessment have been made.

Response to 11-71. Staff agrees that the County of Fresno is not required to approve the Surface Treatment Plan, but the CEC gives due deference to local jurisdictions and provides the local jurisdiction (County of Fresno) an opportunity to review and comment. Staff agrees to modify the 90-day review time to 60 days for COC **VIS-1**. The change to 60 days has been made in **Section 5.15, Visual Resources** in the Staff Assessment under “5.15.5 Proposed Conditions of Certification.” on page 5.15-65. The revised condition can be found in **Section 3, Revisions to Staff Assessmen**t.

Response to 11-72. Staff agrees that County of Fresno is not required to approve the permanent outdoor luminaires, but the CEC gives due deference to local jurisdiction to provide an opportunity to review and comment. Staff agrees to modify the 90-day review time to 60 days for COC **VIS-2**. The change to 60 days has been made in **Section 5.15, Visual Resources** in the Staff Assessment under “5.15.5 Proposed

Conditions of Certification." on page 5.15-67. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-73. Staff agrees that the County of Fresno is not required to approve the treatment plan for new overhead support structures and utility wires, but the CEC gives due deference to local jurisdictions and provides the local jurisdiction (County of Fresno) an opportunity to review and comment. Staff does not agree to remove COC **VIS-3**, as the overhead structure is within close proximity to I-5 and new utility wires crossing I-5 shall be sited as to not be a visual impact for drivers along the I-5 corridor (p. 5-15-67, Staff Assessment). Due the to high visibility of the overhead utility wires, staff contends the overhead structure deserves separate consideration from the Surface Treatment Plan review in COC **VIS-1**, which primarily is focused on buildings. For consistency with **VIS-1** and **VIS-2**, staff have modified the 90-day review time to 60 days for COC **VIS-3**. The change to 60 days has been made in **Section 5.15, Visual Resources** in the Staff Assessment under "5.15.5 Proposed Conditions of Certification." on page 5.15-67. The revised condition can be found in **Section 3, Revisions to Staff Assessment.**

Response to 11-74. The applicant asserts that due to CEC's in-lieu authority, Fresno County review of the PV panel underground wiring plan is not necessary. However, CEC relies on local agencies to ensure applicable laws, ordinances and regulations are adequately addressed. Therefore, COC **WATER-3** has not been revised.

Response to 11-75. CEC staff agrees that due to in-lieu authority, the project owner is not required to obtain a well installation permit from Fresno County and COC **WATER-5** in **Section 5.16, Water Resources** has been revised accordingly to address the CECs in lieu permitting authority. Revisions have been made under "5.16-5 Proposed Conditions of Certification" on page 5.16-24 of the Staff Assessment. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-76. The applicant asserts that the CEC should not limit the project owner to water use that is less than their maximum legal water rights. CEC staff prepared COC **WATER-6** using the water use estimates provided by the applicant for both construction and operation. Therefore, COC **WATER-6** has not be revised.

Response to 11-77. Compliance Conditions of Certification outline standard CEC compliance processes necessary to ensure that the project owner has complied with the approved license and has verified compliance through the administrative reporting and verification of records. The current site access security requirements and protocols in COC **COM-1** is needed as written for site access over the life of the project and it is consistent with other similar projects. No revisions have been made.

Response to 11-78. The CEC requires all documents noted COC **COM-2** in this section to be kept on-site to accurately depict all aspects of the facility. During an audit, staff might need access to this information to review compliance activities that have

occurred overtime. Further, this is consistent with other similar projects. No revisions have been made.

Response to 11-79. The CEC has guidance on confidential information. Please review the Application for Confidential Designation policy (CEC_13_Application for Confidential_04_24_23 or https://www.energy.ca.gov/sites/default/files/2023-04/CEC_13_Application%20for%20Confidential_04-24-2023.pdf) (Title 20 Cal. Code. Regs., § 2505 et seq.) and CEC staff will work though any questions regarding this guidance. Additionally, the docket system does not allow for several confidential filings to be made with one letter requesting confidential designation. No revisions have been made.

Response to 11-80. A prompt public response and transparency is a CEC priority. Having this information in the timeframe stated, allows staff to better understand what has occurred and gives the ability to coordinate with other agencies, if needed, in a timely manner. A 24-hour response, as required in COC **COM-11**, has been a standard timeframe and is consistent with other similar projects. Staff has made updates to COM-11 on page 9-13 of the Staff Assessment to make it consistent with other similar projects. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-81. There is similarity between Emergency Response Plan (ERP), Emergency Action Plan (EAP), and **WORKER SAFETY-1** and **WORKER SAFETY-2**; however, this language is needed as written because **WORKER SAFTEY-1** is during the construction phase of the project while **WORKER SAFETY-2** is for after construction has concluded. Further, COC **COM-12** contains additional details that are not stated in ERP nor the EAP.

Response to 11-82. The CEC works on a number of topics with the California Independent System Operator; however, to ensure reliability and help facilitate when there are gaps between supply and demand, the CEC needs this information in a timely manner. Further, CEC needs prompt and clear information on incidents that have occurred or are occurring at each jurisdictional power plant which result in an emergency response, a potential security breach, or a media inquiry. This provision is consistent with other similar projects.

Response to 11-83. The CEC Compliance Program extends to all the COCs attached to the license not just air quality, water quality and public health and safety. CEC is required to ensure that facilities stay in compliance with all LORS. The Energy Commission's inspection and enforcement program ensures that permitted projects are operated, maintained, and decommissioned in accordance with the respective permits and laws.

Response to 11-84. Staff does not agree to strike Item 9 in its entirety from the Proposed Findings in Section 10.4 of the Staff Assessment, Net Positive Economic Benefits to the Local Government. However, Staff agrees to modify the language in

Item 9 to state that the project may be 100 percent tax exempt. Staff also updated COC **Worker Safety-12** to provide for agreed upon funding to FCFPD to offset direct and cumulative project-related impacts or the payment of property taxes if the solar property tax exclusion sunsets on January 1, 2027. See **Response to 11-19**.

Life Cycle Associates, staff's consultant, has updated the project's property tax estimates to include a scenario where the project qualifies for a solar exclusion over the first three years of operation, in comparison with the project not qualifying for the exclusion due to its sunset, as analyzed in **Appendix C, Report of Findings: Net Positive Economic Impacts of Darden Clean Energy Project**. Revisions have been made in **Appendix C** of this Staff Assessment. The updated estimates were also included in **Section 10, Mandatory Opt-In Regulations** under "10.4, Staff Assessment of Net Economic Benefits" in the Staff Assessment. The revisions can be found in **Section 3, Revisions to Staff Assessment**.

Response to 11-85. See **Response to 11-46**. No revisions to the Staff Assessment have been made in response to this comment.

Response to 11-86. See **Response to 11-48**. No revisions to the Staff Assessment have been made in response to this comment.

Commenter 12 - Jonathan Mezza, Mendota Chamber of Commerce

RE: Darden Clean Energy Project

Dear CEC Commissioners and Staff,

The Mendota Chamber of Commerce expresses its strong support for Intersect Power's Darden Clean Energy Project.

Intersect Power has been a strong supporter of the Chamber and has sponsored past Chamber events, including a documentary screening of Ugly Little Monkeys, a documentary about the first youth mariachi group in the United States. They will also sponsor the upcoming Lucha Libre event in Mendota. 12-1

Intersect Power and The Darden Clean Energy Project have demonstrated a strong commitment to community benefits. We are particularly impressed with Intersect Power's efforts to prioritize small businesses for procurement opportunities during construction, which will significantly boost our local economy. By partnering with local vendors and suppliers, they are ensuring that the economic benefits of this project are distributed widely within our community.

The Darden Clean Energy Project will also generate substantial tax revenue for Fresno County, which will be instrumental in uplifting the western part of our county and enabling us to invest in critical infrastructure and essential services. This influx of resources will lead to tangible improvements in the quality of life for our residents.

We believe the Darden Clean Energy Project is a valuable asset to our region and we fully support its development.

Sincerely,

Jonathan Mezza
Mendota Chamber of Commerce

Response to Commenter 12 - Jonathan Mezza, Mendota Chamber of Commerce

Response to 12-1. Staff notes your comment.

Commenter 13 - Maria Pacheco, Mayor, City of Kerman, California

KERMAN MAYOR
Maria Pacheco

850 S. Madera Avenue
Kerman, CA 93630
Phone: (559) 846-9380
mpacheco93630gmail.com

Dear Commissioners,

I am the mayor of the city of Kerman. I am writing you to express my strong support for the Darden Clean Energy Project. I believe this project is vital for advancing California's clean energy objectives and offers significant economic and social benefits for Fresno County, particularly its westside communities.

Intersect Power's commitment to the westside is evident in their focus on creating local job opportunities through the Darden Clean Energy Project. They have worked closely with leadership, our communities and surrounding areas to develop meaningful relationships and offer support that reflects an understanding of our needs. Their dedication to prioritizing local hiring and supporting workforce development initiatives like Valley Build will provide valuable skills and career pathways for our residents.

Importantly, they have listened attentively to our concerns around workforce development, especially our emphasis on hiring local, buying local, and future employment. Their forward-thinking approach extends beyond the construction phase, demonstrating a commitment to the long-term needs of our region and its people. 13-1

Beyond job creation, the Darden Clean Energy Project is projected to generate substantial tax revenue for Fresno County. These funds will be instrumental in supporting essential services and infrastructure improvements, directly benefiting the often-underserved westside. This project offers a tangible pathway to a more sustainable future while simultaneously investing in our local community.

Intersect Power has proven to be a strong and collaborative partner, and I look forward to continuing this relationship as the project moves forward.

I urge the California Energy Commission to give the Darden Clean Energy Project its full consideration and approval. It represents a significant step towards a cleaner energy future and a valuable opportunity to strengthen the economy and well-being of Fresno County's westside.

Sincerely,

Maria Pacheco

Mayor of Kerman

Response to Commenter 13 - Maria Pacheco, Mayor, City of Kerman, California

Response to Comment 13-1. Staff notes your comment.

Commenter 14 - Garry George, Audubon

Audubon

April 21, 2025

California Energy Commission (CEC)
via CEC e-commenting
https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/darden-clean-energy-project

Dear CEC:

Audubon protects birds and the places they need, today and tomorrow. We work across the Western Hemisphere, driven by the understanding that what is good for birds is good for the planet. Through a collaborative, bipartisan approach across habitats, borders, and the political spectrum, Audubon drives meaningful and lasting conservation outcomes.

For more than 120 years, we have brought people together to experience birds and learn about how we can all work together to protect them. Our 415 chapters, 31 centers, and 29 sanctuaries across the country provide firsthand opportunities to see how science-based conservation benefits local communities, wildlife, and the economy.

Climate change threatens more than two-thirds of North America's bird species with extinction, according to Audubon's 2019 report *Survival By Degrees: 389 Species on the Brink*. However, the same science suggests that by limiting global warming to 1.5 degrees Celsius, vulnerability is reduced for more than three-quarters (76%) of species. Audubon supports efforts to reach net-zero carbon pollution by 2050 through renewable energy and transmission and natural climate solutions.

On October 24, 2024, we commented on the Notice of Preparation of a Draft Environmental Impact Report for the Darden Clean Energy Project (SCH 2024091023). Those comments are included by reference and attached. Included in those comments was a comment on Siting that the project's site conforms to the 2016 Berkeley Law Center for Law, Energy & the Environment (CLEE) project to identify Least-Conflict Solar PV Development in California's San Joaquin Valley[1] and our conclusion that, "The Project is well-sited as it is located on these ideal lands making it a suitable project in our opinion to receive a rapid environmental review and permitting process."

We have reviewed the Staff Assessment (SA) and DEIR for the Darden Clean Energy Project (DCEP), a solar photovoltaic (PV) facility, battery storage system (BESS), substation, and

[1] UC Berkeley Law, May 2016. "Mapping Lands to Avoid Conflict for Solar PV in the San Joaquin Valley," https://www.law.berkeley.edu/research/clee/research/climate/solar-pv-in-the-sjv/ accessed March 6, 2025.

generation-intertie (gen-tie) line on approximately 9,500 acres in unincorporated Fresno County, California, near the community of Cantua Creek. DCEP consists of 1,150 MW solar PV, up to 4,600 MWh BESS, a 34.5-500 kV grid step-up substation, a 15-mile 500 kV generation intertie (gen-tie) line, and a 500 kV utility switching station. The project would connect to the existing Pacific Gas & Electric Company (PG&E) Los Banos-Midway #2 500 kV transmission line.

We agree with staff's analysis recommending the CEC issue a certification for the DCEP allowing for the construction and operation of the project with conditions.

Our comments follow and are limited to the Biological Resources evaluation in the DEIR.

1. Lake effect and avian impacts.

   We agree with Staff's Assessment that the "applicant's assessment is misleading" in their assessment of potential avian impacts as presented in the Avian Fatality Assessment for PV Solar Projects (Avian Assessment) submitted by Tetra Tech and Dr. Karl Kosciuch. The claim that the project "is not anticipated to result in direct or indirect avian morbidity or mortality above baseline conditions" is not well supported.

   We found that the Avian Assessment made no reference to the Diehl et al CEC Pier program funded study on "lake effect". Dr. Kosciuch is collaborator of the study and the omission of any reference to that study is surprising.

   Additionally, the assessment claimed that "It is likely that either two standard industry practices, which began around 2014, has reduced collision risk for birds. These are 1) installing of single-axis tracker panels, and/or, 2) the addition of anti-reflective coating." There is no citation of research or scientific justification for this claim in the Avian Assessment that single-axis tracker panels or anti-reflective coating will eliminate or even reduce impacts to birds. We are not aware of any studies or science validating these minimization measures but would appreciate ongoing research to validate these minimization measures as effective. 14-1

   Audubon is a founding member of the now concluded Avian Solar Work Group that collaborated from 2015-2025. The Avian Solar Work Group (ASWG) is a collaborative group of environmental organizations, academics, solar companies, and solar industry representatives that will advance coordinated scientific research to better understand how birds interact with solar facilities. Members included Clearway Energy Group, Defenders of Wildlife, Duke Energy, EDF Renewables, Intersect Power, National Audubon Society, Natural Resources Defense Council, The Nature Conservancy, NextEra Energy Resources and Recurrent Energy.

The ASWG and individual members of ASWG served in a Technical Advisory Committee established by the grant recipients of the CEC EPIC program research on lake effect and received information and made recommendations during the four to five years of the research. Individual company members of ASWG also provided data and access to sites as well as additional funding for the study.

The ASWG released a statement on the "lake effect" study as follows:

ASWG Statement of Understanding on Lake Effect Research
ASWG Approved 5/24/2022

Some utility-scale PV solar facilities in the California desert have reported incidents of dead, injured or stranded waterbirds, leading to the formulation of a hypothesis that these birds might perceive these facilities as water bodies and attempt to land there, resulting in collision or inability to return to flight. However, the number of birds found at these facilities appears small, and similar phenomena have not been detected in other parts of the country.

Between 2019 and 2021, an interdisciplinary team of researchers tested the "lake effect" hypothesis by investigating visual response to polarized light, behavioral flight orientation as measured by radar detection, and bird communities and mortality events at solar facilities versus paired control sites. The first part of this work found that several species of songbirds can detect and respond favorably to certain wavelengths of polarized light. The radar studies showed evidence of attraction via change in altitude or orientation.

14-1 Continued

The community and fatality data demonstrated that the number of birds that approach and attempt to land at solar facilities is much smaller than that of real water bodies, but higher than at reference sites in the desert. Therefore, for species like loons, grebes, coots, ruddy ducks, attraction may be the likeliest explanation for their presence at solar facilities. The California Energy Commission Electric Program Investment Charge (EPIC) Program, along with solar companies' matching funds, funded each of these studies.

Future research is needed to better understand the relationship between avian perception, attraction, and mortality at utility-scale PV solar facilities. More specifically, it remains unclear if visual response to polarized light results are applicable to water birds. The radar studies also did not discern bird behavior in close proximity to the panels, and the impact, if any, of the attraction is therefore unknown.

We support the SA conclusion and analysis that includes citations of the Diehl, et report to the CEC EPIC program and support the monitoring regime proposed by Staff.

We also propose that the monitoring condition include public availability of the monitoring studies for research purposes, and that the CEC approve the protocol and methodology of the monitoring studies in consultation with USFWS Migratory Bird division and avian scientists from the environmental or university communities before implementation.

2. Minimization measures for collision with electrical distribution lines.

   The Staff Assessment states:

   > "The gen-tie line (jurisdictional component) transmission facilities would be designed consistent with the APLIC 2006 guidelines and would be evaluated for potential collision reduction devices in accordance with APLIC 2012 guidelines. These guidelines are industry best practices for minimizing avian electrocution and collision risks associated with power lines. Special-status species such as Swainson's hawk and other raptors and birds would continue to utilize nearby areas for foraging and nesting," (p. 5.2-149).

   However, in addition to the APLIC 2006 and 2012 guidance, APLIC has prepared a revised Suggested Practices for Avian Protection on Power Lines: State of the Art in 2024 guidance. We recommend that the Assessment and DEIR include this document as a requirement for the design, construction and operation of the gen-tie and any other distribution lines to ensure that impacts on birds of the gen-tie and any other distribution power lines are less than significant with mitigation incorporated. This revised document should be included in BIO-7 under number 20. 14-2

   Burying power lines and distribution lines within the project underground would eliminate the need for minimization measures, and Staff should consider this requirement in order to truly ensure that the impacts are less than significant.

3. Swainson's Hawk considerations:

   We have reviewed and support DCEP's Swainson's Hawk Conservation Strategy and Foraging Habitat Revegetation and Management Plan, a unique strategy that may reveal that Swainson's Hawk and PV solar projects may have some compatibility as long as nesting and foraging habitat are available, and the birds are not disturbed to the extent that they abandon their nesting or foraging territories.

   We recommend that staff include conditions that: 14-3

   1. That research and reports on the project by Dr. Grodsky and/or others be made publicly available to the public and scientific community;
   2. That the endowment includes funding if needed for peer review of the protocols and methodology of the research and management plan by CDFW, the Swainson's Hawk

Technical Advisory Committee, and/or Renewable Energy Wildlife Institute (REWI) before implementation.

4. Burrowing Owl and Tricolored Blackbird considerations:

   We appreciate staff's consideration of the potential benefits to Burrowing owl as well as Tricolored Blackbird from implementation of Swainson's hawk BIO-9, 11, 12 and 13.

   We also appreciate in BIO-8 Nesting Bird Avoidance and Minimization Measure and Tricolored Blackbird Avoidance and Minimization Measures the requirements for pre-construction surveys to identify any nesting activities and if identified how to avoid impacts to nesting Tricolored Blackbirds. 14-4

   We also recommend that CEC consider the formation of a Technical Advisory Committee of avian experts on Swainson's hawk and other raptors, Tricolored Blackbird, and Burrowing owl to review yearly reports and make recommendations and evaluations on the progress of the mitigations and conservation plans for avian resources.

We congratulate staff of CEC for their thorough review of the DCEP and the conditions that staff has imposed on the project working with the developer and find that the impacts on avian resources as presented in the Assessment and DEIR will reduce the impacts to less than significant, especially if the CEC provides additional conditions as recommended in this letter.

Regards,

Garry George
Senior Director, Climate Strategy
Director, Clean Energy Initiative
AUDUBON
garry.george@audubon.org

Mike Lynes,
Public Policy Director
AUDUBON CALIFORNIA
mike.lynes@audubon.org

Response to Commenter 14 - Garry George, Audubon

Response to 14-1. The commenter expressed support for staff's biological resources assessment with respect to the proposed project's potential to cause adverse avian impacts. In particular, the commenter cites a relevant research study (Diehl, et al 2021) as well as a 2022 statement by the Avian Solar Work Group (ASWG) (reproduced within the comment). Staff notes your comment and appreciates the feedback.

As noted, the Diehl et al. study and ASWG's collaborative findings provide relevant context for understanding avian interactions with photovoltaic (PV) solar facilities, particularly concerning potential attraction and collision risk for water-associated birds.

Staff notes that public availability of the results of the avian monitoring efforts, conducted as a requirement of staff's proposed Condition of Certification **BIO-17**, would be published per CEC procedures which incorporates conformance with CNDDB licensing requirements. This may involve redacting or obscuring data which allows for identification of the specific location of sensitive resources, such as listed species' nests or burrows. Otherwise, monitoring reports and other compliance-related publications may be accessed via the CEC website under the project page's "Compliance Proceeding" section. Pursuant to **BIO-17**, all required reports would be reviewed and approved in coordination with the USFWS. Staff may also conduct informal outreach to additional avian experts, as needed, in the course of administering its responsibilities.

Response to 14-2. Staff agrees with the recommended edit on page 5.2-187 of the Staff Assessment. Please see revised language in COC **BIO-7** #20. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Staff acknowledges the commenter's suggestion that burying power lines and the distribution line within the project footprint could eliminate the need for certain minimization measures. While undergrounding may reduce surface impacts like collision risk, it still causes ground disturbance that can affect vegetation, soil, and subsurface habitats used by sensitive species.

Response to 14-3. The commenter recommends that research conducted during project operation related to Swainson's Hawk, as required under Condition of Certification (COC) **BIO-9**, be made publicly available, and that funding be provided for independent peer review of the conservation strategy. Staff acknowledges this comment. Staff's process to achieve necessary scientific feedback and specialized technical expertise is outlined in **Response to 11-4**. In **Response to 14-3**, Swainson's Hawk considerations and research conducted during project operations would be published pursuant to COC **BIO-9** during the compliance phase. Staff responds affirmatively that the results of monitoring efforts are anticipated to be docketed (published) via the CEC website, notwithstanding any constraints such as those mentioned previously **Response to 14-1**; which would likely entail minor redactions).

CEC staff considered commenter's suggestion that funding for peer review of the Swainson's hawk conservation strategy be included in the mitigation measure, however, staff notes that COC **BIO-9** is fully funded to obtain and maintain off-site habitat compensation lands should the conservation strategy not achieve its intended goals (also referred to as habitat management land) per **BIO-11**. Therefore, additional funding to secure success of the proposed mitigation path is already provided. Additional funding mechanisms for attainment of success criteria were considered, evaluated, and ultimately, not chosen for this project, but see also staff's response to Comment 14-1 regarding staff's approach to utilization of additional available expertise.

Response to 14-4. The commenter suggests that a TAC be formed to address potential avian impacts as a result of project construction and operation, particularly as informed by staff's proposed monitoring efforts. Staff appreciates this recommendation, however, based on coordination efforts, finds it unnecessary for this project. Specifically, neither the USFWS nor the CDFW requested the formation of a TAC. Furthermore, both state and federal resource agencies (i.e., USFWS and CDFW) would be notified accordingly of any mortality or injury based on staff's proposed conditions of certification (**BIO-2**, **BIO-8**, **BIO-10**, **BIO-12**, and **BIO-17**). Staff's experience with projects within CEC's agency purview has consisted of routine state and federal agency coordination, and consultation with outside experts, as necessary, as part of ongoing information exchanges. For example, biological resources staff, Carol Watson served as TAC member on the Argonne National Lab Avian Solar Study, as referenced within the applicant's TN 261729, Avian Solar Fatality Assessment.

Commenter 15 Garry Cunha, Westside Elementary School

Westside Elementary School District
19191 Excelsior Ave • P.O. Box 398 • Five Points, CA 93624
(559) 884-2492 • Fax (559) 884-2206
www.westside-elem.k12.ca.us

Gary Cunha, Interim Superintendent/Principal

RE: Westside Elementary School Partnership with Intersect Power

Dear Commissioners and Staff,

On behalf of the Westside Elementary School, I am pleased to submit this letter of support for the Darden Clean Energy Project.

As part of their Community Benefits Plan, Intersect Power has partnered with Westside Elementary School District to financially support upgrades to the campus and to help support efforts to increase housing in the area over the next 10 years. In 2023, donations from Intersect Power helped to fund a study on the feasibility of extending farmworker housing on district property. Subsequent funding between 2024-2032 will be used to continue work on the need for housing, infrastructure upgrades to the campus and other district needs. 15-1

Without the approval of the Darden Clean Energy Project application, these funds to our school will not be realized. We appreciate that Intersect Power is directly supporting students and families in the Five Points area through this important partnership.

Sincerely,

Gary Cunha

Superintendent

Westside Elementary School District

Response to Commenter 15 - Garry Cunha, Westside Elementary School

Response to Comment 15-1. Staff notes your comment.

Commenter 16 - Michael Corder, San Joaquin Valley Air Pollution District

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING

April 21, 2025

Lisa Worrall
California Energy Commission
Transmission and Environmental Protection Division
715 P Street
Sacramento, CA 95814

Project: Draft Environmental Impact Report for the Darden Clean Energy Project

District CEQA Reference No: 20250202

Dear Ms. Worrall:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the California Energy Commission (CEC) for the Darden Clean Energy Project. Per the DEIR, the project consists of a 1,150-megawatt (MW) solar photovoltaic (PV) facility, up to a 4,600 MW-hour capacity battery energy storage system (BESS), a 34.5 kilovolt (kV) substation, a 15-mile generation-intertie (gen-tie) line, and a Pacific Gas and Electric Company (PG&E) owned 500 kV switching station on approximately 9,500 acres (Project). The Project is located in unincorporated Fresno County, south of Cantua Creek, California.

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

1) **Construction Emissions**

The District recommends, to further reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment. 16-1

2) **Truck Routing**

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on sensitive receptors. 16-2

The Project is expected to result in HHD truck trips from construction activities, as such, the District recommends the CEC evaluate HHD truck routing patterns for the

Samir Sheikh
Executive Director/Air Pollution Control Officer

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

Central Region (Main Office)
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

www.valleyair.org www.healthyairliving.com

Project, with the aim of limiting exposure of sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

3) District Rules and Regulations

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

16-3

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

3a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Currently for this Project, the District received an ATC application (ATC C-1242025) for the three propane gensets used for emergency power. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

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

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of space.

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

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. 16-3 Continued

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

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

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

3c) District Rule 4601 (Architectural Coatings)

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf

3d) District Regulation VIII (Fugitive PM10 Prohibitions)

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

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950. 16-3 Continued

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

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

3e) Other District Rules and Regulations

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

4) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent. 16-4

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

Sincerely,

Mark Montelongo
Director of Policy and Government Affairs

Response to Commenter 16 - Michael Corder, San Joaquin Valley Air Pollution District

Response to Comment 16-1. Condition of Certification **AQ-SC5**, which can be found on page 5.1-47 of **Section 5.1, Air Quality** of the Staff Assessment, requires that all construction diesel engines with a rating of 25 hp or higher shall meet, at a minimum, the Tier 4 Final California Emission Standards for Off-Road Compression-Ignition Engines, unless a good faith effort to the satisfaction of the CPM that is certified by the on-site AQCMM demonstrates that such engine is not available for a particular item of equipment. These requirements help ensure that exhaust emissions are reduced in accordance with California's cleanest standards for off-road construction equipment.

Response to 16-2. The staff assessment includes a detailed analysis of transportation impacts, including truck routes. Page 5.14-10 of **Section 5.14, Transportation** of the Staff Assessment shows that it is anticipated that construction employees would primarily use SR-145 or SR-269 to travel to the site area, then use Mt. Whitney Avenue and S. Sonoma Avenue as points of ingress/egress to the project site and that, once onsite, they would access various sections via the existing and improved internal network of dirt roads. Some heavy construction trucks that come from outside of Fresno County are also anticipated to use I-5 from the north and south. Therefore, the trucks would travel on the already high-traffic routes, thus limiting exposure to sensitive receptors. In addition, the applicant's traffic study (RCI 2023aa, Figures 3-1a and 3-1b on pages 33 and 34 of 48) shows that it is less likely that the construction vehicles/trucks would pass the Westside Elementary School, the Cantua Elementary School, Cantua Creek, or El Porvenir. Therefore, it is unlikely that the construction vehicles/truck trips would have any significant impacts to these schools and communities.

The Ambient Air Quality Assessment in **Section 5.1, Air Quality** and Health Risk Assessment in **Section 5.10, Public Health** focuses on emissions at the project site, where concentrations of pollutants directly impact local receptors. Offsite vehicle/truck emissions would only pass by any single receptor along the routes for a momentary duration where emissions would disperse rapidly and over large areas. This makes them harder to quantify and less likely to cause concentrated exposure in a single location. The Health Risk Assessment in **Section 5.10, Public Health** focuses on health risks from diesel particulate matter (DPM). Office of Environmental Health Hazard Assessment (OEHHA) has not identified an acute reference exposure level for DPM. Therefore, acute health risk associated with DPM, such as those from trucks passing by communities, is not evaluated. Instead, **Section 5.10, Public Health** evaluates the health risk associated with onsite DPM emissions from long term repeated exposure over the course of the entire construction period and shows that the health risks associated with DPM would be less than significant.

Page 5.14-13 of **Section 5.14, Transportation** of the Staff Assessment also states that the increase of Vehicle Miles Traveled (VMT) due to construction worker trips and delivery/haul trucks during construction would be temporary in nature, only lasting the

duration of the construction phase. As Fresno County has not yet formally adopted its own VMT criteria, standards or thresholds, current Governor's Office of Land Use and Climate Innovation (LCI) guidance was appropriately used for this assessment. This guidance has been consistently used in CEQA assessments for projects since SB 743 was passed and is also cited in "Transportation Analysis under CEQA" published by CALTRANS in September 2020. That guidance states that construction trips are not analyzed in a VMT analysis because they are temporary, would not impact overall per capita VMT in the region, and would not result in long-term trip generation. No revisions to the Staff Assessment have been made in response to this comment.

Response to Comment 16-3. As set forth in the Staff Assessment and in accordance with AB 205 in lieu authority set forth in Public Resources Code section 25545.1(b)(1), the issuance of a certificate by the CEC, with exceptions, shall be in lieu of any state or local air quality permit that would have been issued by the San Joaquin Valley Air Pollution Control District (District or SJVAPCD). Before issuing a certificate, CEC separately evaluates whether the certificate conforms with applicable laws, ordinances, regulations and standards (LORS) pursuant to Public Resources Code section 25523(d). In consultation with SJVAPCD and prior to releasing the Staff Assessment which includes the draft conditions from the SJVAPCD, staff evaluated the project's conformance with applicable District Rules and Regulations and has the following responses to the comments:

3a) The Staff Assessment identifies District Rule 2010 and District Rule 2201 as applicable LORS for the project. On page 5.1-42 in Table 5.1-17 Conformance with Applicable LORS in **Section 5.1, Air Quality**, staff has evaluated the project's applicability and determined the proposed conditions of certification conform with those LORS. In particular, Table 5.1-17 explains how COC **AQ-2** and **AQ-1**, **AQ-3**, **AQ-4**, **AQ-9**, **AQ-10**, **AQ-11**, and **AQ-14** ensure conformance.

3b) The Staff Assessment identifies District Rule 9510 as an applicable LORS for the project. On page 5.1-42 in Table 5.1-17 Conformance with Applicable LORS in **Section 5.1, Air Quality**, staff has evaluated the project's applicability and determined the proposed conditions of certification conform with those LORS. **Table 5.1-7** explains how COC **AQ-SC1** to **AQ-SC6** ensure conformance.

3c) The Staff Assessment identifies District Rule 4601 as an applicable LORS for the project. CalEEMod defaults were used to estimate emissions from annual architectural coating and consumer products use for the Operation and Maintenance (O&M) buildings. See page 5.1-31 of the Staff Assessment, under Miscellaneous Operational Emissions. In **Section 5.10, Public Health**, staff has evaluated the project's applicability and determined the proposed conditions of certification conform with that LORS. In particular, Table 5.10-6 explains how Air Quality COCs **AQ-SC1** to **AQ-SC6**, **AQ-1** to **AQ-5**, **AQ-7**, **AQ-9**, **AQ-10**, **AQ-11**, and **AQ-14** ensure conformance.

3d) The Staff Assessment identifies District Regulation VIII (fugitive PM10 Prohibitions) as an applicable LORS for the project. As shown in in **Section 5.1, Air Quality**, staff has evaluated the project's applicability and determined the proposed

conditions of certification conform with those LORS. In particular, Table 5.1-17, in the row entitled "Regulation VII (Fugitive PM 10 Prohibitions," explains how the proposed conditions of certification ensure conformance.

3e) The Staff Assessment identifies District Rule 4102 and District Rule 4641 as applicable LORS for the project. In **Section 5.10, Public Health**, staff has evaluated the project's applicability and determined the proposed conditions of certification conform with those LORS. In particular, Table 5.10-6 explains how Air Quality COCs **AQ-SC1** to **AQ-SC6**, **AQ-1** to **AQ-5**, **AQ-7**, **AQ-9**, **AQ-10**, **AQ-11**, and **AQ-14** ensure conformance.

Response to Comment 16-4. Staff is in agreement with this recommendation and has provided a copy of the District's comments to the applicant.

Commenter 17 - Mona Cummings, Tree Fresno

Comment Received From: Tree Fresno
Submitted On: 4/21/2025
Docket Number: 23-OPT-02

Tree Fresno Partners with Darden Project

RE: Darden Project Support

Dear CEC Commissioners and Staff,

On behalf of Tree Fresno, I am pleased to submit this letter of support for the Darden Clean Energy Project application.

As part of their Community Benefits Plan, Intersect Power has generously provided funding for a tree-planting initiative in western Fresno County. Through this collaboration, Tree Fresno will concentrate on providing relief through shade trees in the region. Our ten-year plan, in partnership with Intersect Power, includes expanding the tree canopy for schools and other community spaces. In particular, Tree Fresno will explore offering tree plantings near the Darden project area, and are exploring potential sites specifically within the communities of Cantua Creek and Five Points. This initiative will directly benefit community members by enhancing the climate resiliency of the Central San Joaquin Valley region. 17-1

Tree Fresno believes the Darden project will have a significant positive impact on our community and appreciates your consideration.

Sincerely,

Mona Cummings
CEO
Tree Fresno

Response to Commenter 17 - Mona Cummings, Tree Fresno

Response to Comment 17-1. Staff notes your comment.

Commenter 18 - Mariana Alvarenga, Leadership Counsel for Justice and Accountability and Oralia Maceda, Central California Environmental Justice Network

April 21, 2025

RE: March 26th, 2025 Darden Clean Energy Project Public Meeting

Dear Chair Hochschild, Vice Chair Gunda, Commissioner Gallardo, Commissioner McAllister, and Commissioner Skinner:

Leadership Counsel for Justice and Accountability (LCJA), Central California Environmental Justice Network (CCEJN), and Five Points, Cantua Creek, and El Porvenir residents attended the Darden Clean Energy Project Public Meeting hosted by the California Energy Commission (CEC) on March 26th, 2025. This letter aims to uplift community concerns and priorities shared during the hearing, along with additional context and priorities around these. This letter is sent in conjunction with more comprehensive comments on the Staff Assessment and Draft Environmental Impact Report.

Five Points, Cantua Creek, and El Porvenir residents expressed their frustrations in feeling forgotten and excluded throughout the community benefits agreement process. Residents asked Intercept Power to establish a community benefits agreement directly with these three communities[1] that addresses the communities' needs and priorities. Comunidades de Westside noted that they will live near the project and will directly feel the environmental impacts of the project. Furthermore, the project is being proposed near their community, yet residents will not receive any direct benefits from the clean energy technology being constructed and overseen by Intersect Power. Residents themselves historically have lacked access to this type of energy or technology, such as rooftop solar, to power their homes and neighborhoods. Thus, the benefits and electricity need to come directly to these three communities. 18-1

At the CEC public meeting, Cantua Creek residents expressed the necessity to have a physical space that serves as a community resilience center to provide heating and cooling for residents. This space will also allow the community to continue to host community events and monthly food distributions. Additionally, residents shared the need to have a fire station in their community to address fire-related issues promptly. 18-2

Five Points residents commented that the community would like to stay informed about everything associated with the project and do not want organizations to speak on behalf of Five 18-3

[1]Residents formed the group Comunidades de Westside in April 2025

Points and receive economic support in the name of their community. A resident emphasized the importance of funds to come directly to their community. Another community member shared similar sentiments and worries in wanting her community to be heard. If the project is approved, she shared that the main priority for the community benefits agreement should be providing help for homes that are falling apart, minimizing dust, providing air conditioning, and maintaining the conditions of the surrounding streets. As an agricultural worker who often works under extreme heat, she comes back to a home that is also hot and does not have air conditioning. Like the former resident, she emphasized the need for funding to go directly to the community and to fix issues that impact their quality of living. 18-3 Continued

LCJA urged the commission to answer residents' questions ahead of a revised staff assessment to provide an opportunity for residents to incorporate responses into their comments on the project. We asked the CEC to center community priorities and incorporate them into the Darden Clean Energy Project. We acknowledge the CEC's commitment to addressing adverse impacts for clean energy projects by including a requirement for community benefit agreements in the Opt-In Certification Process under Assembly Bill 205. However, because this is the first project to have a complete application and get so far in this process, it must set an example of ensuring that communities directly receive any benefits associated with these projects based on their community priorities. 18-4

LCJA and CCEJN agree that the CEC needs to ensure the communities closest to projects receive meaningful and direct community benefits. The residents we work alongside have identified the above specific priorities for a potential community benefits agreement and we are in communication with the developer about these priorities. The community benefits plan must be amended to include the priorities of Comunidades de Westside. 18-5

Thank you for your attention. We look forward to continuing conversations on this matter. For any questions, please reach out to Mariana Alvarenga at malvarenga@leadershipcounsel.org and Oralia Maceda at omaceda@ccejn.org.

Sincerely,

Mariana Alvarenga
Senior Policy Advocate
Leadership Counsel for Justice and Accountability

Oralia Maceda
Just Transition Coordinator
Central California Environmental Justice Network

Comunidades de Westside

Response to Commenter 18 - Mariana Alvarenga, Leadership Counsel for Justice and Accountability and Oralia Maceda, Central California Environmental Justice Network

Response to Comment 18-1. The commenter states that residents of Five Points, Cantua Creek, and El Porvenir feel excluded from the community benefits agreement process and requested that Intersect Power establish a separate agreement that addresses their specific needs. See **Master Responses 1** and **2.**

Response to Comment 18-2. The commenter stated that Cantua Creek residents emphasized the need for a community resilience center to provide heating, cooling, and space for events and food distribution, as well as the establishment of a local fire station to address fire-related concerns. See **Master Response 1** and**.** See also **Response to 11-19.**

Response to Comment 18-3. The commenter stated that Five Points residents want to remain informed about the project and emphasized that no organization should speak or receive funding on their behalf. Residents expressed that community benefits should directly support Five Points, prioritizing home repairs, dust reduction, air conditioning, and street maintenance to improve quality of life. See **Master Response 1.**

Response to Comment 18-4. The commenter urged the CEC to address resident questions before the Updated Staff Assessment. During the March 26, 2025 public meeting for the Staff Assessment, staff responded to questions raised during this meeting as best possible. In response to the comment that communities should directly receive benefits from clean energy projects, see **Master Response 1**.

Response to Comment 18-5. The CEC is not a party to agreements made by the applicant and therefore cannot direct the applicant to enter into an agreement with a particular entity. As stated in **Section 10.5, Mandatory Opt-In Regulations** of the Staff Assessment, the applicant has entered into a binding community benefits agreement in satisfaction of the requirements of Public Resources Code section 25545.10. See also **Master Response 1**.

Commenter 19 - Sophia Markowska, Defenders of Wildlife

California Program Office
P.O. Box 401, Folsom, California ,325763
www.defenders.org

April 21, 2025

Lisa Worrall
California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Darden Clean Energy Project; Docket No. 23-OPT-02

Dear Ms. Worrall,

Thank you for the opportunity to provide comments in response to the Draft Environmental Impact Report (DEIR; also referred to as the Staff Assessment) for the proposed Darden Clean Energy Project (Project). Defenders of Wildlife (Defenders) is dedicated to protecting all wild animals and plants in their natural communities and has nearly 2.1 million members and supporters in the United States, with more than 311,000 residing in California.

The proposed Project is a solar photovoltaic facility that would generate up to 1,150 MW of renewable energy and includes an estimated 4,600 MWh battery energy storage system. The proposed Project would be sited on approximately 9,500 acres of land owned by Westlands Water District in unincorporated Fresno County. It is located near the community of Cantua Creek.

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

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

Project Location
The Project appears to be well-sited by being located on previously disturbed lands and consistent with Smart from the Start siting criteria. Defenders has a long history of advocating for a "Smart from the Start" approach to the siting and development of renewable energy projects, which dictates that development should occur on impaired or 19-1

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degraded lands. A Defenders report directly identified lands within the Westlands Water District as severely impaired and, therefore, suitable for renewable energy development.[1] Siting on impaired lands minimizes potential project-related impacts on special-status species and their habitats. We encourage the developer to continue its commitment to avoiding lands with high conservation value for the development of future renewable energy projects. 19-1 Continued

Objective

The DEIR emphasizes a commitment to avoiding lands with high conservation value through the inclusion of the project objective to "[m]inimize environmental impacts and land disturbance associated with solar energy development by siting the facility on relatively flat, contiguous lands with low quality habitat, high solar insolation in close proximity to existing roads and established utility corridors." Defenders appreciates the prioritization of siting renewable energy facilities on land with low quality habitat to reduce the impacts to biological resources and minimize land disturbance. We encourage the continued development of projects with objectives that prioritize least conflict siting. 19-2

Confidential Studies

A thoughtfully sited project, however, does not negate the need for public transparency when assigning avoidance, minimization and mitigation measures or analyzing the level of environmental impact from a proposed project. The DEIR and the associated Swainson's Hawk Conservation Strategy relies on several studies that support the idea of Swainson's hawk (SWHA) foraging within solar projects; however, these studies have been granted confidential designation by the California Energy Commission (CEC). The Swainsons' Hawk Conservation Strategy states "[t]he study suggests that properly managed solar array fields within an agricultural landscape are not avoided by SWHA and may be selected at a greater frequency than many cultivated land cover types. Other studies have also shown that SWHA will forage in utility-scale solar generating facilities that are located within an overall matrix of agricultural land." The DEIR reaffirms that solar projects can serve as foraging habitat and cites this confidential study as reasoning that a 0.25:1 compensatory ratio is appropriate for Swainson's hawk and its habitat due to the potential uplift from the on-site revegetation efforts. Furthermore, the DEIR states the mitigation strategy included in the Swainson's Hawk Conservation Strategy is intended to provide high quality foraging habitat within the solar development areas of the project. 19-3

The project application was submitted under the AB 205 permitting process. AB 205 established a streamlined permitting process for large-scale renewable energy project through the CEC in lieu of local permits through the California Environmental Quality Act (CEQA) processes. The intent of CEQA is to "[i]nform governmental decision-makers and the

[1] Defenders of Wildlife. *Smart From the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley*. 2012. Washington, D.C.

public about the potential significant environmental effects of proposed activities." Given the AB 205 process is the equivalent permitting processes through the CEC in lieu of CEQA, it is reasonable to apply the intent of informing the public about the potential impacts. The Act reinforces the importance of informing the public about the potential impacts of a project through requiring the opportunity for the public to submit comments, for the CEC to conduct public outreach to solicit input, for the CEC to consider public input before making a permitting decision and the requirement to hold public meetings and hearings to gather input.

When an environmental review document cites confidential studies as evidence that potential project impacts are reduced due to the specific measures within documents withheld from the public, it undermines the ability of the public to analyze the project and the true environmental impacts adequately. The public and other stakeholders must be able to review the studies and the scientific evidence to ensure the proposed measures are appropriate.

Defenders requests the reports and studies that are relied on to justify avoidance, minimization and mitigation measures and assign the level of environmental impact be made available for public review. This includes the following studies: 19-3 Continued

- Swainson's Hawk and Other Raptor Foraging Use of Solar Array Fields within an Agricultural Landscape in Sacramento County (TN # 260919)
- The Distribution and Abundance of Nesting Swainson's Hawks in the Vicinity of the Proposed RE Scarlet Solar Generation Facility (TN # 260920)
- Swainson's Hawk and Other Raptor Foraging Use of Solar Array Fields within an Agricultural Landscape in Sacramento County Year 2 (TN # 260921)
- The Distribution and Abundance of Nesting Swainson's Hawks in the Vicinity of the Proposed RE Tranquillity LLC Solar Generation Facility (TN # 260922)

Within the confidentiality request for the four reports, the applicant states "[t]he research study papers document the results of investigations conducted at the expense of other private entities, including other renewable energy project developers. The results of those investigations are owned by the author(s) and/or other project developer(s) such that the Applicant is not authorized to share publicly." The CEC found the confidential request to be a reasonable claim and granted confidential indefinitely. If upon further analysis the CEC still believes the claim to confidential converge is reasonable, then the avoidance, minimization and mitigation measures that rely on the confidential studies must be revised and supported by publicly available scientific information and research.

Compensatory Mitigation

The DEIR includes compensatory mitigation for both SWHA and burrowing owl (BUOW) due to documented observations on the Project site. SWHA was observed onsite during the 2023 19-4

surveys, with a total of six active nests and four individuals, which displayed both foraging and breeding behavior. Mitigation Measure Bio-11 requires a 0.25:1 compensatory ratio for impact on Swainson's hawk and its habitat; this would amount to 2,336 acres of compensatory mitigation. Although the project includes adaptive management for SWHA to repopulate the site, the DEIR acknowledges these are limited and preliminary studies. As previously mentioned in our comments, the studies are confidential, and the public cannot thoroughly provide input as to the effectiveness of the plan to fully address and mitigate the temporary and/or permanent impacts to 9,345 acres for the jurisdictional components of the project site. Regardless of whether the studies are made public and demonstrate scientific evidence that the project site is indeed self-mitigating, additional compensatory mitigation would still be required in order to fully mitigate project impacts pursuant to the California Endangered Species Act (CESA); this is something the DEIR acknowledges.

Despite the confidentiality issue and the fact that these studies are considered preliminary, the DEIR considers the implementation of the Swainson's Hawk Conservation Strategy and the Vegetation Management Plan when assigning the relatively low compensatory mitigation ratio of 0.25:1. As previously requested, if these studies remain confidential, then Defenders requests the avoidance, minimization and mitigation measures, including the compensatory mitigation ratio, that rely on the studies be revised and supported by publicly available research.

The DEIR acknowledges that BUOW has been documented as present year-round at the project site, exhibiting both breeding and foraging behavior, during surveys and site inspections. Specifically, nine individuals were observed within the solar facility location and 15 active or potential active burrows and pipes showing signs of active use were observed. Many of these observations were located at the boundaries of the solar facility, where BUOW could be significantly impacted by project impacts, specifically fencing that could result in restricted movement and loss of access to burrows. 19-4 Continued

Of note, BUOW was recently listed as a candidate species under CESA. As a candidate for listing, the species is temporarily afforded the same protections as state-listed endangered or threatened, and any loss or degradation of habitat could significantly impact populations. CESA requires that impacts to state-listed species be fully mitigated; therefore, compensatory mitigation is necessary to offset the permanent loss of occupied foraging and breeding habitat caused by the proposed Project. The DEIR requires either a (a) purchase of a minimum of 200 acres of BUOW conservation bank credits or (b) providing for both permanent protection and perpetual management of 200 acres of habitat management lands. In order for this project to be fully mitigated, pursuant to CESA, the compensatory mitigation requirement should be a 1:1 ratio. Defenders requests the compensatory mitigation ratio is raised to 1:1, which would increase the acreage from 200 to 280 acres.

Permanent Conversion

The DEIR states when the Project is permanently closed, "[t]he project site would be restored and reclaimed to the extent practicable to pre-construction conditions...." Due to the unrelenting demand for renewable energy, utility-scale solar development, such as the proposed Project, can be reasonable expected to remain in energy production or another industrial use. Renewable energy projects are a permanent conversion of land use and, as such, require the DEIR to recognize the permanent nature of this conversion of land use. 19-5

Conclusion

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

Respectfully submitted,

Sophia Markowska

Sophia Markowska
Senior California Representative
Defenders of Wildlife
Smarkowska@defenders.org

Response to Commenter 19 - Sophia Markowska, Defenders of Wildlife

Response to Comment 19-1. Staff notes your comment.

Response to Comment 19-2. Staff notes your comment.

Response to Comment 19-3. Staff acknowledges the commenter's concern regarding the use of confidential studies (TNs 260919, 260920, 260921, and 260922) in the analysis related to Swainson's hawk (SWHA) impacts and mitigation measures. The confidentiality of these reports was granted by the California Energy Commission (CEC) pursuant to Title 20, California Code of Regulations, section 2505 (a)(3)(A), based on substantiated claims that release of the documents would compromise the intellectual property rights and the applicant not being authorized to release the studies publicly (TN 260918).

The commenter requests the studies be made available to the public due to their role in informing the staff analysis. The commenter further requests that should the studies remain confidential, then staff's analysis and recommended avoidance, minimization, and mitigation measures be revised accordingly, to rely solely on publicly accessible information.

Staff notes that the analysis, like most biological assessments, is based not only on cited sources but is also a culmination of staff's professional expertise. This includes an understanding of the site's biological foundational characteristics, functions, and constraints, both as a distinct parcel and in the context of its function within the broader ecosystem.

In addition to literature review, staff also pulls from a variety of knowledge bases such as interagency consultation, communications with colleagues, attendance at conferences, ongoing trainings, and ongoing engagement with biologists at CEC-jurisdictional projects. While these sources may not be easily referenced within an analysis, they are foundational to the development of an analysis.

Staff reviewed and considered the confidential materials as part of its evaluation of the project's potential effects on Swainson's hawk. The confidential materials were summarized by the applicant in the publicly docketed Swainson's Hawk Conservation Strategy (TN 253021), including in Section 5.3 (Foraging within Solar Development). The confidential materials, along with other related studies, were reviewed by staff and discussed in the Staff Assessment. See e.g., pp. 5.2-94 and 5.2-97. These steps were reasonable and justified, given that lead agencies must not include trade secrets or other confidential information in an EIR or otherwise disclose them. Pub. Resources Code § 21160(b); 14 C.C.R. § 15120(d).

Overall, the staff-recommended avoidance, minimization, and mitigation measures are based on a broad assessment of the project, as fitting the range of the species, and are designed to attain full conformance with CESA, as developed in coordination with CDFW. To ensure the fully mitigate standard under CESA is met, offsite compensation

would be required if the proposed method of habitat revegetation is unsuccessful, as outlined in staff's recommended COC **BIO-9**. This approach is typical of commercial-scale power projects in CDFW Region 4 and is further supported by staff's recommended COC **BIO-11**. Staff's mitigation approach is valid, and is supported in part by confidential studies that have been reviewed while adhering to CEQA's prohibitions against disclosure of trade secrets and confidential materials. Staff has not proposed changes to the Staff Assessment in response to the comment.

Response to Comment 19-4. Staff acknowledges the commenter's concern regarding the presence of Swainson's hawk on the project site, and repeats the request that studies that have been granted confidential designation not be considered in development of staff's recommended avoidance, minimization, and mitigation measures, including the compensatory habitat ratio. Please see **Response to 19-3**.

Staff provides the following additional response regarding the development of the compensatory ratio, which was developed in coordination with CDFW. The rationale and methodology to determine the 0.25:1 compensation ratio are outlined on pages 5.2-99 to 5.2-100 in **Section 5.2, Biological Resources**. As explained on page 5.2-100, Swainson's hawk habitat use is directly incorporated into the success criteria for COC **BIO-9**. If those criteria are not met, meaning the species does not continue to use or increase its use of the site during operation, then the applicant would be required to purchase offsite habitat that would be managed in perpetuity. In other words, should Swainson's hawk not continue or increase their use of the site during operation, additional mitigation would be required. This approach is consistent with standard mitigation practices and is commonly applied by CDFW Region 4.

Additional mitigation measures under COC **BIO-9** require the in-perpetuity protection of both existing and planted nesting trees suitable for Swainson's hawk to ensure that nesting trees, which are thought to be a limiting factor for this species in this region, are protected.

For burrowing owl, the commenter has requested that the mitigation set forth in staff's recommended COC **BIO-13** be increased to a 1:1 ratio, or 280 acres, and notes that project fencing "could result in restricted movement and loss of access to burrows." Staff appreciates this perspective, however, perimeter fencing design is not anticipated to fully impede movement as it is designed to facilitate wildlife movement (see page 5.2-140 of **Section 5.2, Biological Resources**).

The commenter has not specifically articulated why the compensatory mitigation ratio should be increased for burrowing owl. As described on page 5.2-102 through 5.2-104, **Section 5.2, Biological Resources**, staff maintains that the recommended mitigation, developed in coordination with CDFW, is appropriate. The proposed compensatory mitigation of 200 acres, either through offsite habitat compensation, or the purchase of mitigation credits at an approved mitigation bank, is sufficient to meet the CESA fully mitigated standard, as well as to reduce impacts to less than significant pursuant to CEQA.

Response to Comment 19-5. The Staff Assessment considers physical changes to the environment that are reasonably foreseeable to occur as a result of the project. **Section 5.8 Land Use, Agriculture, and Forestry** addresses the project's conversion of Farmland to non-agricultural use and concludes the impact would be less-than-significant.

The project's life-span is expected to be up to 35-years. COC **COM-15 Facility Closure Planning** would ensure that the facility's reasonably foreseeable permanent closure and maintenance do not pose a threat to public health and safety and/or to environmental quality. Assumptions of future uses for the site after facility closure, in approximately 35-years, would be speculative. Proposed future uses for the site would undergo their own respective licensing, permitting, and environmental analysis as applicable prior to implementation. Therefore, it is beyond the scope of staff's analysis.

No revisions have been made to the Staff Assessment in response to this comment.

Commenter 20 - Diane Dutton-Jones

Comment Received From: Diane Dutton-Jones
Submitted On: 4/21/2025
Docket Number: 23-OPT-02

Stop the use of AB 205

AB 205 places the CEC into the position of ultimate decision-maker on a clean project application and this de facto robs local authorities of their power to deny an application, even if the local denial stems from scientifically and legitimately identified egregious negative impacts.
AB 205 is a wrong and harmful Bill that undermines the trust of the people, communities, and local decision-makers because we are kept out of the process.
An example of harmful fast-tracking is the use of grid-scale Lithium batteries, whose fire and toxic history are well known by now and are being deployed anyway.
Take the time now to get things right. Do not allow AB 205 to take away the process of local communities from finding and choosing the best, non-toxic, safe technology that has been and will continue to be developed.
Thank you,
Diane Dutton-Jones

20-1

Response to Commenter 20 - Diane Dutton-Jones

Response to 20-1. The commenter is correct in stating that the CEC is vested with decision-making on the energy projects covered by Assembly Bill 205. Staff notes your comment.

However, people, communities and local decision-makers are part of the decision-making process. The CEC has provided opportunities to hear the public and receive comments. The CEC has hosted meetings (near the project location when possible) for the public to comment on the Darden Clean Energy Project, such as the meetings at the Harris Ranch Resort on October 16, 2024, and March 26, 2025. CEC commissioners, public advisors, technical and legal support attended those meetings in person and by virtual video links. Anyone can also post comments regarding the project on the docket for the Darden Clean Energy Project at https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-02

Commenter 21 - Kaitlin Cox, Center for Energy Efficiency and Renewable Technologies

April 21, 2025
California Energy Commission
Docket No. 23-OPT-02

RE: Comments on the Darden Clean Energy Project Draft Environmental Impact Report (SCH# 2024091023)

To Whom It May Concern,

On behalf of the Center For Energy Efficiency & Renewable Technologies (CEERT), we submit these comments regarding the Draft Environmental Impact Report (DEIR)/Staff Assessment for the Darden Clean Energy Project proposed by Intersect Power in western Fresno County. We support California's transition to renewable energy but emphasize that this transformation must center environmental justice, public health, and long-term local benefit for the most impacted communities in the Central Valley. The Darden Project, due to its unprecedented scale and proximity to underserved rural populations, requires robust, enforceable conditions and a deeper commitment to equitable development.

PART I: Environmental Mitigations & Protections

A. Biological Resources & Habitat Protections

We support the project's proposed mitigation for impacts to Swainson's Hawk, San Joaquin Kit Fox, and Burrowing Owl, including the use of biological monitors and habitat avoidance measures (Staff Assessment p. 5.2-6 to 5.2-15). However, we also recommend:

- Requiring an onsite vegetation management plan to lessen impacts to Swainson's Hawk (5.2-97)
- Mandating conservation easements for long-term habitat durability.
- Supporting permanent protection and perpetual management of compensatory habitat for Burrowing Owl, in addition to artificial burrows onsite. 21-1
- Requiring post-construction monitoring for at least 10 years, in line with recommendations by the California Department of Fish and Wildlife (CDFW).
- Given that the project's approach is described as a 'scientific experiment' (5.2-99), including adaptive management strategies with success criteria and publicly available annual reports on nesting success and population health of key species. It is crucial to ensure that adaptive management plans have adequate funding for monitoring and implementing changes.

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- Considering co-use strategies like habitat corridors post-decommissioning, ensuring dual use of solar sites and migration pathways.
- The California Energy Commission (CEC) requires stronger enforcement and monitoring of the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP), including third-party verification and post-construction reporting, with publicly accessible documentation.

21-1 Continued

B. Air Quality & Dust Control

The San Joaquin Valley is in extreme nonattainment for 8-hour ozone and serious nonattainment for PM2.5 per both federal and state standards. The EIR identifies that PM10 and NOx emissions during construction may exceed SJVAPCD thresholds. While CO modeling did not exceed thresholds, we recommend precautionary air monitoring near Cantua Creek intersections during peak construction periods to validate model assumptions and protect sensitive receptors. While MM AQ-1 requires Tier 4 Final equipment ≥50hp, this does not address smaller engines and ancillary equipment, which also contribute significantly to particulate emissions. We urge the CEC to expand this condition to all engine classes unless infeasible, with a required justification and public reporting. With overlapping construction phases across photovoltaic installation, substation work, and gen-tie development (EIR 5.1-20), cumulative daily emissions during peak months warrant enhanced on-site monitoring and flexible shutdown protocols. Given this, we recommend the following additional mitigation measures: 21-2

- Verified CalEEMod modeling for emissions forecasting; applying the Rule 9510 Indirect Source Review standard to reduce NOx emissions by 20% and PM10 by 45%, in alignment with SJVAPCD LORS.
- Nearest regulatory PM2.5 monitor is 13 miles north (Tranquility station), meaning localized real-time data does not exist for project-adjacent areas such as Three Rocks or Cantua Creek. The mitigation plan should go further by: prohibiting earthmoving activities during red flag wildfire or air quality alert days, requiring temporary PM2.5 monitors at the project fenceline to provide real-time alerts to nearby downwind communities.
- Using Tier 4 Final or electric equipment across all engine classes—not just ≥50hp—unless infeasible with public justification.
- Dust suppression to be expanded beyond visual checks to include quantified particulate tracking.
- Coordination with Fresno County Department of Public Health to ensure worker and resident health alerts are issued during high-risk excavation or wildfire-prone days.

C. Water Resources

The project relies on groundwater extraction in a basin deemed critically overdrafted under SGMA (Staff 21-3

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Assessment, p. 5.16-3). The Westside Subbasin, where the project is located, is classified as "critically overdrafted" and had an average annual groundwater overdraft of 1.8 million acre-feet between 2003 and 2017, making it one of the most overdrawn basins in California. The EIR concludes impacts to be less than significant due to the aquifer storage and recovery (ASR) approach using Westlands Water District surface water, but this rests heavily on speculative future water availability and cooperation with WWD. While temporary, this use could undermine regional sustainability goals. We recommend:

- Full transparency on water sourcing, consumption, and SGMA compliance.
- Integration of a groundwater recharge offset program.
- Clear enforcement of groundwater withdrawal limits during drought emergencies.

21-3 Continued

- The CEC condition project approval on an enforceable water budget and periodic SGMA-aligned reviews to ensure sustainable operations.
- Avoid disking land wherever possible to limit water demand for dust control

D. Transmission & Fire Risk

We support infrastructure that unlocks regional renewable development, but the extensive downstream transmission line upgrades—spanning up to 28 miles and involving new installations at multiple PG&E substations—present wildfire ignition risk due to increased line length and exposure to high-heat zones, particularly under worsening climate conditions. We recommend:

- The 15-mile gen-tie line and PG&E network upgrades must undergo wildfire risk assessments, especially as some segments could traverse high-heat corridors (Staff Assessment, Sections 4.3 and 5.7).
- The CEC should require detailed fire risk mapping along these new routes and incorporate conditions to pursue cost-effective wildfire mitigation measures, such as covered conductors or wildfire monitoring systems, especially near populated areas or wildfire-prone corridors, consistent with recommendations from the Fourth Climate Change Assessment for the San Joaquin Valley.

21-4

  - The analysis should draw on existing cost-benefit frameworks used in Wildfire Mitigation Plans (WMPs) submitted to the Office of Energy Infrastructure Safety (OEIS).
  - The CEC should coordinate with OEIS and PG&E (as the interconnecting IOU) to ensure fire mitigation aligns with their Wildfire Mitigation Plan. If PG&E builds or operates the intertie, it will likely fall under their WMP; however, if led by a private developer, they should be required to conduct a similar cost-effectiveness analysis and coordinate with relevant agencies

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CEERT

PART II: Community Engagement & Protections

A. Engagement & Outreach

The applicant has initiated early outreach, but many residents in Cantua Creek and El Porvenir remain unaware of the project's scale or timeline. The Community Benefits Plan outlines the applicant's use of a Fresno-based multicultural outreach consultant and indicates recurring annual reviews with partner organizations (CBP p. 2). However, there is no binding requirement that outreach continues past construction or that underrepresented voices are prioritized. We recommend:

- Hosting recurring public meetings with transportation, food, and childcare support and continuous two-way communication with local communities and residents. 21-5
- Requiring the Community Engagement Plan to include multilingual in-person outreach, a staffed project liaison, and a quarterly transparency report that summarizes feedback received and actions taken.
- Engagement should include recurring in-person meetings in rural towns, locally staffed resource centers for project updates and comment submission, and expanded communication through trusted community organizations.

B. Public Health & Cumulative Risk

The EIR identifies Valley Fever exposure as a risk (Staff Assessment, PH-1). In a region already burdened by PM2.5 and extreme heat, cumulative health risks must be more robustly addressed. According to the Fourth California Climate Change Assessment, heat-related hospitalizations have increased by 35% in Fresno County over the past decade. These risks will intensify during project construction and operations, particularly for vulnerable rural residents without access to cooling infrastructure or medical support. The assessment notes the risk of Valley Fever is significant but "less than significant with mitigation." We recommend that mitigation measures such as MM PH-1 be expanded to include post-construction monitoring for spore presence, periodic public health data collection, and mandatory collaboration with the Fresno County Department of Public Health. The Valley is already disproportionately affected by this disease, with elevated risk in the project's eastern zone due to disturbed soil and dry climate. We also recommend: 21-6

- Valley Fever mitigation beyond soil wetting, including onsite spore sampling and protective worker gear, including cumulative study on life-time health impacts related to air quality and Valley Fever exposure.
- Increased funding for community health studies and clinic capacity building.

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- Heat resilience measures: weatherization grants, solar microgrid support, and energy bill credits for surrounding vulnerable communities, aligning with recommendations from the Fourth Climate Change Assessment.

21-6 Continued

- Expand MM PH-1 to include onsite spore sampling and post-construction tracking. Recommend integrating these with community clinic surveillance to address chronic exposure risk, particularly for immunocompromised residents.

C. Workforce Development

While 1,000+ construction jobs are estimated, only 16–24 permanent jobs are forecasted (Staff Assessment, p. 5.11-2). The project's partnership with Valley Build and a PLA (Project Labor Agreement) is a promising model. Per the CBP, Valley Build workshops will launch in Riverdale and nearby rural towns starting mid-2024 (CBP p. 3). This outreach should be codified into enforceable conditions. The Community Benefits Plan outlines Unemployment Insurance Code Section 14005, but it is not mandated in the Staff Assessment. We recommend incorporating this requirement. We also recommend:

- Concrete local hiring targets (e.g., 50% from Fresno County ZIPs).
- Union and pre-apprenticeship partnerships, especially with historically underrepresented groups.

21-7

- The CEC condition approval on public reporting of hiring metrics by gender, race, geography, and veteran status.
- Inclusion of child care and language services during training and hiring phases.

D. Fiscal & Infrastructure Equity

Projected local benefits include $59M in sales tax and $26M/year in property tax (Intersect Meeting Notes). Intersect Power's Community Benefits Plan commits over $2 million in community investments over 10 years, with commitments to multiple partners including FCRTA, Fresno Housing Education Corps, and Central California Food Bank (CBP pp. 1–2). However, none of the submitted agreements tie contributions to the 35-year operational life of the project. We urge:

21-8

- Fresno County to adopt a formal policy dedicating a portion of tax revenue to Westside community infrastructure prioritizing rural underinvested communities (e.g., broadband, clinics, green spaces).
- Requiring a Fiscal Impact Mitigation Agreement to cover any strain on emergency services, as the solar facility is exempt from certain property taxes.

Center for Energy Efficiency and Renewable Technologies
1100 11th Street, Suite 311, Sacramento, CA 95814
916-442-7785 www.ceert.org

- Condition certification on the extension of community benefits to match the project's full lifecycle, including a midterm review and opportunity to redirect funds based on evolving community needs. 21-8 Continued

CONCLUSION

The Darden Clean Energy Project represents a major inflection point for energy development in the San Joaquin Valley. We urge the California Energy Commission to ensure this project is not only low-carbon but also community-led—with enforceable conditions that protect public health, promote workforce equity, and secure community governance over long-term outcomes.

We thank the Energy Commission for the opportunity to comment and welcome the opportunity to work with the Commission and Intersect Power to realize a project that becomes a model for clean energy development statewide.

Sincerely,

Kaitlin Cox
Policy Research & Advocacy Coordinator
kaitlin@ceert.org

Center for Energy Efficiency and Renewable Technologies
1100 11th Street, Suite 311, Sacramento, CA 95814
916-442-7785 | www.ceert.org

Response to Commenter 21 - Kaitlin Cox, Center for Energy Efficiency and Renewable Technologies

Response to Comment 21-1. The commenter provides a bulleted list of recommendations (7 bullets total). Staff's responses are as follows:

Bullet number 1: The commenter requests including a requirement for an onsite vegetation management plan, to lessen the impacts to Swainson's hawk referenced in Section 5.2, Biological Resources, page 5.2-97. Staff has already recommended that a vegetation management plan be required and is encompassed within recommended COC **BIO-9**. **BIO-9** sets forth performance criteria (pages 5.2-193 through 5.2-195) for the vegetation management plan. In addition, the project owner would also be required to provide a Security to be held by the CEC and eventual offsite purchase of compensation lands if necessary (COC **BIO-11**), if the performance criteria are not met. No changes to the Staff Assessment or COCs are warranted by the comment.

Bullet number 2: The commenter recommends mandating conservation easements for long-term habitat durability. Staff's proposed COCs for the project include requirements for both off- and on-site conservation easements for Swainson's hawk, developed in close coordination with the CDFW. Specifically, onsite easements are recommended to protect nesting trees for Swainson's hawk, see staff's recommended COC **BIO-11**, pages 5.2-198 through 5.2-207. If the onsite revegetation plan fails to meet established success criteria, off site compensation for Swainson's hawk would be required and would consist of purchase of offsite compensation land, see staff's recommended COC **BIO-11**. Additionally for burrowing owl, offsite acquisition and in-perpetuity protection for burrowing owl habitat are included in staff's recommended COC **BIO-13**, pages 5.2-215 through 5.2-223). While staff appreciates the request that such easements be made mandatory, it does not agree that such a mandate is authorized or appropriate.

Bullet number 3: The commenter recommends supporting permanent protection and perpetual management of compensatory habitat for burrowing owl, in addition to the creation of artificial onsite burrows. Please see above response to Comment 21-1, bullet number 2, which lists the page numbers of the Staff Assessment that are responsive to the comment.

Bullet number 4: The commenter requests post-construction monitoring for at least 10 years. During construction, the project would be required to submit monthly, or more frequent, monitoring reports in compliance with staff's recommended COCs, including **BIO-2**, **BIO-6**, **BIO-7**, **BIO-8**, **BIO-16**, and **COM-6**, among others. In addition, during operation, annual reporting would be required throughout the life of the project, including as part of COCs **BIO-2**, **BIO-14**, **BIO-17**; and **COM-7**. No changes to the Staff Assessment or COCs are warranted by the comment.

Bullet number 5: The commenter notes that the project's mitigation approach is designed like a "scientific experiment," and recommends that the project should also have adequate funding to support adaptive management plans. Staff has assured the funding for the mitigation requirements through staff's recommended COC **BIO-11**. This security would be used to purchase and manage offsite compensation lands if the

onsite revegetation plan fails to meet performance criteria. No changes to the Staff Assessment or COCs are warranted by the comment.

Bullet number 6: The commenter requests that staff consider co-use strategies such as maintaining habitat corridors post-decommissioning, to ensure dual use of solar sites and wildlife migration pathways. Migration pathways and habitat corridors were analyzed by staff in **Section 5.2, Biological Resources**, pages 5.2-7 through 5.2-12 of the Staff Assessment. However, decisions regarding site use post-decommissioning is outside of the CEC's jurisdictional authority. Additionally, staff does not control the type of technology proposed or site selection for future projects. No changes to the Staff Assessment or COCs are warranted by the comment.

Bullet number 7: The commenter requests staff include stronger enforcement and monitoring of the Biological Resources Mitigation Implementation and Monitoring Plan, including third-party verification and post-construction reporting, with publicly accessible documents. Please refer to staff's response to Comment 14-1 regarding publication of documents, and response to Comment 21-1, bullet number 4, regarding post-construction reporting, which is included throughout staff's recommended COCs. Regarding third-party verification, the CEC does not employ third-party contractors for verification of biological resources COCs; instead, compliance is managed directly by CEC staff thru coordination with the CPM. Staff also coordinates enforcement activities with appropriate agencies, including CDFW and/or USFWS, as required by the COCs. See also **Response to 14-4**. No changes to the Staff Assessment or COCs are warranted by the comment.

Response to Comment 21-2. The commenter recommends carbon monoxide (CO) monitoring near Cantua Creek during peak construction periods. Staff does not agree CO monitoring is needed. As explained on page 5.1-16 in **Section 5.1, Air Quality**, the project area is in attainment/unclassified for CO ambient air quality standards. Tables 5.1-11 and 5.1-13 on pages 5.1-33 and 5.1-34 in **Section 5.1, Air Quality** show that the worst-case project construction impacts combined with existing background CO data would be well below the applicable CO ambient air quality standards. Therefore, the project construction impacts would be less than significant and additional monitoring is not necessary.

The commenter recommends applying San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 9510 Indirect Source Review standard to reduce emissions. Page 5.1-26 in **Section 5.1, Air Quality** and Table 5.1-17 explain how the proposed certification conditions conform with SJVAPCD Rule 9510 with the use of Tier 4 construction equipment.

The commenter suggests prohibiting earthmoving activities and requiring temporary PM2.5 monitors specifically during red flag fire days are needed to provide real-time alerts to nearby downwind communities. As explained on page 5.1-24 of **Section 5.1, Air Quality,** proposed COC **AQ-SC1** would require an on-site construction mitigation manager who would be responsible for the implementation and compliance of the overall construction mitigation program. The documentation of the ongoing

implementation and compliance with the construction mitigation program would be provided in the monthly compliance report that is required in staff's recommended COC **AQ-SC2**. Furthermore, proposed COC **AQ-SC4** is an adequate Dust Plume Response Requirement for any occurrence in which visible dust plumes as defined in the condition are observed. Staff does not recommend any changes to the conditions of certification.

The commenter suggests requiring Tier 4 Final for all engines, not just for those above 50 horsepower (hp). Proposed COC **AQ-SC5** on page 5.1-47 of **Section 5.1, Air Quality** would require all construction diesel engines with a rating of 25 hp or higher to meet, at a minimum, the Tier 4 Final California Emission Standards for Off-Road Compression-Ignition Engines, unless a good faith effort to the satisfaction of the CPM that is certified by the on-site Air Quality Construction Mitigation Manager (AQCMM) demonstrates that such engine is not available for a particular item of equipment. Upon review of the comment, staff corrected a typographical error in the second sentence of part b of **AQ-SC5**, changing "50 hp" to the intended "25 hp" to match the first sentence of part b. The application (RCI 2023ll) shows that the all the construction equipment would be above 25 hp, which would meet Tier 4 emission standards as required by Condition of Certification **AQ-SC5**. The applicant did not propose to use any construction equipment below 25 hp.

Staff also recognizes the challenges associated with sourcing Tier 4 engines below 25 hp, given the limited market availability and feasibility concerns. Therefore, staff does not agree that the Tier 4 requirement in **AQ-SC5** needs to be expanded to include engines below 25 hp. Besides, electric equipment could be incorporated into the off-road equipment fleet as part of the voluntary emissions reduction agreement (VERA) with the SJVAPCD as required by proposed COC **AQ-SC6**.

The commenter suggests proposed dust suppression requirements should be expanded beyond visual checks to include quantified particulate tracking. As shown on page 5.1-42 of **Section 5.1, Air Quality**, project activities that would cause dust, including earth-moving, construction, demolition, bulk storage, and conditions resulting in wind erosion, are subject to opacity and visible dust emissions standards and must apply reasonably available control measures (RACMs). See proposed COC **AQ-SC1** to **AQ-SC6.** Staff has determined that the proposed COCs are extensive enough to adequately control visible dust on the project site and ensure less than significant impacts.

The commenter suggests coordination with the Fresno County Department of Public Health during high-risk excavation or wildfire-prone days. As shown on page 5.1-43 of **Section 5.1, Air Quality**, proposed COC **AQ-SC1** would designate an on-site AQCMM who would have the authority to stop any or all construction activities as warranted by applicable construction conditions. Staff does not recommend any changes to the conditions of certification based on this comment.

Response to Comment 21-3. The groundwater for the project would be sourced by the Westlands Water District (WWD), by means of an option agreement to purchase. A copy of this agreement shall be provided to the CEC CPM per proposed COC **WATER-6.**

WWD functions as the SGMA groundwater sustainability agency (GSA) along with Fresno County. Under SGMA and the approved groundwater sustainability plan (GSP), the local groundwater basin can be responsibly managed to balance water use interests while avoiding groundwater overdraft conditions. Water use during project construction and operation would be reported by the project owner per proposed COC **WATER-6.**

In 2023, WWD established a groundwater recharge program to provide private water users with surface water during surplus conditions to recharge aquifers. While this program presents the most feasible opportunity for groundwater recharge offset suggested in the fourth bullet item, CEC staff believes the responsibility of the applicant to provide connection and delivery to WWD surface water would be too great of a burden to the project.

Appendix F of the 2022 groundwater sustainability plan (GSP) prepared by WWD is a groundwater management plan. Per this plan, WWD and the project owner would work together to establish groundwater extraction restrictions during drought conditions.

Regarding a water budget, under proposed COC **WATER-6,** water use would not exceed 1,200 AF during project construction and 40 AFY during project operations based on the applicant's water demand estimates. It should be noted that per the option agreement to purchase with WWD, the project owner would be entitled to 3,859 AFY during project construction and 59 AFY for project operations based on the project acreage of 9,500 acres.

Regarding the recommendation to avoid disking, fugitive dust emissions would be controlled during construction per proposed COCs **AQ-SC1** and **AQ-SC3**, while during project operations weed prevention would be limited to mowing, chemical control and sheep grazing.

No revisions to the conditions of certification have been made based on this comment.

Response to Comment 21-4. Staff acknowledges the commenter's support for renewable infrastructure. As discussed on page 5.7-41 of **Section 5.7, Hazards, Hazardous Materials/Waste, and Wildfire** of the Staff Assessment, the project site is relatively flat and is currently undeveloped and would not substantially exacerbate wildfire risks during project construction and operations. Additionally, there are no portions of the PG&E downstream network upgrades that are within a Very High FHSZ. Also, there is a record of only one wildfire near the proposed new BAAH 500 kV switchyard, in 1968.

Furthermore, as discussed on pages 5.7-39 to 5.7-40 of **Section 5.7, Hazards, Hazardous Materials/Waste, and Wildfire** of the Staff Assessment, PG&E has prepared and implemented its 2023-2025 Wildfire Mitigation Plan (WMP), which incorporates the downstream network upgrades.

Regarding the proposed gen-tie line, Staff notes that new WMP guidelines were adopted by the Office of Energy Infrastructure Safety in early 2025 and are scheduled to take effect with the 2026–2028 WMP cycle. While these new requirements are not yet applicable, staff anticipates that gen-tie infrastructure operators subject to these rules would be required to prepare and implement a WMP prior to the applicable deadline, consistent with state wildfire safety policy.

Response to Comment 21-5. The commenter is incorrect about leaving people, communities and local decision-makers out of the process. They are part of the environmental and decision-making process – through public comments. As noted in **Response to V-1**, the CEC has provided opportunities to hear the public and receive comments. The CEC has hosted meetings (near the project location when possible) for the public to comment on the Darden Clean Energy Project, such as the meetings at the Harris Ranch Resort on October 16, 2024, and March 26, 2025. CEC commissioners, public advisors, technical and legal support attended those meetings in person and by virtual video links. The notice for the meeting held on October 16, 2024, was posted on October 4, 2024 (TN 259447) and the notice for the meeting held on March 26, 2025, was posted on March 14, 2025 (TN 262194).

In terms of AB 205, CEC has not been given authority to require the requested community engagement after a decision is made on the certification. With that said, the administrative record includes evidence that the applicant has adhered to its Community Benefits Plan, has met the legal requirements regarding one or more Community Benefits Plans, and has taken other community outreach actions that have been embraced by various segments of the immediate community and Fresno County at large.

Response to 21-6. Staff has grouped the commenter's recommendations and addressed them as follows:

1. Expanding Valley Fever mitigation to include onsite spore sampling, protective worker gear, and post-construction monitoring for spore presence

Conducting soil sampling for Coccidioides immitis spores during or after construction is not a reliable method for assessing Valley Fever risk. The fungus's distribution in soil is highly variable and patchy, making detection inconsistent. Studies have shown that even within small areas, the presence of the fungus can be unpredictable, rendering soil sampling an ineffective tool for monitoring spore presence. Therefore, staff believes it would be ineffective to sample or monitor the spore presence. Staff assumed that the spores would be present, therefore, recommended precautions be taken as required in proposed COC **WORKER SAFETY-11**, which includes enhanced dust control strategies and the provision of protective equipment for workers. The proposed measures are designed to effectively minimize Valley Fever exposure risks for on-site personnel, who would be most exposed to the fungus that causes Valley Fever. General public exposure will also be kept to a minimum with the implementation of **WORKER SAFETY-11** and **AQ-SC3**.

2. Periodic public health data collection, mandatory collaboration with the Fresno County Department of Public Health, cumulative study on lifetime health impacts related to air quality and Valley Fever exposure, increased funding for community health studies and clinic capacity building, and post-construction tracking with integration into community clinic surveillance

The Staff Assessment includes proposed COC **WORKER SAFETY-11**, which mandates a Valley Fever Prevention and Response Plan for on-site workers. This plan includes measures such as enhanced dust control, provision of protective equipment, worker training, medical referral protocols, and the reporting of medically diagnosed cases for onsite workers to the California Department of Public Health, Cal/OSHA, and the Compliance Project Manager. Although these programs would be equally good for public health, extending the requirements to the broader community falls under the jurisdiction of local health authorities. The Fresno County Department of Public Health operates its own Valley Fever prevention program, which is better equipped to handle community-wide health initiatives. For broader public health collaborations, it is recommended that the communities engage directly with the Fresno County Department of Public Health to explore potential partnerships and initiatives. Since Valley Fever is widespread enough in Fresno County, it would be impossible to determine where the exposure came from.

3. Heat resilience measures: weatherization grants, solar microgrid support, and energy bill credits

See **Master Response 1** for discussion of community benefits agreements.

Response to 21-7. The applicant has not shared its hiring practices with staff, and, under Public Resources Code § 25545.10, CEC would not be tasked with monitoring the reporting of hiring practices throughout the life of the project, should the project be approved. Therefore, staff has not proposed any new or revised conditions in response to the comment.

As discussed in **Section 10, Mandatory Opt-in Regulations,** subsection 10.2, Requirements for Covered Project Under the Labor Code, Public Resources Code sections 25545.3.3 and 25545.3.5, which require the applicant to certify whether it is entirely or not entirely a public work project, and it must certify that a skilled and trained workforce will be used to perform construction work. In Appendix G of the Opt-In application (RCI 2023e), the applicant certified that construction of the covered project is not in its entirety a public work. Staff concluded that the record contains substantial evidence to support a proposed finding of compliance with Public Resources Code Section 25545.3, and it proposes COC **LABOR-1,** which requires compliance with the wage and related conditions set forth in the finding.

As discussed in **Section 10, Mandatory Opt-in Regulations,** subsection 10.4, Net Positive Economic Benefit to the Local Government, the Findings of Fact, project operation and maintenance is estimated to directly generate 16 jobs and indirectly generate 44 jobs, which is not a direct economic benefit to Fresno County. However,

staff concluded that construction and operation of the facility would result in an overall positive economic benefit to Fresno County of roughly $169 million (net present value) as opposed to the project site's current limited agriculture use. Staff also concluded that with the incorporation of proposed mitigation measures, the potential costs to Fresno County are expected to be minor compared to the identified economic benefits.

See also **Master Response 1**.

Response to 21-8. As described in **Section 10, Mandatory Opt-in Regulations,** the assessment of Net Economic Benefits identifies that the project is expected to have a total investment of approximately $3 billion, including $319 million direct investment in the state of California upon the completion of construction. In addition, the applicant's Socioeconomic Report (RCI 2023qq) includes additional information on project's fiscal impacts to the County. The report identified a positive economic impact from the construction and operation of the project based on estimates of $33 million in sales tax during construction and $1,800,000 per year during operations. In addition, a one-time school fee of $14,000 would be paid to the local school district (page 10-5 of the Staff Assessment). In response to the commenter's first bullet, CEC cannot require Fresno County to adopt a formal policy specifying how it would allocate its anticipated tax revenue. In response to the second bullet, please see **Response to 11-19**. In response to the last bullet, please see **Master Response 1**.

Commenter 22 - Marybeth Benton, Nature Conservancy of California

The Nature Conservancy

California Energy Commission
Attn: Lisa Worrall, Senior Environmental Planner
715 P Street
Sacramento, California 95814-5512
Docket Number 23-OPT-02

Delivered via email to: docket@energy.ca.gov

RE: Comments on Darden Clean Energy Project Staff Assessment (23-OPT-02)

Dear Ms. Worrall,

The Nature Conservancy (TNC) appreciates the opportunity to submit comments on the California Energy Commission's (CEC) Darden Clean Energy Project Staff Assessment. The proposed Darden Clean Energy Project (DCEP) is a 1,150 megawatt (MW) solar photovoltaic (PV) project with an up to 4,600 MW-hour battery energy storage system (BESS), step-up substation, operation and maintenance facility and generation-intertie line that would be located within the unincorporated area of Fresno County. The DCEP would be located on approximately 9,500 acres of undeveloped, retired agricultural land.[1]

TNC is a science-based organization working throughout the world and in California to support thriving economies, preserve critical biodiversity, and advance a clean energy future. TNC actively supports California's efforts through Senate Bill (SB) 100 to achieve 100% renewable and zero-carbon energy by 2045. Over the last decade, TNC has developed research to equip communities and policymakers with information to avoid and minimize impacts to nature in planning for clean energy. This work has included supporting proactive, multi-benefit land use planning in areas of California facing land use transition due to groundwater restrictions, including scientific assessments such as TNC's *Western San Joaquin Valley Least Conflict Solar Energy Assessment*.[2] TNC's peer-reviewed *Power of Place West* study demonstrates that many of the lands in California that are most

22-1

[1] Darden Clean Energy Project Staff Assessment. February 2025. Pg. 4.1-1.
[2] Butterfield, H.S., D. Cameron, E. Brand, M. Webb, E. Forsburg, M. Kramer, E. O'Donoghue, and L. Crane. 2013. Western San Joaquin Valley least conflict solar assessment. Unpublished report. The Nature Conservancy, San Francisco, California. 27 pages.
https://www.scienceforconservation.org/assets/downloads/WSJV_SolarAssessment_2013.pdf

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environmentally suitable to achieve California's goals for 100% clean electricity are located in these areas.[3]

TNC supports siting utility-scale solar energy projects in locations that have lower biodiversity value and lower agricultural resource value, including lands that are salt-affected or drainage-impaired. The DCEP is an example of a location identified by research studies as lower conflict for solar energy development, including TNC's *Western San Joaquin Valley Least Conflict Solar Energy Assessment* and *Power of Place California*.[4][5] As reflected in Section 3.4 of the CEC staff assessment, DCEP is located in an area of the San Joaquin Valley within the Westlands Water District that has been proactively identified by planning processes, including *A Path Forward*,[6] as an appropriate location for clean energy development.

Further, TNC encourages clean energy project approaches that go beyond carbon reduction to provide benefits and avoid impacts to communities and areas of conservation value through a "3C" approach that has been adopted by energy buyers throughout the United States.[7] TNC encourages policymakers and planners in California to adopt these approaches, and appreciates that the following criteria are required as part of the opt-in certification requirements:

22-1 Continued

1. An applicant has entered into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more community-based organizations.
2. An applicant will use a skilled and trained workforce and pay construction workers at least prevailing wages, subject to statutory enforcement, or a project labor agreement.

[3] G.C. Wu, R.A. Jones, E. Leslie, J.H. Williams, A. Pascale, E. Brand, S.S. Parker, B.S. Cohen, J.E. Fargione, J. Souder, M. Batres, M.G. Gleason, M.H. Schindel, & C.K. Stanley, Minimizing habitat conflicts in meeting net-zero energy targets in the western United States, Proc. Natl. Acad. Sci. U.S.A. 120 (4) e2204098120, https://doi.org/10.1073/pnas.2204098120 (2023).

[4] Online webmap: https://www.arcgis.com/apps/TwoPane/main/index.html?appid=8a53b325116a4c3e88d2e8481b342123. The report that describes the methods, assumptions and processing of data is: Butterfield, H.S., D. Cameron, E. Brand, M. Webb, E. Forsburg, M. Kramer, E. O'Donoghue, and L. Crane. 2013. Western San Joaquin Valley least conflict solar assessment. Unpublished report. The Nature Conservancy, San Francisco, California. 26 pages.

[5] Grace C Wu *et al* 2020 *Environ. Res. Lett.* 15 074044. https://iopscience.iop.org/article/10.1088/1748-9326/ab87d1

[6] UC Berkeley and Conservation Biology Institute. Mapping Lands to Avoid Conflict for Solar PV in the San Joaquin Valley, May 2016. https://www.law.berkeley.edu/wp-content/uploads/2016/05/A-PATH-FORWARD-May-2016.pdf

[7] LevelTen Energy, The Nature Conservancy, and Audubon. Beyond Carbon-Free: A Framework for Purpose-Led Energy Procurement and Development. November 2021. https://www.nature.org/content/dam/tnc/nature/en/documents/Beyond_Carbon_Free_Whitepaper_Final.pdf

3. The construction or operation of the facility will have an overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility.

22-1 Continued

In closing, TNC appreciates the opportunity to submit comments on the CEC's Darden Clean Energy Project Staff Assessment. The state of California has invested significant resources in proactively identifying regions where solar energy can be built at scale with fewer impacts on natural and agricultural resources and expanding transmission capacity to these areas. Examples include state contributions to or leadership of planning initiatives, such as *A Path Forward*, the Renewable Energy Transmission Initiative (RETI), and recent updates to the land use screens for electric system planning. The west side of the San Joaquin Valley, where the Darden Clean Energy Project is located, is an example of an area where thousands of acres of irrigated agricultural land are expected to come out of production to achieve groundwater sustainability, creating an opportunity to deploy solar as part of a suite of land-repurposing strategies.

Sincerely,

Marybeth Benton
Energy Project Director
The Nature Conservancy
Marybeth.benton@tnc.org

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Response to Commenter 22 - Marybeth Benton, Nature Conservancy of California

Response to Comment 22-1. Staff notes your comment.

Commenter 23 - Mariana Alvarenga, Jamie Zwiefler-Katz, Leadership Counsel for Justice and Accountability (LCJA), and Natalie Delgado-Carrillo, and Angela Islas Central California Environmental Justice Network (CCEJN), and Comunidades de Westside (Communidades)

April 21, 2025

Submitted electronically to the CEC Docket and via email to STEPSiting@energy.ca.gov

California Energy Commission
715 P Street, MS 40
Sacramento, CA 95814

RE: Comments on Darden Clean Energy Project Staff Assessment and Draft Environmental Impact Report

Leadership Counsel for Justice and Accountability (LCJA), the Central California Environmental Justice Network (CCEJN), and Comunidades de Westside (Comunidades), (collectively "Commenters") respectfully submit these comments to the Darden Clean Energy Project (the Project) Staff Assessment and Draft Environmental Impact Report (DEIR).

LCJA works alongside the most impacted communities and advocates for sound policy to eradicate injustice and secure equal access to opportunity regardless of wealth, race, income, and place. LCJA is a nonprofit organization that collaborates with communities in San Joaquin and Eastern Coachella Valleys to increase access to decision-making and elevate historically excluded communities. In Fresno County near the site of the proposed project, LCJA works with the communities of Cantua Creek and El Porvenir,[1] both of which are disadvantaged communities.

CCEJN is a non-profit organization dedicated to uplifting low-income communities of color in the San Joaquin Valley by ensuring access to clean air, water, land, and food sovereignty. CCEJN's work centers on community-led change by addressing issues that have continually impacted disadvantaged, rural communities through community science, grassroots organizing, regulatory engagement, and legislative action. Regarding the proposed site of the project area in Fresno County, CCEJN works with the nearby communities of Five Points and Cantua Creek.

[1] Also known as Three Rocks.

Comunidades is an unincorporated association with members who reside in the communities of Cantua Creek, Five Points, and El Porvenir. According to its adopted bylaws, the purpose of Comunidades is for residents of these three communities "to advocate for the overall health and well being of their communities, including equitable energy policy, programs, and investments that protect public health, prevent climate change, and reduce risk of harm to residents."

While Commenters appreciate the engagement from California Energy Commission (CEC) staff and Intersect Power LLC (Intersect) that has taken place to date, we note several deficiencies in the Staff Assessment and DEIR that must be adequately addressed and resolved. Absent revisions to address each of these issues, set forth in detail below, the DEIR fails to comply with law and is inadequate as an informational document.

I. Legal Background

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR except in certain limited circumstances.[2] The EIR is the very heart of CEQA.[3] "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[4]

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.[5] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[6] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[7]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives[8] and all feasible mitigation measures.[9] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage

[2] *See, e.g.*, Pub. Res. Code § 21100.
[3] *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.
[4] *Communities. for a Better Env. v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109.
[5] 14 Cal. Code Regs. (C.C.R.) § 15002(a)(1).
[6] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.
[7] *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354; *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
[8] 14 C.C.R. § 15126.6(e)(2).
[9] 14 C.C.R. § 15002(a)(2) and (3); see *also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.

can be avoided or significantly reduced."[10] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[11]

The CEQA process is especially important for projects being proposed near environmental justice communities like Cantua Creek, El Porvenir, and Five Points, where residents are already disproportionately impacted by environmental impacts due to their location and proximity to various forms of pollution. For example, residents continue to be exposed to contaminated drinking groundwater, pesticide, dust, and poor air quality. These communities are not equipped with the resources to address this contamination thus the CEQA process is imperative to notify residents of project impacts and propose ways to mitigate or eliminate project impacts to not further exacerbate these concerns.

II. The Project Description Must Be Revised To Accurately Describe The Project.

"[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR."[12] On the other hand, "[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input."[13] "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives … ."[14] 23-1

Further, "[t]he project description must contain (1) the precise location and boundaries of the proposed project; (2) a statement of the objectives sought by the proposed project, including the underlying purpose; (3) a general description of the project's technical, economic, and environmental characteristics; and (4) a statement briefly describing the intended uses of the EIR."[15]

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[10] 14 C.C.R., §15002(a)(2).
[11] Pub. Res. Code § 21081; 14 C.C.R § 15092(b)(2)(A) & (B).
[12] *Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287 quoting *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1052; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332.
[13] *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655.
[14] *Id.*
[15] *South of Market Community Action Network*, 33 Cal.App.5th at 332 citing CEQA Guidelines, § 15124; *see also* 14 Cal. Code Regs. (C.C.R.) § 15124(a) [An EIR must include a project description that provides "the precise location and boundaries of the proposed project."]

The DEIR includes a description of the project that includes its proximity to certain nearby communities. However, this description is not "accurate, stable and finite" given the vacillating and incomplete description of the distance of the Project from nearby communities. For example, the DEIR variously describes the community of Cantua Creek as 3, 3.9, 5, and 10 miles from the project site.[16] Similarly, the DEIR inconsistently describes the community of Five Points as 3 and 9 miles from the project site.[17] As a result, the DEIR's project description is inaccurate and unstable.

As an additional matter, the project description does not identify the community of El Porvenir at all, presumably referring to the community instead as Three Rocks. While we acknowledge that El Porvenir may properly be identified by either name, it should clarify that Three Rocks is also known as El Porvenir, especially given that this is the name that is preferred by residents of El Porvenir. Like Cantua Creek, Five Point, and Three Rocks, El Porvenir must also be included fully in all analysis of impacts, mitigation, and alternatives. 23-1 Continued

In addition to including a description of the project's proximity to nearby communities, the project maps included in the DEIR, such as Figure 3-1 and Figure 3-2, provide a visual layout of the project components such as where the solar facility, battery energy and storage system (BESS), and step-up substation will be located. However, these maps fail to show where all three of the communities are located in relation to the project, lacking reference to Five Points and presumably referring to El Porvenir as Three Rocks. The DEIR must include each community's exact distance from each of the project components in writing and in the related maps.

Further, with respect to the BESS, the project description states that "[t]he Tesla Megapack 2 XL, a lithium iron phosphate (LFP) battery technology, is anticipated to be used for the project…."[18] The battery technology to be used for the Project is a critical component of the project description, as different battery technologies pose different risks, particularly risk of fire.[19] However, the use of the word "anticipated" implies that the use of Tesla Megapack 2 XL for the Project is not certain. And, in fact, the DEIR states in the Transmission System Engineering 23-2

[16] Compare DEIR at 5.2-2; 5.8-15; 5.12-1; 5.16-1; and 5.11-4.
[17] Compare DEIR at 5.2-2 and 5.14-1.
[18] DEIR at 3-8.
[19] *See*, e.g., Transcript from Darden Clean Energy Project Staff Assessment Public Meeting (Transcript), at 65:18-66:10 (Comments from Brett Fooks, Manager of Safety and Reliability Branch, CEC) [distinguishing the Project from the Moss Landing BESS which recently caught fire because, in part, "Moss Landing is different than the Darden Clean Energy Project. There are substantial differences. One being chemistry. They're not the same, so I will mention one for Darden, which is lithium iron phosphate. Sorry, we're getting kind of technical here. The one at Moss Landing was a nickel manganese cobalt. It's a higher energy density."]; Transcript at 66:11-25 (Comments from Chair David Hochschild, CEC [distinguishing between the BESS at Moss Landing as compared to the Project, "That configuration, in my view, is the worst of all. So, this is a 2019 vintage NMC chemistry, which is, you know, higher risk of thermal runaways. … So the new sets that's going in is LFP, much better chemistry from that perspective."].

section that "[t]he project would use commercially available battery technology such as lithium ion, lithium iron phosphate, nickel manganese cobalt, and nickel cobalt aluminum batteries."[20] As the DEIR relies upon the type of BESS battery technology that is "anticipated" to be used for the Project, and as it appears that other battery technologies may in fact be used that are not evaluated in the DEIR, the project description is not accurate, stable and finite. 23-2 Continued

III. The DEIR's Analysis Of Environmental Impacts Is Inadequate.

The determination of significance of impacts must be based on "careful judgment" and "scientific and factual data."[21] The lead agency must consider the views of the public,[22] and must consider both direct and indirect effects.[23] The DEIR must consider short-term and long-term effects, relevant specifics about the area, and health and safety problems that result from the changes from the project.[24] The DEIR must analyze impacts associated with both construction and operations.[25]

A. The Analysis Of Air Quality Impacts Is Inadequate.

A lead agency must take special care to determine whether the project will expose "sensitive receptors" to pollution.[26] With respect to air quality impacts, a key question is thus whether the project would "[e]xpose sensitive receptors to substantial pollutant concentrations."[27] If it will, the impacts of that pollution are more likely to be significant.[28] 23-3

Here, the DEIR fails to adequately analyze the air quality impact of increased vehicle traffic through the communities of Five Points, Cantua Creek, and El Porvenir. First, with respect to Five Points, the DEIR relies upon an unspecified Construction Traffic Control Plan in concluding that during construction a workforce of 2,011 will arrive in 1,006 vehicles.[29] In order to rely on this plan, the DEIR must analyze details about implementing and enforcing this plan. Without that, analysis must assume emissions from 2,011 vehicles.

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[20] DEIR at 4.3-4.
[21] 14 CCR 15064(b).
[22] 14 CCR 15064(c).
[23] 14 CCR 15064(d).
[24] 14 CCR 15126.2 (a).
[25] CEQA Guidelines, Appx. G.
[26] *Id.*
[27] *Id.*
[28] *See* California Department of Justice, *Environmental Justice at the Local and Regional Level Legal Background*, available at https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf.
[29] As discussed in Section V.F., *infra*, it is not permissible under CEQA to defer formulation of plans to some future date.

Second, the DEIR analysis of the construction phase's impact on sensitive receptors is inadequate.[30] The analysis centers around emission standards generally in the area of the project. However, this analysis fails to take into account the impact on sensitive receptors from the localized concentration of vehicle traffic. The communities of Five Points, Cantua Creek, and El Porvenir, all disadvantaged communities, each include sensitive receptors. Similarly, the proposed route for significantly increased vehicle traffic during construction is approximately 0.3 miles from Westside Elementary School.[31] Further, to the extent that the Kamm Avenue exit from Interstate 5 (I-5) is utilized, as discussed next, it appears that additional traffic would also pass in front of Cantua Elementary School on West Clarkson Avenue. 23-4

Third, for purposes of the forecast of road segment traffic volumes,[32] the DEIR assumes that all associated construction and operations vehicle trips will travel to and from the construction site via SR-145 and Mount Whitney Avenue. This is concerning because: (a) this route passes directly through Five Points; and (b) this conflicts with the statement in the DEIR that I-5 will be used "extensively by heavy trucks during the construction phase" and that it has connectivity to West Kamm Avenue near the project site.[33] To the extent that a portion of the extensive truck traffic during construction does in fact utilize West Kamm Avenue, the most convenient route to the Project site likely passes directly through both El Porvenir and Cantua Creek, yet there is no acknowledgment or analysis of this fact in the DEIR. 23-5

The DEIR lacks credibility in its failure to analyze the air quality impacts, particularly on sensitive receptors, associated with an additional 180 heavy truck trips and up to 2,011 passenger vehicle trips per day, passing directly through Five Points, and in failing to analyze impacts of any additional truck and passenger vehicle trips associated with the Kamm Avenue exit from I-5. The DEIR must be revised to analyze the significant air quality impacts associated with additional vehicular traffic during both construction and operations.

B. The Analysis Of Impact on Climate Change and Greenhouse Gas Emissions Is Inadequate.

To determine the significance of greenhouse gas emissions, an EIR "shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project."[34] The EIR "should focus its analysis on the reasonably foreseeable incremental contribution of the project's

[30] DEIR at 5.1-32.
[31] DEIR at 5.14-11.
[32] *Id.*
[33] DEIR at 5.14-1.
[34] 14 CCR 15064.4(a).

emissions to the effect of climate change."[35] The lead agency "must support its selection of a model or methodology with substantial evidence."[36]

The DEIR, in determining the significance of the project's impacts on greenhouse gas emissions, incorporates the assumption that the project "would avoid the need to use fuel at a mix of flexible, dispatchable generating facilities using coal and natural gas."[37] This assertion is conclusory and unsupported in the DEIR. Although the project would produce electricity, it does not lay out how the project would interact with retiring fossil fuel energy generation or overall energy demand trend. It is foreseeable that energy demand will continue to grow and energy producers will continue to use as much or more fossil fuels to produce energy as they would without this project. 23-6

The impact analysis must be amended to address these shortcomings and, if necessary, the project should incorporate additional mitigation measures to ensure that the additional energy production and storage capacity from this project will, in fact, contribute to the reduction of greenhouse gas emissions from fossil fuel energy production.

C. The Analysis of Hazards, Hazardous Waste, And Wildfire Is Inadequate.

In comments on the Notice of Preparation (NOP), LCJA provided evidence that the EIR needs to evaluate the risk of the project leaching heavy metals into soils.[38] Research suggests that the construction and operation of solar projects may leach heavy metals in soil and that the type of solar panels used may influence the risk of leaching.[39] The DEIR does not include an evaluation of this hazard which presents a potentially significant impact. It must be revised to include this evaluation. 23-7

Additionally, the DEIR concludes that, with mitigation, the risk of exposure of people and/or structures to fire is less than significant.[40] This is based in part on an evaluation of the fire risk associated with the Tesla Megapack 2 XL. But, as noted above,[41] it appears that other battery technologies may in fact be used, and that the risk of fire depends on the battery chemistry and enclosure design. As the DEIR does not evaluate fire risk of alternate battery technologies that may in fact be used for the Project, it is inadequate and fails as an informational document. 23-8

Further, the DEIR's analysis of fire impacts relies on the "distance separating the BESS facility from the public," but does not specifically state the distance from the BESS facility from the public.[42] It is unclear, especially given the various conflicting descriptions of the distance from 23-9

[35] 14 CCR 15064.4(b).
[36] 14 CCR 15064.4(c).
[37] DEIR at 5.3-15.
[38] LCJA Comments the NOP at 5. Dated October 22, 2024.
[39] Li et al., "A review of toxicity assessment procedures of solar photovoltaic modules" (February 15, 2024), https://www.sciencedirect.com/science/article/pii/S0956053X23007717.
[40] DEIR at 5.7-24.
[41] *See* Section II., *supra*.
[42] DEIR at 5.7-33.

the Project site to the communities of Cantua Creek, Five Points, and El Porvenir,[43] how far the BESS is from the public and to what extent the DEIR relies upon accurate information in making that determination. It is also unclear whether and the extent to which the DEIR considers the residences within 1,000 feet of the Project site[44] in its analysis of fire risk. 23-9 Continued

The analysis of fire risk in the DEIR fails for another reason, it fails to adequately consider the additional fire risk associated with conversion of agricultural lands to presumably unirrigated native/non-native grassland.[45] Specifically, despite acknowledging that "existing data demonstrates that grass fires have happened in areas of Fresno County with similar grasslands as the proposed project," the DEIR relies upon the prior history of fires generally starting "where the hills begin to rise from the agricultural fields" in evaluating fire risk associated with the Project.[46] It fails to adequately analyze the increased fire risk associated with the conversion of irrigated agricultural lands to unirrigated native/non-native grassland, an issue compounded by the failure to adequately analyse fire risk associated with the BESS. If fires have traditionally occurred in the nearby hills, where native grasses typically grow, that fire risk may logically be associated more with the presence of dry grasses and less with the change from valley floor to grassland. The DEIR must be revised to fully analyse this question. 23-10

D. The Analysis Of Noise And Vibration Is Inadequate.

Project construction and operations will have a long lasting effect on communities near the project site due to the project's proposed longevity. The project will be close to several communities and at least two schools, Cantua Creek Elementary and Westside Elementary School. The DEIR fails to analyze how the project will impact school activities as a result of the project's construction and operations. For example, the proposed times for helicopter use from 6:00 am to 7:00 pm and pile driving activity from 6:00 am to 9:00 pm are during school hours. The DEIR explains that the PV panel system construction phase will reach a noise level of 80 dBA, pile driving can reach 104 dBA, and helicopter use can reach approximately 79 to 96 dBA, depending on the distance, and rightfully so indicates that the impacts would be significant. Furthermore, the DEIR inaccurately states that the San Joaquin airport can not result in excessive noise levels because it is 5.5 miles from the project site. This analysis fails to consider residents from the community of San Joaquin who live less than five miles from the airport and will be exposed to noise and vibrations. 23-11

The DEIR fails to include an analysis to indicate how the project will impact the health and well-being of residents and workers. For example, the analysis needs to include potential risks such as hearing damage, sleep disturbance, cardiovascular stress, health concerns from machinery usage, mental health impacts, and any other possible impacts. 23-12

[43] Section II., *supra*.
[44] DEIR at Appx. B-2.
[45] *See* DEIR at 3-18.
[46] DEIR at 4.4-15, 5.7-15.

E. The Analysis of Socioeconomics Impacts is Inadequate.

The Darden Clean Energy Project will require several resources to function properly, including but not limited to public services and housing availability. These resources are already limited in communities near the project site, and we anticipate the project will exacerbate the demand and need to access these resources. 23-13

The project proposes to hire workers from Madera, Fresno, and Kings County, covering an extensive area. Cantua Creek, Five Points and El Porvenir residents have vocalized their desire to prioritize workers from communities closest to the project site before reaching out to workers beyond these communities and other counties. There will be residents in the area who will be transitioned out of agricultural work if the project is approved and other possible similar projects and thus are seeking job security. For example, the majority of residents who live in Five Points, Cantua Creek, and El Porvenir are farmworkers. As agricultural lands increasingly go out of production within the West Fresno County area, workers have had to commute as far as Corcoran due to the limited employment opportunities around the area. If the project is approved, it places the job security of agricultural workers at risk.

Although the DEIR states that the proposed workforce of 1,200 to 1,500 construction workers may not lead to an increase in population in the study area, it fails to explain how short-term and transient housing can affect permanent housing availability. The DEIR does not acknowledge the Housing Element for unincorporated communities and cities in the project area and does not consider the need for additional housing to meet each jurisdiction's Regional Housing Needs Allocation numbers. This is important because the County and cities must zone land to make room for permanent housing in an area that already faces housing insecurity and the project's 18 to 36 construction period can encourage workers to relocate for this length. The project will contribute to a halt in community growth because the land where the project is being proposed could have welcomed additional housing to meet the housing needs of these communities, or the land could have been used to accommodate other types of projects that generate a larger number of permanent jobs (i.e. packing houses). Additionally, residents worry that this project and future solar farms in the area will contribute to a reduced housing market value due to the proximity of the project and the environmental impacts. 23-14

Furthermore, the magnitude of the project and the risk it poses to nearby communities when there is a need to address fire related incidents is tremendous. Five Points, Cantua Creek, and El Porvenir residents do not have access to a fire station in their community and are concerned that the project will contribute to an already delayed response time. Residents have difficulties getting their houses insured and are quoted higher rates for house insurance because there is not a fire station in their community. Insurance Companies share that if homes are lost due to fire related incidents, the house is considered a total loss and this financial burden is placed on property owners. The project will increase the likelihood of fire related incidents, potentially further increase home insurance rates, and pose a physical threat to the safety of nearby 23-15

communities and property. The DEIR must include these impacts and address these concerns to ensure the safety of residents. 23-15 Continued

F. The Analysis and Planning of Solid Waste Management is Inadequate.

The solid waste that will be generated during the construction and operation of the project must be overseen to the end of its life. During the construction process, the project will generate 20 tons of concrete, 20 tons of metal, 70,000 units of First Solar Series 7 PV solar panels, and 16,998 tons of wood.[47] In total 20,716 tons of solid waste would be generated during project construction. The operation process will generate less than half of the waste during construction with a total of 109 tons of solid waste. The DEIR states that the heat strengthened glass and galvanized steel from solar panels serve as a potential waste stream, but claims that the origin of this waste stream was not discussed.[48] The origin of the waste streams for these materials must be identified to determine whether they are hazardous or not. Furthermore, the disposal of each solar panel, including ones broken or damaged during construction, must be properly analyzed and documented, and should be overseen until it reaches the material recovery facility (MRF) for recycling or the landfill for disposal. The DEIR cites two landfills that would be the recipients of nonrecyclable, disposable waste: Waste Management Kettleman Hills B-17 and Waste Management Kettleman Hills Unit B-18. Residents within Kettleman City already experience significant distress and concern over the number of truck trips and loads that the surrounding landfills receive. The impact of additional truck trips for solid waste disposal must be evaluated, and include air quality impacts in already significantly overburdening rural communities within the San Joaquin Valley. 23-16

G. Transmission Line Safety and Nuisance Must be Thoroughly Considered.

Over the past few years, several wildfires have started due to aging PG&E power lines. This has raised concerns surrounding the procedure PG&E follows to maintain and upgrade power lines. Given this history, and that following the construction of the utility switchyard, the ownership and operations would transfer to PG&E, the DEIR must explain any impacts that will be associated with ongoing operations. 23-17

H. The DEIR Inadequately Analyzes Impacts On Transportation.

The DEIR determines that the project will not create significant impacts on traffic with the implementation of Conditions of Certification.[49] The DEIR concludes that, because large, slow agricultural equipment already uses the roads, the additional 180 trucks per day during construction will not have a significant impact on traffic, specifically hazards due to geometric design.[50]

[47] DEIR at 5.12-4 and 5.12-5.
[48] DEIR at 5.12-5.
[49] DEIR at 5.14-19.
[50] DEIR at 5.14-14.

However, the project as a whole will add 1,186 vehicle trips each day, although that number is likely an undercount, as discussed in the air quality section of these comments.[51] Further, the combination of existing agricultural traffic and truck traffic for the project would result in significant traffic impacts. Residents need to use these roads to access basic necessities and services, including transportation to and from school. An additional 180 trucks on these roads daily will foreseeably interfere with residents' ability to use roads to access basic needs and services. Residents of Five Points have shared that many students who attend Riverdale High School must get ready for the school bus by 6:00 AM to be on time for school by 8:00 AM. When the school day ends, students are picked up at 3:00 PM and arrive back in the community by 5:00 PM. With the additional 180 trucks a day added within the community, this will add an extra amount of commuting time for students who are already having to get up early in the morning and return home late in the day. 23-18

Moreover, the additional vehicle trips will have a negative impact on active transportation in nearby Cantua Creek, Five Points, and El Porvenir. The DEIR must analyze the impacts on residents who walk within the neighborhood. For example, the community of Five Points lacks critical road infrastructure such as elevated sidewalks and stop signs which makes it unsafe for children to walk to places like other residents homes, the Five Market, Gas, and Deli, and the local community center. The safety of residents must be analyzed when considering the addition of vehicle trips that pose a burden on residents trying to move freely around their neighborhoods. 23-19

Finally, the failure to analyze impacts on vehicle miles traveled during construction of the Project is concerning and inadequate. The DEIR concludes, without evidence or analysis that supports this approach, that "[c]onstruction trips are not analyzed in a VMT analysis because they are temporary and would not impact overall per capita VMT in the region."[52] However, construction timelines extend either 18 or 36 months, depending on the construction schedule that is implemented.[53] Failure to analyze the impact on vehicle miles traveled of between 1,186 and 2,196 daily vehicle trips that may extend between 1.5 to 3 years is wholly inadequate. Failure to conduct a construction-related VMT analysis also bolsters the conclusion that the air quality analysis is also inadequate for failure to fully consider the air quality impacts associated with these vehicle trips, particularly with respect to sensitive receptors. 23-20

I. The Analysis Of Impacts On Water Resources Is Inadequate.

1. <u>The DEIR Fails To Adequately Analyze Impacts on Groundwater Supply.</u>

The DEIR relies on compliance with the Sustainable Groundwater Management Act (SGMA) in concluding that the Project is not expected to overdraft local groundwater resources or cause

[51] *See* Section III.A., *supra.;* DEIR at 5.14-11.
[52] DEIR at 5.14-8.
[53] DEIR at 3-12.

disproportionate impacts on environmental justice communities due to overdraft.[54] This, despite the conclusion that the project would require 1,100 acre feet of groundwater during construction, and 35 acre feet per year during operations,[55] all from at least two groundwater wells presumably at or near the Project site.[56]

However, reliance on SGMA implementation to ensure that there will be no localized impacts associated with groundwater extraction is inadequate. While the purpose of SGMA is to ensure sustainable groundwater management, the time frame for sustainability is lengthy, with full implementation only required by 2040 at the earliest.[57] Further, SGMA sets no standards for groundwater well siting or design, and legislative efforts to ensure that groundwater wells are far enough away from existing drinking water wells have so far been unsuccessful.[58] 23-21

Rather than relying on implementation of SGMA, the DEIR must be revised to fully evaluate the impacts of additional groundwater extraction at the site of the planned groundwater wells. This analysis must include the location of groundwater extraction, the proximity of other groundwater wells to those locations (focused specifically on domestic and municipal supply wells), the depth of groundwater extractions relative to existing wells, the capacity of the planned groundwater wells, and any localized impacts on groundwater levels that may impact existing drinking water wells. This evaluation must include current and future monitoring of groundwater levels at the Project site, and a transparent method of providing this monitoring data to the public. The DEIR must also evaluate water supply alternatives, and fully mitigate any impacts identified in this evaluation. The DEIR must also be revised to consider what amount of additional water during operations is needed for the "supplemental water" to be used to irrigate the mix of native/non-native grassland to be planted below the solar arrays.[59] 23-22

2. The DEIR Fails To Adequately Analyze Impacts on Groundwater Quality.

The DEIR does not discuss or consider the impact of additional groundwater pumping on groundwater quality. Studies have shown that groundwater pumping and groundwater recharge activities (including on farm recharge through irrigation) may increase groundwater 23-23

[54] DEIR at 6-26.
[55] *Id.*
[56] DEIR at 4.4-14.
[57] Cal. Wat. Code § 10727.2(b)
[58] *See*, e.g., AB 2079 (Bennett, 2024), available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2079&search_keywords=water
[59] DEIR at 3-18.

contamination.[60] The failure in the DEIR to discuss these potential impacts on groundwater quality renders the DEIR's analysis of water resources inadequate. 23-23 Continued

3. The DEIR Fails to Include An Analysis Of The Impacts Of The Project On Drinking Water Supplies Of Nearby Residences And Communities.

For over a decade, Cantua Creek and El Porvenir, residents have had contaminated drinking water. Five Points residents were notified on January 8, 2025 that their drinking water is contaminated. These three communities currently rely on surface water but will soon transition to groundwater. Thus, it is imperative to ensure that this project does not leave these three communities at risk of running out of water. Although the DEIR states that the project will "not decrease the likelihood of achieving a sustainability goal for the basin,"[61] as discussed above, it fails to include how much groundwater will remain in the aquifer as a result of the actual transition of actively irrigated land to the project. It is important to include this data to inform future water usage of the project to ensure that nearby communities will still have access to water. Further, as discussed elsewhere in these comments, further analysis should be considered to determine potential effects of chemical leaching impacts to groundwater supply (i.e. PFAS contamination), if solar panels are not properly disposed of. [62] 23-24

J. The DEIR Does Not Adequately Analyze the Impact on Visual Resources

The DEIR describes the impact that the project will have on the existing visual character and quality of public views.[63] Although the DEIR does acknowledge that the project will impact the rural and spacious aesthetics, it does not acknowledge the effect this will have on the quality of life of nearby residents. The DEIR must be revised to address this impact. 23-25

[60] *See* Smith et al., Overpumping Leads to California Groundwater Arsenic Threat, 9 Nature Communications 2089 (2018), available at https://www.nature.com/articles/s41467-018-04475-3; See Fakhreddine et al., Protecting Groundwater Quality In California, Management Considerations For Avoiding Naturally Occurring And Emerging Contaminants (2019), available at https://www.edf.org/sites/default/files/documents/groundwater-contaminants-report.pdf ["Recharging water, even clean water, into a previously uncontaminated aquifer can potentially alter the existing geochemistry and hydrology and subsequently cause the release of geogenic contaminants from soils and sediments."]; Jurgens, Bryant C., et al. "Effects Of Groundwater Development On Uranium: Central Valley, California, USA," Groundwater 48.6 p. 913 (2010), available at https://ngwa.onlinelibrary.wiley.com/doi/abs/10.1111/j.1745-6584.2009.00635.x; "Groundwater Quality In The Sustainable Groundwater Management Act (SGMA): Scientific Factsheet on Arsenic, Uranium, and Chromium," available at https://d3n8a8pro7vhmx.cloudfront.net/communitywatercenter/pages/293/attachments/original/1559328800/Groundwater_Quality_in_SGMA_Scientific_factsheet_on_arsenic__uranium__and_chromium.pdf?1559328800.

[61] DEIR at 5.16-4.

[62] See, PFAS waste from solar panels, available at: https://chemsec.org/pfas-waste-from-solar-panels-this-is-something-that-people-in-the-sector-dont-like-to-talk-about/

[63] DEIR at 5.15-17.

K. The DEIR Fails to Address the Heat Island Effect

As discussed in our comments on the Notice of Preparation, there is evidence that large solar projects can increase the ambient air temperature.[64] The DEIR does not include any analysis of the potential significant impacts from increasing the ambient air temperature. For example, one study demonstrates that a 1 MW solar farm can increase the temperature 1.9 degrees celsius, however this effect dissipates after 300 meters.[65] Here the project is 1,150 MW. Commenters are not aware of studies that evaluate the heat island effect for a project this large. Given this, and in order to ensure that harmful impacts that are not currently well understood are fully analysed, the EIR must be revised to analyze the potential of impacts of the heat island effect.

23-26

Failure to conduct an analysis of the heat island effect could cause harmful impacts to nearby communities that are not adequately understood or mitigated, and inclusion of this analysis is especially important given the proximity of the project to DACs with particular vulnerability to extreme heat. Residents often lack access to air conditioning or cannot afford to use it and frequently work outdoors. Additionally, access to cooling centers is limited in these communities. As climate change worsens, residents expect these impacts to increase. For these reasons, and because CEQA requires such analysis, the DEIR must be revised to analyze the impact on extreme heat. According to the California Heat Assessment Tool, the region experiences an average maximum temperature ranging from 103.4°F to 107.69°F. Any additional increases in heat are likely to result in significant impacts.[66]

IV. The DEIR's Analysis of Cumulative Impacts Excludes A Probable Future Project

Under CEQA, cumulative impacts exist when multiple effects, even when individually minor, compound or increase environmental impacts, whether as part of a single project or multiple projects.[67] A cumulative impact is defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency…or person undertakes such other actions."[68]

The DEIR improperly limits the cumulative impacts analysis, with respect to future projects, to projects that will be constructed within one year of Darden and which are within 15 miles of the project site.[69] This is inadequate and inconsistent with applicable case law. Specifically, an EIR

23-27

[64] LCJA NOP comments, citing Barron-Gafford *et al.*, "The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures" (2016). https://doi.org/10.1038/srep35070.
[65] Fthenakis, Vasilis & Yu, Yuanhao. (2013). Analysis of the potential for a heat island effect in large solar farms. Conference Record of the IEEE Photovoltaic Specialists Conference. 3362-3366. 10.1109/PVSC.2013.6745171.
[66] Cal. Heat Assessment Tool, *Explore*, https://www.cal-heat.org/explore
[67] 14 C.C.R. § 15355.
[68] *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.* (9th Cir. 2008) 538 F.3d 1172, 1215; *see also* 14 C.C.R. § 15355(b).
[69] DEIR at A-2.

must include reasonably probable future projects which means "any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review…"[70] Further, a project must be considered in a cumulative impact analysis where the "proposed project is both probable and sufficiently certain to allow for meaningful cumulative impacts analysis."[71] There is thus "no single accepted definition of 'probable future project,'"[72] and the analysis is inherently fact specific.

Here, the DEIR does not include the Valley Clean Infrastructure Plan (VCIP) as part of the Cumulative Impact analysis.[73] VCIP is a probable future project which would include 130,000 acres of solar panels, energy storage, and transmission. VCIP filed a notice of preparation on February 2, 2024 and is currently preparing a DEIR.[74] This activity reflects a commitment of significant time and resources to prepare for regulatory review. CEQA requires VCIP's inclusion in the cumulative impacts analysis due to VCIP's massive scale and, given its similarities to this project, the likelihood of exacerbating each of the construction and operation impacts of the Project discussed above. 23-27 Continued

The project would be within 15 miles of Darden, within the boundaries described by the DEIR as relevant for cumulative impact analysis.[75] However, for the reasons stated above, CEQA requires the 15 mile radius be expanded to incorporate the entire VCIP project.

V. The DEIR Lacks Sufficient Mitigation

An EIR must include mitigation measures to minimize each significant adverse impact.[76] Mitigation measures must either be described in detail or include performance standards and agency oversight.[77] Here, DEIR's mitigation measures must be amended as described below.

A. Air Quality Mitigation Measures are Insufficient

The DEIR determines that the project will create significant impacts on air quality especially during construction.[78] The DEIR adopts a mitigation measure to cease operations when local air quality is poor as a result of dust, wind, and other factors.[79] It does not specify how it will determine when local air quality will necessitate ceasing operations. CEQA requires mitigation measures to be described with as much specificity as is practicable. Further, residents nearby 23-28

[70] *Gray v. County of Madera*, 167 Cal.App. 4th 1099, 1127-1128.
[71] *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 435.
[72] *East Oakland Stadium Alliance v. City of Oakland* (2023) 89 Cal.App.5th 1226, 1272.
[73] DEIR A-4 through A-9.
[74] VCIP NOP, figure 1, available at: https://files.ceqanet.opr.ca.gov/295435-1/attachment/gflOVJCKP1iY4iSWem5bxBenZvR1esvLsfT0Sfavgy0-VKlr36FeTAXNl9Rt0fi8nnNj5E_-2gcug6Kc0.
[75] DEIR at A-2.
[76] 14 C.C.R. § 15126.4 (1)(a).
[77] 14 C.C.R. § 15126.4(1)(b).
[78] DEIR at 5.1-19.
[79] DEIR at 5.1-50, AQ-7.

communities experience significant adverse health outcomes, in addition to the nuisance impacts from poor visibility, as a result of poor air quality. Therefore, the DEIR must be revised to include placing air quality and visibility monitoring equipment in nearby communities. This placement should ensure that the determination to cease operations is made with data inclusive of the impact on these communities. 23-28 Continued

The DEIR also states that certain construction equipment will be diesel powered, which will result in a significant impact on air quality.[80] The DEIR adopts a mitigation measure that would require an agreement with SJVAPCD to fund local electric vehicles programs or use electric vehicles at the project site.[81] The DEIR also adopts a mitigation measure that diesel equipment comply with certain operational standards.[82]

These mitigation measures are insufficient. As the DEIR acknowledges, the location of the project is out of compliance with National Ambient Air Quality Standards which has significant detrimental health impacts on residents. The project must ensure that no additional diesel equipment is used, especially during construction when the vehicle traffic will be highest. All equipment must be low or zero emission. 23-29

Further, all vehicle trips, including both trucks and personal vehicles, must be diverted to prevent air pollution and traffic from vehicles in close proximity to communities. Specifically, as discussed above, the community of Five Points will be subjected to a significant increase in vehicle pollution with 180 daily truck trips and up to 2,011 daily personal vehicle trips. The communities of Cantua Creek and El Porvenir will likely also see additional truck and vehicle trips near homes based on the use of the Kamm Avenue Exit from I-5. Rerouting the truck and personal vehicle traffic away from all three communities is the only way to ensure that the significant air quality impacts of the project are fully mitigated. 23-30

B. Noise and Fire Buffer Zone Mitigation Measures are Insufficient

The DEIR determines that the project will create significant impacts in the form of noise[83] and battery fire risk.[84] The DEIR includes mitigation measures for these impacts. However, these mitigation measures will be insufficient to prevent significant impacts on nearby communities. In order to sufficiently mitigate these impacts, the project must include buffer zones. These buffer zones must be designed to minimize noise, vibration, and risks of fires spreading to nearby communities.

Noise-1 states that before the start of ground disturbance, the project owner will notify residents near the project site via mail and telephone calls, but does not specify a distance. Cantua Creek, Five Points, and El Porvenir residents must be notified and included in all project 23-31

[80] DEIR at 5.1-22.
[81] DEIR at 5.1-24, AQ-SC6.
[82] DEIR at 5.1-47, AQ-SC5.
[83] DEIR at 5.9-7.
[84] DEIR at 5.7-32.

communications to stay informed of construction start and end dates, along with any other major project updates. This communication through mailers and the proposed telephone number to report any noise disturbances need to be in Spanish to ensure residents can understand and communicate their concerns in their native language. There also needs to be a plan in place to ensure residents can submit complaints after one year of the project being operational. Moreover, the noise complaint resolution form should also be translated into Spanish to provide residents with a copy they can read, especially since they will be asked to sign this form.

23-31 Continued

The DEIR must be revised to include the following mitigation measures: shortening hours when drones, helicopters, trucks, and other equipment are used during construction and operations (keeping school hours in mind), buffer zones between the project and nearby communities, vegetative and sound barriers, improvements to impacted households including upgrade windows, doors, and insulation, and rerouting of truck and vehicle traffic so that it does not pass through Five Points, Cantua Creek, or El Porvenir.

C. Visual Mitigation Measures are Insufficient

The DEIR includes mitigation measures intended to address impacts to visual resources.[85] As discussed above, the impact to nearby communities is significant. In order to mitigate these impacts, the project must incorporate buffer zones and vegetative barriers to preserve the rural and natural character of the area. 23-32

D. Transportation Mitigation Measures Must be Further Developed

The project's impact on transportation will be significant, as discussed above. The project will include at least 1,186 daily vehicle trips, including 180 heavy truck trips, either through or in close proximity to communities. Therefore, the DEIR must be revised to include mitigation measures to reduce this significant impact. Such a mitigation measure must include additional transportation options for residents, a publicly available schedule of truck traffic so that residents can identify how and when to travel, and safeguards to ensure residents can always access roadways in the event of an emergency, including evacuation, a path to a hospital, and access from emergency services. Moreover, the DEIR must require mitigation to reroute traffic to ensure that trucks and personal vehicles do not travel through Five Points, Cantua Creek, or El Porvenir. 23-33

E. Hazards, Hazardous Materials, and Wildfire Mitigation Must be Further Developed

The DEIR determines that the project will create significant hazard impacts that require mitigation.[86] The DEIR includes certain mitigation measures.[87] However, these mitigation measures are insufficient to mitigate the significant impacts to less than significant.

[85] DEIR at 5.15-64.
[86] DEIR at 5.7-26.
[87] DEIR at 5.7-54.

First, the DEIR states that, in the event of an emergency, formal evacuation routes are not necessary given the rural location of the project and the multiple routes available to evacuate.[88] This is insufficient. The DEIR needs to be revised to include formal evacuation routes in order for residents to be prepared in the event of an emergency. This is especially important given the significant increase in traffic caused by the project. 23-34

Second, in the event of an emergency, the DEIR must be revised to ensure notification of that emergency will reach nearby residents. Specifically, such notifications must be in all languages prevalently spoken in the area, at a minimum, Spanish and English. Such notifications must also be provided in phone notifications and on local television stations. 23-35

Finally, given the increased fire risk associated with the project, CEQA requires that the project include sufficient additional mitigation to reduce the risk of fire impacting nearby communities. As acknowledged in the DEIR, fire response times currently range from 30 to 45 minutes to the Project site. To ensure adequate fire protection and reduce fire risk associated with the Project, the DEIR must include mitigation measures to reduce response times and ensure adequate fire protection services. One such mitigation measure that the DEIR must analyze and implement, is to coordinate with Fresno County Fire to construct and operate a satellite fire station in or near Cantua Creek. 23-36

F. Documentation Related to Solid Waste Management Mitigation Measures Must be Public

The DEIR outlines proposed conditions of certification by adopting the mitigation, WASTE-1. It requires the project owner to prepare a Construction Waste Management Plan (CWMP) and an Operation Waste Management Plan (OPWM) for all wastes generated during the construction and operation of the facility. As further stated in the DEIR, both plans shall include descriptions of all waste streams and methods of managing each waste. Due to the scale of the waste generated by the project, both plans should be made available to the public in written format and in meetings to inform community members of the frequency and waste amounts generated from the various project components. This provides an opportunity for community members to provide feedback and raise concerns about each plan. Furthermore, annual compliance reports must be translated into Spanish and distributed in the surrounding communities in a timely manner. 23-37

G. Improve Inspection Requirements for Transmission Line Safety and Nuisance Mitigation Related Measures

Under mitigation TLSN-2, the DEIR states that the project owner only needs to provide documentation of inspection results for five years. For transparency and accountability purposes, this needs to be expanded beyond five years and over the duration of the project's existence. 23-38

[88] DEIR at 5.7-13 and 5.7-14.

There also needs to be a process of how often transmission lines will be inspected and updated to account for wear and tear and reduce impacts to nearby communities. 23-38 Continued

H. The DEIR Improperly Defers Formulation Of Mitigation Plans, Which Are Not Fully Enforceable.

"Formulation of mitigation measures shall not be deferred until some future time."[89] Further, specific details regarding mitigation may be developed after project approval only where it is "impractical or infeasible" to include the details in the EIR and "the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure."[90] Mitigation measures must also be "fully enforceable through permit conditions, agreements, or other legally binding instruments."[91]

23-39

Here, the DEIR improperly defers certain mitigation measures to a future time and fails to commit to the mitigation in a way that is fully enforceable through permit conditions, agreements, or other legally binding instruments. In particular, the DEIR includes an analysis of "non-jurisdictional" components of the Project.[92] For the "non-jurisdictional" Project components, the DEIR merely makes recommendations regarding mitigation measures, and notes that the "can and should be adopted by the agency with permitting authority over those components… ."[93] This constitutes both improper deferral of mitigation measures and lack of fully enforceable commitments to implement mitigation.

VI. Alternatives

A. The Project Objectives Are Impermissibly Narrow

[89] CEQA Guidelines (2025), § 15126.4(a)(1)(B); *see also Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 [An EIR is inadequate if "[t]he success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR."].
[90] CEQA Guidelines (2025), § 15126.4(a)(1)(B).
[91] CEQA Guidelines (2025), § 15126.4(a)(2).
[92] The "non-jurisdictional" or "offsite" components of the Project include These components include the (1) construction of Pacific Gas and Electric Company's (PG&E) utility switchyard, (2) the construction of a loop in and out line between the PG&E switchyard and the existing Los Banos-Midway 500kV line, and (3) the construction of a fiber optic communication line from the PG&E switchyard north to an existing splice point to the Panoche substation or south to the existing Gates substation." They also include "downstream network upgrades to three existing substations, Los Banos, Midway and Gates or Manning as well as the addition of two transposition structures." (DEIR at 5.1-1.)
[93] *See*, e.g., DEIR at 2-3, 5.1-52, 5.2-230, 5.3-22, 5.7-55, 5.10-20, 5.12-22, 5.13-16, 5.13-18, 5.15-68, 5.16-24.

The project objectives are so narrow as to preclude any reasonable alternative other than the project as proposed by the proponent. An EIR must contain a statement of the project objectives.[94] The lead agency must then use this statement to help it, among other things, develop a reasonable range of alternatives to the proposed project to evaluate in the EIR.[95] As the California Supreme Court has stated, "[t]he process of selecting the alternatives to be included in the EIR begins with the establishment of project objectives by the lead agency. 'A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings . . .'"[96]

A DEIR must not evaluate alternatives on the basis of overly narrow project objectives. By limiting the project objective in this manner, a DEIR may improperly ensure "that the results of its alternatives analysis would be a foregone conclusion. It also, as a result, transformed the EIR's alternatives section—often described as part of the 'core of the EIR' [citation omitted]—into an empty formality."[97] Courts have rejected substantially similar DEIR's with flawed project objectives because they "prejudicially prevented informed decision making and public participation."[98]

23-40

Here, the project objectives are largely limited to the production of energy to contribute to meet climate and clean energy targets.[99] The DEIR's narrow definitions of the project objectives is prejudicial. It creates the inevitable result that the alternative that produces the most energy will be selected. The DEIR evaluates and rejects two alternatives: the no project alternative and the reduced footprint alternative. The no project alternative and reduced footprint alternative cannot be rejected simply because they produce less electricity.[100] The DEIR also fails to consider alternative sites.

The project objectives must be revised to consider a reasonable range of alternatives based on appropriate project objectives.

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[94] 14 C.C.R. § 15124(b) "The objectives identified above "will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary"
[95] *Id.*
[96] We Advoc. Through Env't Rev. v. Cnty. of Siskiyou (2022) 78 Cal. App. 5th 683, 691 (quoting In re Bay-Delta etc. (2008) 43 Cal. 4th 1143, 1163).
[97] We Advoc. Through Env't Rev., 78 Cal. App. at 692.
[98] We Advoc. Through Env't Rev., 78 Cal. App. at 694.
[99] DEIR at 3-5 to 3-6.
[100] DEIR at 8-1.

B. Evaluate Safer Battery Technologies to Reduce Potential Thermal Runaway Risks.

The DEIR considers but does not evaluate alternative battery technologies.[101] The three alternative battery technologies were not evaluated because, according to the DEIR, those technologies are not proven at the scale of the project. However, because that redox flow batteries provide "low fire risk due to low flammability,"[102] that would address the impacts associated with the batteries creating a thermal runaway event, putting residents at risk. The DEIR must be revised, at a minimum, to evaluate redox flow batteries as an alternative. 23-41

VII. Mandatory Opt-In Requirements

A. The Donation Agreements Do Not Comply With AB 205 (2022), And The DEIR Is Inaccurate As A Result.

Pursuant to Public Resources Code, § 25545.10:

> The commission shall not certify a site and related facility under this chapter unless the commission finds that the applicant has entered into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more community-based organizations, such as workforce development and training organizations, labor unions, social justice advocates, local governmental entities, California Native American tribes, or other organizations that represent community interests, where there is mutual benefit to the parties to the agreement.

The Staff Assessment proposes a finding of fact that this requirement is met because "[t]he applicant has entered into a legally binding and enforceable agreement with the Centro La Familia Advocacy Services, a California 501(c)(3) non-profit organization which is a qualified community-based advocacy organization under Public Resources Code section 25545.10(a)."[103]

However, the Amended and Restated Donation Agreement with Centro la Familia Advocacy Services (Centro la Familia), as amended by Amendment Number 1 to that Agreement (the Agreement), does not include any scope of work that will be undertaken by Centro la Familia. In fact, the only conditions on the use of the "donation" to Centro la Familia is that the recipient 23-42

[101] DEIR at 8-6 to 8-7.
[102] DEIR at 8-6.
[103] DEIR at 10-11. The Staff Assessment also correctly concludes that the donation agreements with Tree Fresno, Central California Food Bank, Westside Elementary School, Central California Asthma Collaborative, Cornell University, Fresno Rural Transit Agency, and Fresno Housing Education Corps are not "legally binding and enforceable" because they may by their terms be terminated at any time by the Applicant. Additionally, like the agreement with Centro la Familia, these donation agreements are also unenforceable due to lack of consideration. *Id.*

shall not use "the Donation for the benefit of any owner, shareholder, officer, director, or employee of the Recipient" and a commitment that the "Recipient agrees to provide a statement or letter of support for the Darden Solar Project at the request of Donor." Neither of these terms regarding the use of the donation to Centro la Familia constitute a benefit to a coalition of one or more community-based organizations. In fact, other than the commitment by Centro la Familia to provide a statement or letter of support for the Project, there is no contractual consideration whatsoever that would convert the Agreement from an unenforceable commitment to donate into a legally enforceable contract to exchange payment for services.

23-42 Continued

As a result, the AB 205 requirement for a "legally binding and enforceable" community benefits agreement is not met, and the CEC does not have the authority to certify the Project. Further, because the Staff Assessment and DEIR incorrectly conclude that the Centro la Familia Agreement is a legally binding and enforceable community benefits agreement, the DEIR is inaccurate and misleading, and fails as an informational document.

B. The Analysis of the Environmental Leadership Development Project Requirements is Inadequate to Conclude the Project Satisfies the Requirements

The DEIR, pursuant to Public Resources Code, § 21183 and § 21183.6, evaluates whether the project satisfies certain requirements to be deemed an Environmental Leadership Development Project and therefore receive the benefits of judicial streamlining. The DEIR's analysis is adequate.

The analysis includes the proposed finding of fact that the project would displace energy from natural gas power plants.[104] As discussed earlier in these comments, in the discussion of Greenhouse Gas Emission Impacts, the DEIR fails to analyze how this project will, in fact, displace natural gas demand. Although it would produce energy, given the trend of increasing energy demand, it is not clear from the DEIR that the project would, necessarily, reduce the use of natural gas to generate electricity. Given the significant transportation emissions that would result from the construction of the project, the clear legislative intent was to protect nearby communities:

23-43

> It is the intent of the Legislature, in enacting this section, to maximize the environmental and public health benefits from measures to mitigate the project impacts resulting from the emissions of greenhouse gases to those people that are impacted most by the project.[105]

Therefore, the analysis here must be revised before determining if the project is entitled to the benefits of judicial streamlining.

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[104] DEIR at 10-16.
[105] Cal. Pub. Res. Code § 21183.6(b)

C. The Public Benefits Description is Inadequate

Pursuant to Public Resources Code, § 24453(h):

> The commission shall prepare a written decision after the public hearing on an application, which includes ...[a] discussion of any public benefits from the project including, but not limited to, economic benefits, environmental benefits, and electricity reliability benefits.

The Public Benefits section of the DEIR provides a brief recitation of benefits described in more detail in other sections of the DEIR. Based on this brief discussion, the DEIR fails to discuss material shortcomings with the project's supposed public benefits and how, without adjustments to the project, the project will fail to benefit the communities of Cantua Creek, El Porvenir, and Five Points.

First, the public benefits section of the DEIR does not make any reference on benefits to the local communities and instead focuses on the benefits of electrification and supporting California's climate goals. Specifically, there is no discussion of how, if at all, the project would benefit nearby communities' ability to access clean, reliable, affordable energy when located next to a 1,150 MW solar facility. 23-44

Second, the economic benefits analysis is limited to 16 permanent jobs which may or may not be available to residents in nearby communities, donations to non-profits, and tax revenue to Fresno County. The analysis does not show how any of these will provide economic benefit to the low income local residents, including those residents of Cantua Creek, El Porvenir, or Five Points. It is important to recognize that the substantial need for investment in public resources in these communities reflects the historic and current failure to invest there. It is therefore insufficient for the DEIR to rely on generating tax revenue for Fresno County as a public benefit without greater analysis on the communities most impacted by the project. 23-45

VIII. The Environmental Justice Analysis Must Align With CEC's JAEDI Values and Properly Consider the Potential Impact to Surrounding Environmental Justice Communities

The California Energy Commission's Justice Access Equity Diversity Inclusion (JAEDI) Framework[106] includes terms like energy justice, energy equity, and justice communities to lay out the CEC's intent to ensure that marginalized communities are included in and benefit from the clean energy transition and are not harmed in this process.

Commenters commend these goals while highlighting the importance of valuing community expertise to guide decision making decisions especially when the CEC staff will determine if the

[106] Available at https://www.energy.ca.gov/sites/default/files/2023-11/CEC-JAEDI-Framework_ada.pdf.

Darden project is approved. It is imperative that the CEC acknowledges, addresses, and effectively collaborates and communicates with communities to appropriately address their concerns. This will aid in meeting the CEC's goal "to ensure, through equal access to the decision-making process, everyone has equal protection from environmental and health hazards and can live, learn, play, and work in a healthy environment."[107] 23-46

Furthermore, the Environmental Justice Project Screening[108] only accounts for people living in a six mile radius which is insufficient as it excludes communities like Canuta Creek, El Porvenir, and Five Points. As described above, the DEIR provides inconsistent information regarding the distance between communities and the project. Given the inconsistent information on project distance and the potential negative impact to communities beyond a six mile radius like Canuta Creek, El Porvenir, and Five Points, it is imperative that the analysis extends beyond the six mile radius. Not doing this is contradictory to the CEC's goal of including and protecting environmental justice communities. 23-47

The air quality environmental justice analysis overlooks the severity of potential environmental impacts to nearby communities. As noted in the DEIR, western Fresno County is already burdened with poor air quality and is in nonattainment for both state and federal ozone standards, as well as PM10 standards. Given this nonattainment status, any emissions contributing to elevated levels of ozone and PM10 are significant. This includes both temporary construction-related emissions and long-term project impacts on environmental justice communities. These impacts cannot be ignored and must be thoroughly addressed when evaluating project mitigations and the overall viability of the project. 23-48

The risks associated with exposure to emissions from diesel fueled engines and Valley Fever can be deadly and should not be underestimated. Canuta Creek, El Porvenir, and Five Points residents are already exposed to these two concerns and worry that the project will exacerbate health impacts. Residents share that they do routine testing for Valley Fever and do not want to continue being exposed and tested for Valley Fever. Once again, this is contradictory to the goal and right to "live, learn, play, and work in a healthy environment" and not be disregarded. 23-49

The impacts of disposing project material need to be carefully considered to ensure short and long term public safety. We reiterate the point to be responsible when disposing material beyond delivering it to landfills.

The Environmental Justice section of the DEIR must be revised to address these concerns.

[107] DEIR at 6-1.
[108] DEIR at 6-2.

IX. Conclusion

Based on the foregoing, the Staff Assessment and DEIR does not comply with AB 205 or CEQA, and must be revised consistent with the discussion above. We look forward to working with CEC staff and the Applicant to ensure that the Project fully complies with applicable law and benefits, rather than harms, nearby communities.

Respectfully Submitted,

Mariana Alvarenga
Jamie Zwiefler-Katz
Leadership Counsel for Justice & Accountability

Natalie Delgado-Carrillo
Angela Islas
Central California Environmental Justice Network

Comunidades de Westside

Response to Commenter 23 - Mariana Alvarenga, Jamie Zwiefler-Katz, Leadership Counsel for Justice and Accountability (LCJA), and Natalie Delgado-Carrillo, and Angela Islas Central California Environmental Justice Network (CCEJN), and Comunidades de Westside (Communidades)

Response to 23-1. The commenter states that the project description needs to be revised because it does not identify the community of El Porvenir, presumably referring to the community as Three Rocks. The commenter states that the project description is unstable because it inconsistently lists the project distance from Cantua Creek and Five Points. While there may have been some discrepancies with the distance listed in the Staff Assessment between the project site and nearby communities (e.g. Cantua Creek - between approximately 3 to 5 miles from the project site), **Section 3, Project Description** includes a figure that shows the project's location at a regional scale (Figure 3-1) and at a more local scale (Figure 3-2). The reference to 10 miles distance was the distance via car versus the aerial distance (as the crow flies). There is no requirement in CEQA to show all communities or cities in the vicinity of the project site on project maps. Also, those who would be most concerned about impacts to their community would know roughly where the project is proposed with respect to the communities of their concern. The project site is 9,500 acres in size, so the distance between the nearby communities and the project site would vary with respect to what part of the project that is being discussed. While some communities may not have been listed by name, these communities were included in staff's analysis. Furthermore, staff's analysis and conclusions of environmental impact in the Staff Assessment would not be affected by minor discrepancies in distance from a 9,500-acre project site. No revisions to the staff assessment are necessary.

Response to 23-2. The applicant has committed to using the Tesla Megapack 2 XL battery units and provided specification in CEC Data Request Response Set 5 (TN 258490), and in particular stated that "The Megapack 2/XL, however, utilizes lithium iron phosphate (LFP) battery cells provided by CATL, as opposed to the nickel manganese cobalt oxide (NMC) and nickel cobalt aluminum oxide (NCA) cells used in the Megapack 1. The Staff Assessment states on page 4.34-17 that the Tesla MP2 XL is the battery that will be used. Any change to this battery system would require additional evaluation. Staff has revised **Section 3, Project Description** to note the project would use the Tesla Megapack 2 XL. See **Section 3, Revisions to Staff Assessment** for the revised text.

Response to 23-3. Regarding air quality and public health impacts to sensitive receptors due to construction traffic, please see **Response to 23-4**. Traffic impacts under CEQA are measured using vehicle miles travelled analysis (VMT). See **Response to 16-2** above for a discussion of transportation routes and construction related VMT. See COC **TRANS-3** in **Section 5.14, Transportation** for details about implementing and enforcing the Construction Management Plan, which would include traffic control plans. Condition of Certification (COC) **TRANS-3** requires preparation and

implementation of a Construction Management Plan (CMP). CEC has the oversight authority to make sure that the CMP is completed and followed.

Response to 23-4. There are three main routes that construction vehicles would use to arrive from the north, west and south – all accessing I-5. There is an interchange with SR 145 to the south, leading to S. Colusa and Mt. Whitney Avenue. Second, the SR 33 interchange to the west leads to Harlem and Mt. Whitney Avenue. Third, there is the interchange with W. Kamm Avenue to the northwest which leads to roads that travel through Three Rocks and Cantua Creek. In addition, construction trucks could arrive via SR 99 and various routes to the north and east, including SR 145. Although the truck routes have not yet been defined, the large number of arrival routes would minimize truck impacts on any one road. There is no conflicting statement in the Staff Assessment concerning truck use of I-5. As explained in **Response to 16-2**, **Section 5.14, Transportation** shows that the construction vehicles/trucks would travel on the already high-traffic routes, such as SR-145, SR-269, Mt. Whitney Avenue, and I-5. Page 5.14-5 of **Section 5.14, Transportation** shows that the SR-145, which goes through Five Points, had a 2023 daily traffic volume of 4,100 vehicles. Page 5.14-11 of **Section 5.14, Transportation** shows the forecasted road segment traffic volume for SR-145 during construction would be 4,219 vehicles per day, which is only a 2.9% increase from existing conditions. In addition, the applicant's traffic study (RCI 2023aa, Figures 3-1a and 3-1b on pages 33 and 34 of 48) shows that it is less likely that the construction employee vehicles/trucks would pass the Westside Elementary School, the Cantua Elementary School, Cantua Creek, or El Porvenir. Therefore, as explained in **Section 5.14, Transportation** of the Staff Assessment, it is unlikely that the construction employee vehicles/truck trips would have any significant transportation or traffic impacts to these schools and communities.

As also explained in **Response to 16-2**, the Ambient Air Quality Assessment in **Section 5.1, Air Quality** and the Health Risk Assessment in **Section 5.10, Public Health** focuses on emissions at the project site, where concentrations of pollutants directly impact local receptors. Offsite vehicle/truck emissions would only pass by any single sensitive receptor along the routes for a momentary duration where emissions would disperse rapidly and over large areas. This makes them harder to quantify and less likely to cause concentrated exposure in a single location. In addition, vehicles have to meet on-road emission standards with compliance being verified through SMOG testing. Offsite trips will occur on existing roadways within the San Joaquin Valley Air Pollution Control District (SJVAPCD), which already incorporates mobile source emissions into its ambient air quality attainment planning. Because the vehicle emissions are spread out geographically and are typically mixed with general traffic pollution, they are treated as part of the baseline conditions rather than as a project-specific impact. The existing baseline ambient air quality data are presented in Table 5.1-2 on page 5.1-4 of **Section 5.1, Air Quality**. "5.1.2.2 Direct and Indirect Impacts, CEQA criterion c" (starting from page 5.1-32) in **Section 5.1, Air Quality** shows that combined with these existing baseline ambient air quality data, the maximum impacts from onsite emissions would be less than significant.

In addition, as also explained in **Response to 16-2**, the Health Risk Assessment in **Section 5.10, Public Health** focuses on health risks, including those to sensitive receptors, from diesel particulate matter (DPM), which has no acute reference exposure level. Therefore, acute health risk associated with DPM, such as those from trucks passing by communities, is not evaluated. Instead, **Section 5.10, Public Health** evaluates the health risks, including those to sensitive receptors, associated with onsite DPM emissions from long term repeated exposure over the course of the entire construction period and shows that the health risks associated with DPM would be less than significant.

Staff has added clarification of the issue in **Section 5.1, Air Quality** and **Section 5.10, Public Health**. See **Section 3, Revisions to Staff Assessment** for the revised text.

Response to 23-5. Please see **Response to 23-4**.

Response to 23-6. As discussed in **Section 5.3, Climate Change and Greenhouse Gas Emissions** on pages 5.3-2 to 5.3-3 of the Staff Assessment, the record is replete with evidence showing that California continues to add zero-carbon energy resources, including solar, to replace fossil-fuel generation and meet growing electricity demand. As stated on page 5.3-5 of the Staff Assessment, the statewide goal is that zero carbon resources supply 100 percent of all retail sales of electricity by December 31, 2045. As documented in **Section 5.3, Climate Change and Greenhouse Gas Emissions**, the state's decarbonization implementation plans rely extensively on expanding solar energy to reduce greenhouse gas emissions and transition away from fossil fuels, which as stated on page 5.3-2, presently provide about 75 percent of the flexible capacity for grid reliability. In staff's professional experience, when solar energy is available, it is typically dispatched through the California Independent System Operator (CAISO) ahead of natural gas due to its renewable status and lower operating costs. While natural gas–fired power plants currently play a role in ensuring grid reliability, the addition of new solar capacity moves the state towards achievement of the aforementioned 2045 zero carbon goals for retail electricity, thus reducing or eliminating the need for fossil-fuel generation over time. The record contains ample evidence supporting the statement that the project "would avoid the need to use fuel at a mix of flexible, dispatchable generating facilities using coal and natural gas."

Response to 23-7. The commenter's reference is drawn from a journal article focused on the end-of-life disposal of PV modules, which is related to off-site disposal at landfills and thus unrelated to the project's construction or operational impacts on on-site soils. The article, entitled "A review of toxicity assessment procedures of solar photovoltaic modules" (Li et al., Feb. 15, 2024), discusses the importance of developing responsible recycling and disposal infrastructure to mitigate potential risks associated with improper end-of-life management in landfill settings, not the leaching of heavy metals during the useful life of solar panels in active projects. The journal article summarized relevant regulations and offers a comprehensive overview of the strengths and limitations

associated with several toxicity assessment procedures currently in practice. No revisions to the Staff Assessment are necessary.

Furthermore, PV modules used in utility-scale projects are manufactured to rigorous safety and durability standards and are designed to remain sealed and intact during operating conditions. As such, leaching heavy metals into soils from PV modules at the project site would not be expected. This is supported by several studies that discuss this subject and which have concluded that because solar cell devices are encapsulated to protect their components and functions for stable use, minimal leaching is expected from these devices under normal conditions. One study conducted measurements of metals in soils beneath a solar field and found insignificant leaching of metal from PV panels near Buffalo, New York (Robinson, Seth A. and Meindl, George A. 2019. Journal of Natural Resources and Development, vol 9, p.19. May).

Response to 23-8. See **Response to 23-2.**

Response to 23-9. The evaluation of the project considered scenarios that included optional locations for the BESS. The final site plan configuration has the BESS near the center of the site as can be seen on Figure 5.15-1 on page 5.15-7 of the Staff Assessment. The BESS is over five miles from the communities of Cantua Creek and Five Points and close to 10 miles from El Porvenir. With the implementation of COC **WORKER SAFETY-7**, potential impacts of a BESS fire to the off-site public are less than significant. There are no residences within 1,000 feet of the BESS.

Response to 23-10. The commenter is correct that there could be some increased risk of grass fires in unirrigated fields, but these fields are not intended to be irrigated in the future, with or without the project. The question is whether the project would cause or exacerbate wildfire risks. See 14 C.C.R. § 15126.2(a). As stated on page 5.7-38 of **Section 5.7, Hazards, Hazardous Materials/Waste, and Wildfire**, "Based on the analysis below, with the implementation of COCs **WORKER SAFETY-1** and **WORKER SAFETY-2**, and **MM HAZ-2**, the project construction and operation would not expose people or structures to significant risks from wildfires." Further, on pages 5.7-40 and 5.7-41, staff considered whether the project would, "[d]ue to slope, prevailing winds, and other factors, exacerbate wildfire" and determined that the risk of such exacerbation was less than significant. As described below, these determinations are supported by substantial evidence.

The project site has limited trees to propagate, intensify, or sustain any grass fires. Furthermore, project implementation would require additional fire protection resources for the Darden Clean Energy Project which would also be available to respond to emergencies in the area (see COC **WORKER SAFETY-12**, pp. 4.4-34 to 4.4-35 of the Staff Assessment).

Also, as indicated in the "Setting" discussion of the Staff Assessment, Geographic Information System (GIS) data confirm the information in the Fresno County Multi-Jurisdictional Hazard Mitigation Plan that many wildfire dangers are west of Interstate 5

and just to the west of the proposed PG&E Switchyard and just west of the three potential routes for the PG&E downstream network upgrades. The PV solar panel location, BESS and associated equipment all more than eight miles east of any of the historical fires and any Fire Hazard Severity Zones identified by the California Department of Forestry and Fire Protection (p. 5.7-15 of the Staff Assessment). In addition, the applicant's solar array wildfire mitigation measures are discussed in **Section 4.4, Worker Safety and Fire Protection**, pages 4.4-15 and 4.4-16 of the Staff Assessment and include mowing, removal, sheep grazing, herbicide application, and mechanical cutting to keep grasses growing in the solar arrays to a minimum. No changes to the Staff Assessment have been made in response to the comment.

Response to 23-11. The closest project boundary to both schools is more than 3 miles. At this distance, construction noise, including pile driving and operational noise would not be heard. The helicopter flight path would be along the gen-tie line, which is more than 3.5 miles from the schools and would have no impact. As described in the Staff Assessment, the project's noise impacts on all nearby residences have been accounted for, and appropriate mitigation measures have been included to ensure noise would not be excessive (see pages 5.9-7 to 5.9-11 of the Staff Assessment). Since the project site is more than 5 miles away from the airport and the residences within the community of San Joaquin, the project noise would not be heard in this community. No revisions to the Staff Assessment have been made in response to this comment.

Response to 23-12. In regards to the health of workers as asked by this commenter, an extensive construction and a separate extensive operations health and safety program, described in proposed COC **WORKER SAFETY-1** and COC **WORKER SAFETY-2**, respectively, would cover and mitigate all the potential health issues mentioned by the commenter (i.e., cardiovascular impacts, noise impacts, mental health impacts, etc.). It is therefore not necessary to list and describe every worker health and safety issue and every CAL OSHA requirement to protect workers from those impacts, nor is it possible to do so in a staff assessment.

In regards to the noise impacts to residents, see **Response to 23-11**. In particular, the significance thresholds for noise that staff used in **Section 5.9, Noise and Vibration** were established with the consideration of the health impacts and annoyance associated with noise exposure. Page 5.9-8 in **Section 5.9, Noise and Vibration** shows that the loudest construction activities could create annoyance to nearby residential receptors. Therefore, to reduce noise disturbance for sensitive receptors, staff proposes COC **NOISE-6** (now renamed to COC **NOISE-5**), to further limit construction hours for construction work within 1,000 feet of any residences and perform construction work in a manner to ensure excessive noise is prohibited. As stated in the Staff Assessment, with the implementation of the COCs in **Section 5.9, Noise and Vibration**, project construction and operation would not result in generation of a substantial increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or

applicable standards of other agencies and would not create a significant adverse noise impact

Response to 23-13. To clarify, the Staff Assessment does not state that the project proposes to hire construction workers from Madera, Fresno, and Kings County, rather, staff considered whether a sufficient labor pool was present locally to support proposed construction activities. As described in **Section 5.11, Socioeconomics,** subsection 5.11.2.2, staff considered whether the project would induce substantial unplanned population growth in the study area, either directly or indirectly. Staff concluded that a sufficient number of construction workers were located within the Fresno, Madera, and Kings County study area to accommodate proposed construction, and it concluded that workers seeking temporary lodging within a 60-minute commute time would be likely to find temporary housing from vacant housing or transient stock. CEQA does not require additional analysis of this issue.

The proposed project would be constructed on 9,100 acres that are owned by the Westlands Water District and already designated for retirement in accordance with the SGMA and other state goals to retire farmland. Contrary to the commenter's claims, approval of the project would not affect whether residents in the area would be transitioned out of agricultural work, and therefore is not within the scope of the analysis under CEQA.

Response to 23-14. Staff reviewed the Fresno County General Plan, which was adopted in 2024, including the 2015-2023 Multi-Jurisdictional Housing Element (Housing Element) adopted in 2016 (County of Fresno 2016). The Housing Element was developed following a County site inventory that identifies specific sites that are available for residential development in Fresno County, including 2,110 units feasible for lower-income housing. None of the parcels designated for housing development are associated with the proposed project site, and the nearest sites are identified as infill development in the unincorporated community of Tranquility (about 8 miles north of the project site). All parcels identified for housing development were located outside of the project area; therefore, the proposed project would not halt community growth or prevent the County from meeting its housing allocation. See **Section 5.8, Land Use, Agriculture, and Forestry**, pages 5.8-2 to 5.8-6, for a description of existing and planned land uses within the project area and surrounding study area.

As identified in **Section 5.11, Socioeconomics**, the area includes sufficient housing stock to accommodate construction workers who wish to relocate within 60 minutes of the project site during the proposed construction period.

Staff cannot speculate on future housing values, which are outside its scope of review. No changes to the Staff Assessment have been made in response to the comment.

Response to 23-15. Fire risk and impacts on fire department response times and availability are discussed in length in section 4.4.2 of the staff assessment. See **Response to 11-19**.

Response to 23-16. Regarding PV solar panels as a possible waste stream during construction, the material that comprises the PV solar panels is not hazardous. If it were, it would have been included in **Section 5.7, Hazardous Materials/Waste and Wildfire** of the Staff Assessment and be subject to proposed COC **HAZ-1**. Per CEC procedure, breakage of PV solar panels would be reported by the applicant during periodic construction reports to the CEC Compliance Project Manager. Moreover, a firm is contracted by the CEC to serve as a Chief Building Official (CBO) and would be on-site to witness such an event during construction. Damaged PV solar panels would be disposed in accordance with the Construction Waste Management Plan required by proposed COC **WASTE-1.** The emissions of haul trucks, including solid waste trucks, are conservatively estimated and included in the total emissions for comparison against the significance thresholds in **Section 5.3, Air Quality section**. However, as explained in detail in **Response to 23-4**, staff does not model the air quality impacts due to trucks as a project-specific impact. Instead, vehicle emissions are treated as part of the baseline conditions. As also explained in **Response to 23-4**, diesel particulate matter (DPM) emissions from trucks have no acute reference exposure level. Therefore, acute health risk associated with DPM, such as those from trucks passing by communities, is not evaluated.

Response to Comment 23-17. In **Section 5.7, Hazards, Hazardous Materials/Waste, and Wildfire,** on pages 5.7-39 – 5.7-40, staff writes **"**In compliance with California Senate Bill 901, Assembly Bill 1054 and guidelines from the Office of Energy Infrastructure Safety, PG&E has prepared and implemented its 2023-2025 Wildfire Mitigation Plan (WMP)."PG&E's fire mitigation strategies are designed to be highly effective in ensuring the safety of its electrical system. These strategies include revisiting and enhancing protection schemes, installing advanced monitoring systems, and undergrounding system circuits vulnerable to fire disasters. All conductors within the substation would be grounded, and outgoing switchyard buses would be equipped with robust grounding systems. Lightning arrestors would be strategically placed in the substation and across the grid to prevent arcs due to lightning. Additionally, all trees near the distribution and transmission facilities would be meticulously trimmed to reduce fire risk.

Response to 23-18. Pursuant to Public Resources Code Section 21099(b)(1) (added by SB 743) and CEQA Guidelines Section 15064.3(b) , volumes and capacity are no longer used as factor with which traffic impacts are measured under CEQA. The CEQA Guidelines set Vehicle-Miles of Travel (VMT) of automobiles and light duty trucks as the basis for measuring travel impacts. As Fresno County has not yet formally adopted its own VMT criteria, standards or thresholds, current Governor's Office of Land Use and Climate Innovation (LCI) guidance was appropriately used for this assessment. This guidance has been consistently used in CEQA assessments for projects since SB 743 was passed and is also cited in "Transportation Analysis under CEQA" published by CALTRANS in September 2020. That guidance states that construction trips are not analyzed in a VMT analysis because they are temporary, would not impact overall per capita VMT in the region, and would not result in long-term trip generation. Staff

acknowledge that some trips could be slowed by construction traffic, but those delays are no longer considered to be significant traffic impacts. No revisions to the Staff Assessment are needed.

Response to 23-19. Pursuant to Public Resources Code Section 21099(b)(1) and CEQA Guidelines Section 15064.3(b), only VMT of automobiles and light duty trucks are now used as the basis for measuring travel impacts. Staff acknowledge the lack of active transportation infrastructure on and along area roads, but this is an existing deficiency and not something caused by the proposed project. In addition, see **Response to 16-2**, which indicates that the applicant's traffic study shows that it is less likely that the construction vehicles/trucks would pass the Westside Elementary School, the Cantua Elementary School, Cantua Creek, or El Porvenir.

LCI guidance states that construction trips are not analyzed in a VMT analysis, and thus, any impact assessment, because they are temporary and would not impact overall per capita VMT in the region. Therefore, this is not defined as a significant traffic impact. No changes to the Staff Assessment are needed.

Response to Comment 23-20. LCI guidance states that construction trips are not analyzed in a VMT analysis, and thus, any impact assessment, because they are temporary and would not impact overall per capita VMT in the region. Therefore, this is not defined as a significant traffic impact. The length of the construction period is not a factor in determining whether VMT assessment is required.

The truck forecasts for construction were based on the construction activity that generates the highest construction traffic, which is expected to be construction of the solar facilities. Therefore, the 180 total and peak truck forecasts are only expected to occur during a fraction of the 18 to 36-month construction period. No changes to the Staff Assessment are needed.

It should be noted that the air quality analysis in **Section 5.1, Air Quality** of the Staff Assessment does consider the effects of construction vehicles, but VMT does not.

Response to 23-21 & 23-22. In **Section 5.16, Water Resources** of the Staff Assessment, on page 5.16-11, staff writes: "Based on the analysis below, with the implementation of COCs **WATER-5** and **WATER-6**, the project operation and construction would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The potential impact is less than significant with mitigation incorporated." These conclusions are supported by substantial evidence.

Whereas the implementation of SGMA, with the Westland Water District and Fresno County as GSAs under a groundwater sustainability plan (GSP), does not necessarily guarantee prevention of overdraft, the use of SGMA as a tool, along with a number of other factors and proposed conditions of certification mentioned in **Section 5.16, Water Resources** of the Staff Assessment, ensures that an overdraft condition will be

avoided. The Governor's Executive Order N-7-22 of March of 2022 strengthens some of the groundwater development restrictions of SGMA.

See also the **Response to Comment 21-3**, which indicates that the groundwater for the project would be sourced by the Westlands Water District (WWD), by means of an option agreement to purchase. A copy of this agreement shall be provided to the CEC CPM per proposed COC **WATER-6**. WWD functions as the SGMA groundwater sustainability agency (GSA) along with Fresno County. Under SGMA and the approved groundwater sustainability plan (GSP), the local groundwater basin can be responsibly managed to balance water use interests while avoiding groundwater overdraft conditions. Water use during project construction and operation would be reported by the project owner per proposed COC **WATER-6**. State and Federal government have been aware of the groundwater overdraft issue in this region for over 5 decades (Ireland, Poland and Riley 1984). The California Department of Water Resources (DWR) and the United States Geological Survey (USGS) have been monitoring the relation between low groundwater levels and compaction of aquifer sediments since the early 1960s. In 2008, the USGS and DWR began to use various forms of satellite remote sensing technologies to monitor subsidence in the region. Currently, as stated in the Water Resources Environmental Setting subsection of the PSA, DWR has been continuously monitoring land subsidence using interferometric synthetic aperture radar (InSAR) to support implementation of SGMA since 2015.

In addition, and as explained in the **Section 5.16, Water Resources** of the Staff Assessment, the 2015 court settlement between Westlands Water District (WWD) and the United States Department of Justice (USDOJ) takes 100,000 acres out of agricultural production, including the 9,500 acres of the project. Agriculture is much more water intensive than the water demand of the project. Based on WWD records between 1988 and 2024, CEC staff estimates a water usage rate of 0.50 acre-feet per year (AFY) per acre for irrigable land in the area. If this rate were applied to the project area of 9,500 acres, water use would be 4,750 AFY. The annual operational water demand of 35 AFY represents a 99 percent decrease from historic average agricultural water use.

In summary, the conclusions of **Section 5.16, Water Resources** of the Staff Assessment conclusions are supported by substantial evidence. No revisions to the Staff Assessment have been made in response to this comment.

Response to Comment 23-23. Typically, degradation to groundwater quality associated with extraction is caused by the introduction of saline water. According to a 2015 WWD report, the base of fresh water is approximately 2,200 to 2,600 feet below the project site based on specific conductance. It is unlikely that project groundwater extraction would introduce deeper saline water into the lower aquifer. Moreover, if historic agricultural pumping has not caused groundwater quality degradation, the proposed operational groundwater extraction, which is much less than historical pumping, would not either. However, CEC staff and the CPM will review groundwater extraction well design prior to installation to avoid an impact to water quality. The

commentor suggests that recharge resulting from irrigation could cause groundwater contamination; however, it should be noted that outside of 6 AF to establish trees as nesting sites for the Swainson's hawk, there will be no irrigation and thus no recharge.

No revisions to the Staff Assessment have been made in response to this comment.

Response to 23-24. The proposed groundwater extraction well(s) are approximately 6 to 8.5 miles away from the nearest communities of Cantua Creek (6 miles), Five Points (7 miles), and San Joaquin (8.5 miles). The annual water demand of 35 AFY would not have a significant effect on the water supply for any of these communities.

Regarding the impacts to groundwater supply from PFAS contamination leached from improperly disposed solar panels, as discussed in **Response to 23-7** and **23-16**, damaged PV solar panels would be disposed at offsite landfills in accordance with the Construction Waste Management Plan required by COC **WASTE-1** and would therefore have no potential to result in on-site leaching to soil**.** In addition, at the end of project life in 35 years, PV solar panels would be disposed properly at offsite landfills per the decommissioning plan required by certification.

No revisions to the Staff Assessment have been made in response to this comment.

Response to 23-25. Staff is not proposing any revisions to the Staff Assessment. **Section 5.15, Visual Resources** of the Staff Assessment assesses potential visual impacts to the surrounding environment to preserve a scenic, aesthetic and/or environmental resource. **Section 5.15, Visual Resources**, after an extensive analysis, ultimately concludes on page 5.15-57 that operation of the project would have a less than significant impact (with mitigation incorporated) on existing visual character or quality of public views of the site and its surroundings. This conclusion and the other conclusions within **Section 5.15, Visual Resources** are supported by substantial evidence. The "quality of life" term used by the commenter has different meanings and perceptions and therefore has not prompted any proposed revisions to the Staff Assessment.

Response to 23-26. The comment suggests the Staff Assessment is deficient because it does not address the alleged PV heat island effect (PVHI) caused by the project. The US Environmental Protection Agency[1] describes heat islands as urbanized areas that experience higher temperatures than outlying areas. Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies. Urban areas, where these structures are highly concentrated and greenery is limited, become "islands" of higher temperatures relative to outlying areas.

In an urban setting, hundreds of people may live directly within the heat islands potentially being exposed to higher temperatures. While heat islands are not typically

1 https://www.epa.gov/heatislands/learn-about-heat-island-effects

an issue in rural areas such as the project site, the comment cites two studies regarding PV projects and heat islands as support for its contention that the Staff Assessment must analyze the heat island effect on nearby residences. As discussed below, neither study supports the contention that nearby residences are subject to a PVHI and as such, no additional analysis is necessary.

Staff reviewed studies mentioned in the comment by Fthenakis and Yu (2013)[2] and Barron-Gafford *et al.* (2016)[3], which discuss an increase in air temperature around solar facilities. These studies are based on measurements done for 1 MW solar farms. Staff is not aware of studies that evaluate the heat island effect for a larger project.

The Barron-Gafford et al. study considered the heat island effect of a PV system in a desert environment in Arizona next to University of Arizona's Science and Technology Park's Solar Zone complex. The Darden project is in a different environmental setting surrounded by agricultural operations thus making direct comparisons of heat island effects between the research setting and the project speculative. This is especially so given the study's findings on how vegetation ameliorates heating effects.

The Fthenakis and Yu study did not identify where the study site was beyond being in North America, so it is unknown as to the type of environment the test site is in limiting the applicability of the study to the Darden project.

These studies varied on the distance where the temperature would approach ambient temperature. The data from Fthenakis and Yu shows a prompt dissipation of thermal energy with distance from the solar farm, with the air temperatures approaching (within 0.3 degrees Celsius [0.5 °F]) the ambient at about 300 meters (984 feet) away from the perimeter of the solar farm. At 100 meters away from the perimeter of the solar farm, the air temperature difference reduced below 0.5 degrees Celsius (0.9 °F).

A 2018 Barron-Gafford Research Group report[4] noted that the original 2016 study included day and night measurements comparing the temperatures over natural habitat with the temperatures between 0 to 50 meters from the fence line of the PV facility. This portion of the study was not retained in the original publication. The measurements confirm the lack of a defined heat island that an agency could use to even initiate an analysis of impacts unless people were living in the PV field. The report states,

> We found that the PVHI was indistinguishable from air temperatures over native vegetation when measured at a distance of 30m from the edge of the PV array This pattern held true for both daytime and nighttime conditions. Because the PV panels themselves trap the energy from diffuse sunlight that was able to reach the ground underneath them, air temperatures remain elevated within a PV array. As you leave

2 http://www.clca.columbia.edu/13_39th%20IEEE%20PVSC_%20VMF_YY_Heat%20Island%20Effect.pdf

3 https://www.nature.com/articles/srep35070

4 https://greatershepparton.com.au/assets/files/documents/planning/solar/Barron-Gafford_Research_Group_Report.pdf

this "overstory" of PV panels, energy is able to radiate back towards the atmosphere, as it does in a natural setting, and the PVHI quickly dissipates.[5]

Even at the fence line the day time temperature difference was less than 1 degree Celsius and at night less than 3 degree Celsius.

None of the three studies were designed to measure PVHI at an actual residence and to tease out the causation of any elevated temperature near a home, for example PVHI verses heat retention from the home verses a paved roadway. These papers do not support a contention that PVHI creates offsite impacts, and specifically in the environmental setting of the proposed project with greater surrounding vegetation compared to the Arizona desert.

The 2018 report by Barron-Gafford Research Group[6] also concluded that the spatial extent of the PVHI effect is constrained. The research identified that the PVHI effect is largely driven by the absence of vegetation and the vegetation's potential to cool the atmosphere through transpirational water loss. Bolstering the presence of vegetation through co-location or having landscaping around the solar farm will mitigate the PVHI effect. Barron-Gafford's research on adding grasses back into a solar farm showed the impacts of grasses on reducing the PV heat island effect within a solar array. While the report acknowledged a lack of large-scale research, it noted that there is no reason to believe that there will be a different outcome when extrapolated in scale.

As stated in **Section 5.2, Biological Resources** on page 5.2-90 of the Staff Assessment, the applicant has proposed to implement a revegetation plan in all areas subject to soil disturbance and grading including, but not limited to, the solar facility project area, temporary access roads, construction temporary lay-down areas, gen-tie and collection areas, and staging areas. Therefore, any potential PVHI effect of the project would be reduced, even within the solar field.

Given the state of research into heat island effects as discussed, and the data showing limited distances of heat increases with rapid dissipations with revegetation reducing the heat increases further, staff declines to update the Staff Assessment to further discuss a speculative impact with considerable experimental variability. Staff notes that an EIR is to be reviewed in light of what is reasonably feasible.

Response to 23-27. As mentioned on page A-2 of **Appendix A** of the Staff Assessment, there are two commonly used methodologies for establishing the cumulative impact scenario – the "list approach" and the "projections approach." These two methodologies are set forth at CCR, tit. 14, section 15130(b)(1). The Staff Assessment utilizes the list approach of projects within a 15-mile radius. A 15-mile radius encompasses a substantial geographic area, and the Staff Assessment

5 Ibid p. 11
6 Ibid p. 20

appropriately considers 28 distinct cumulative projects within that distance. While the Valley Clean Infrastructure Plan would allow for the construction of solar facilities and electric transmission infrastructure with the potential to provide solar energy and energy storage within Westlands Water District, the location and ultimate size of this potential project is not currently known as Westlands Water District is only in the process of drafting the Draft EIR (DEIR) for a development program which may encompass future projects. As mentioned on page A-2 of the Staff Assessment, while CEQA allows for cumulative analysis to use a "projects" approach based on "an adopted local, regional or statewide plan, or related planning document" [see CCR, tit. 14, section 15130(b)(1)(B)], the "projects" approach is not mandated, and CEC was well within its discretion to follow the "list-based" approach for its cumulative analysis. Further, the referenced VCIP could not be the basis for a projections approach at this time because the VCIP has not yet been adopted. Consequently, the VCIP was not used as the basis for CEC's cumulative analysis.

Response to 23-28. The comment raises concerns regarding construction air quality mitigation measures. **Section 4.1, Air Quality** in the Staff Assessment addressed construction emissions generated during construction of the project on pages 5.1-19 through 5.1-31. Staff also developed COCs **AQ-SC1** to **AQ-SC6** as well as **MM AQ-1** to ensure effective and comprehensive best practices for avoiding air quality impacts during construction. Therefore, staff concludes that no additional air quality or visibility monitoring is needed.

Response to 23-28. The comment raises concerns regarding construction air quality mitigation measures. **Section 4.1, Air Quality** in the Staff Assessment addressed construction emissions generated during construction of the project on pages 5.1-19 through 5.1-31. Staff also developed COCs **AQ-SC1** to **AQ-SC6** as well as **MM AQ-1** to ensure effective and comprehensive best practices for avoiding air quality impacts during construction. Therefore, staff concludes that no additional air quality or visibility monitoring is needed.

Response to 23-29. Please see **Response to 16-2** and **23-4**.

Response to 23-30. See **Response to 16-2** and **23-4**.

Response to 23-31. As explained in Section 5.9 of the DEIR, the analysis concluded that, with the proposed COCs in place, construction noise impacts would be less than significant. These COCs include measures to ensure public notification, a complaint process, worker protection, and limits on activities such as helicopter use and pile driving. In particular, COC **NOISE-7** (now renamed to COC **NOISE-6**) requires the project owner to perform pile driving within 1,000 feet of any residence in a manner to reduce the potential for any project-related noise and vibration complaints. This COC also requires the project owner to notify residents in the vicinity of pile driving prior to the start of these activities.

For operational noise, the DEIR found that projected noise levels would remain below both the existing ambient levels and the County Noise Ordinance thresholds at the nearest sensitive receptors. COC **NOISE-4** (now renamed to COC **NOISE-3**) also requires ongoing measurement and verification to ensure that operational noise stays within allowable limits. The noise and vibration impact at residences closest to the project boundary, which are closer than the communities of Cantua Creek, Five Points, and El Porvenir, would be sufficiently mitigated by these measures and would not experience significant noise impacts. Therefore, buffer zones are not necessary, as the proposed mitigation is adequate to prevent noise impacts on nearby communities.

Staff rejects the additional mitigation measures requested, including shortening hours for drones, helicopters, trucks, and equipment use; installing vegetative and sound barriers; upgrading windows, doors, and insulation; and rerouting truck and vehicle traffic away from Five Points, Cantua Creek, or El Porvenir. Noise impacts on nearby residences have been fully evaluated, and appropriate mitigation measures have been incorporated to ensure compliance with applicable standards. As explained in Response to Comment 23-4, it is unlikely that the construction employee vehicles/truck trips would have any significant transportation or traffic impacts to these communities. Helicopter route would be at least 3.5 miles away from these communities and the noise would hardly be detected. Furthermore, staff revised COC **NOISE-2** (now renamed to COC **NOISE-1**) to require that all notifications, the Noise Complaint Resolution Form, and related communications would be provided in both English and Spanish. This change ensures that Spanish-speaking residents are fully informed and able to participate in the complaint process during both construction and operation of the project. Moreover, the previous COC **NOISE-1** has been consolidated into **COM-11** to avoid duplication and streamline the complaint and response process (See **Response to 11-59**). **COM-11** now requires that all notifications, complaint forms, and communications be provided in both English and Spanish.

COM-11 applies throughout construction, operation, and closure and is not limited to one year. This allows residents to submit complaints at any time during the life of the project. **COM-11** requires notifications to property owners and residents within one mile of the project boundary, which extends beyond those most likely to be affected by project activities (nearby residents considered in Section 5.9 of the DEIR). Expanding the notification area to include more distant communities such as Cantua Creek, Five Points, and El Porvenir is not warranted, as project noise would not be detected at those distances.

Response to 23-32. Staff is not proposing any revisions. Very little ornamental landscape exists which allows for the open views and rural nature of the area. Placing 'buffer zones and vegetative barriers' arbitrarily within the project site would cause more of a visual discord and disconnect to the area. The existing vistas are wide, open, flat terrain with open views of the distant mountains. COCs **VIS-1**, **VIS-2** and **VIS-3** detailed in **Section 5.15, Visual Resources** of the Staff Assessment**,** would reduce visual impacts to less than significant.

Response to 23-33. Per the LCI guidance, construction trips are not analyzed in a VMT analysis, and thus, any impact assessment, because they are temporary and would not impact overall per capita VMT in the region. Therefore, this is not defined as a significant traffic impact. No changes to the Staff Assessment are needed. See also **Responses 16-2** and **23-34** (evacuation routes).

Response to 23-34. As discussed in the Staff Assessment on pages 5.7-13 to 5.7-14 of **Section 5.7, Hazards, Hazardous Materials/Waste, and Wildfire**, the project site has multiple available evacuation routes to the north, south, east, and west. Furthermore, evacuation planning is addressed for both onsite workers and the broader community in various regulations and conditions of certification. As noted in **Response to K-2**, Section 761.3 of the California Public Utilities Code requires that an Emergency Action Plan and Emergency Response Plan with procedures for the local emergency response agency to establish shelter-in-place orders, road closure notifications and evacuation coordination when appropriate. Furthermore, the plans must include procedures that provide for the safety of surrounding residents, neighboring properties, emergency responders, and the environment, which necessitates coordination with local agencies regarding potential evacuation procedures. SB 38 further mandates that when developing both plans, the owner or operator of the battery energy storage facility shall coordinate with local emergency management agencies, unified program agencies, and local first response agencies.

Response to 23-35. The decision to evacuate or shelter in place is vested with local authorities. As outlined in **Response to K-2**, the project owner is required to develop an Emergency Action plan in coordination with the FCFPD. This plan would include provisions for the issuance of warnings, directing emergency response, and establishing shelter-in-place or evacuation orders. the plan must be approved by the Energy Commission at least 30 days before operations begin, and as stated above, the plan must include adequate provisions for the issuance of warnings.

Response to 23-36. See **Response to 23-15**.

Response to 23-37. Both the Construction Waste Management Plan and the Operation Waste Management Plan will be submitted to the CEC CPM for approval per COC **WASTE-1** and therefore will be available to the public.

Response to 23-38. Staff disagrees with the comment. Proper right-of-way and transmission line clearance requirements to the ground, as outlined in CPUC G.O. 95 construction standards, would minimize the EMF impacts to levels that are less than significant. Over the first five years, the assigned measurements would indicate the maximum level of EMF value generated due to the voltage and loading of the conductor. This is the reason why verification is only required for five years.

Response to 23-39. Staff disagrees with the commenter's assertions that mitigation has been deferred for the non-jurisdictional project components. Staff has appropriately recommended, where necessary, mitigation measures to reduce environmental impacts

associated with the non-jurisdictional project components. As stated in the Staff Assessment, for the non-jurisdictional components of the project, mitigation measure were recommended that "can and should be adopted" by the agency with permitting authority over those components consistent with California Code of Regulations title 14, section 15091(a)(2). No revisions have been made in response to this comment.

Response to 23-40. As discussed in **Section 8, Alternatives** on page 8-5 of the Staff Assessment, CEQA Guidelines § 15126.6 describes the selection of a reasonable range of alternatives and the requirement to include those that could feasibly accomplish most of the basic project objectives while avoiding or substantially lessening one or more of the significant effects.

The commenter is correct in stating that the project objectives are largely limited to the production of energy to contribute to climate and clean energy targets. However, staff disagrees that the project objectives are too narrow and thereby create an inevitable result.

The project objectives (page 8-3 and 8-4 of the Staff Assessment) are not narrow, but quite broad in seeking to meet climate and clean energy targets. The objectives include renewable energy generation, storage, and transmission in a manner that respects the local community, its values, and its economy. The objectives do not require that the most energy would be selected and the Reduced Project Footprint is a fully-analyzed alternative that would have an approximate 16 percent reduction in generating capacity (see Staff Assessment, Subsection "8.7.2 Reduced Footprint Alternative", pp. 8-8 through 8-10 and Subsection "8-7.4 Environmental Impacts of the Reduced Footprint Alternative", pp. 8-13 through 8-15).

Response to 23-41. As outlined in **Section 8, Alternatives**, on page 8-2 of the Staff Assessment, CEQA requires that an EIR "consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." (Cal. Code Regs., tit. 14, § 15126.6, subd. (a).)

Alternative battery technologies, including lead-acid, sodium-sulfur, and redox flow batteries were considered but ultimately rejected from detailed analysis based on technical limitations that impair feasibility (see **Section 8, Alternatives**, on pages 8-6 to 8-7 of the Staff Assessment). These limitations include operational and safety concerns (such as high operating temperatures and fire-risk of sodium-sulfur batteries). Additionally, these technologies are not proven at the utility-scale and would be unable to meet project objectives or appreciably reduce the types of impacts analyzed in the Staff Assessment.

Response to 23-42. See **Master Response 1.**

Response to 23-43. See **Response to 23-6.**

Response to 23-44. The Staff Assessment appropriately identifies public benefits in accordance with Public Resources Code section 25523(h), including economic, environmental and electricity reliability benefits that serve both local and statewide interests. The project's contribution to grid reliability and decarbonization is a benefit to all Californians, including residents of Cantua Creek, El Porvenir, and Five Points. In **Section 10, Mandatory Opt-In Requirements**, pages 10-5 to 10-10 of the Staff Assessment contains an economic benefits discussion reflecting available data, including permanent jobs, construction employment, and tax revenue benefiting Fresno County. Pages 10-10 to 10-13 contain a discussion on donations to community-based organizations, most of which are also based in Fresno County. See also **Master Responses 1** and **2**.

Response to 23-45. See **Master Responses 1** and **2** and **Response to 23-44.**

Response to 23-46. To clarify, the CEC staff will not determine if the project is approved. The CEC staff will present the updated Staff Assessment and executive director's recommendation at a publicly noticed CEC Business Meeting, at which time the CEC Commissioners can approve or disapprove the project, or require additional information or analysis. If approved by the CEC Commissioners, then state agencies retaining permit authority would make permit decisions on the application approved by the CEC. See Staff Assessment pp. 6-5 to 6-6 for a summary of CEC staff's project outreach up to the point of filing the Staff Assessment. Additionally, see **Response to C-2**, **V-1**, **W-1**, and **Z-2**.

Response to 23-47. Page 6-8 in **Section 6, Environmental Justice** shows that the six-mile radius included Cantua Creek, El Porvenir, and Five Points communities. The CEC has historically used a six-mile radius surrounding a project site as the modeling domain for air quality because the air quality impacts from a natural gas powerplant would normally decrease to a level less than significant or negligible at such distance. While the proposed project does not include a thermal power plant, staff retained the six-mile distance to ensure inclusion of surrounding communities, due to the rural nature of the area with few residences close by and because of the expansive size of the project site. Therefore, staff has used the six-mile radius for the environmental justice project screening analysis as well as for air quality cumulative impacts analysis. Please also see **Response to 23-1** about inconsistent information regarding the distance between communities and the project.

Response to 23-48. Staff agrees with the commenter's assertion that the San Joaquin Valley Air Basin (SJVAB) is a nonattainment area for ozone, particulate matter of 10 micrometers or less in diameter (PM10), and particulate matter of 2.5 micrometers and smaller in diameter (PM2.5) under the National Ambient Air Quality Standards (NAAQS) and/or California Ambient Air Quality Standards (CAAQS). As stated on page 5.1-23 of **Section 5.1**, **Air Quality** of the Staff Assessment, "The current air quality in the SJVAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these

pollutants or their precursors (i.e., ROG and NOx for ozone) potentially contribute to poor air quality. Construction activities without mitigation would exceed the SJVAPCD's recommended thresholds of significance during construction, as shown in Table 5.1-4 and Table 5.1-5, for NOx and CO for the 18-Month and 36-Month construction scenarios. Because these annual emissions from the project's construction would exceed significance thresholds, the project could contribute cumulatively to a net increase in criteria pollutants without mitigation.

To reduce these emissions, staff identifies proposed COC **AQ-SC1** to **AQ-SC6** to sufficiently reduce NOx and PM2.5 from equipment and to also substantially reduce PM10, including fugitive dust. Staff's proposed conditions of certification are effective and comprehensive "best practices" for avoiding air quality impacts during construction. Therefore, staff has addressed these impacts thoroughly and does not believe any additional mitigation is necessary.

Response to 23-49. Please see **Response to Comment 16-2** and **23-4** regarding diesel truck impacts during construction. The response also applies to any offsite diesel truck impacts during operation. For the onsite emission sources during operational phase, the proposed emergency engines would be fired with liquid petroleum gas (LPG)/propane, which are much cleaner than diesel engines and staff has evaluated their impacts in **Section 5.1, Air Quality** and **Section 5.10, Public Health**. In addition, in these sections, staff also modeled all onsite diesel engine sources, including on-road vehicles and off-road equipment, to assess air quality and public health impacts, which were determined to be less than significant.

Regarding Valley Fever, as explained in more detail in **Response to H-1**, with the implementation of COCs **AQ-SC3** and **WORKER SAFETY-11**, exposure to Valley Fever among personnel and the public would be reduced to the greatest extent feasible. These practices are standard in construction projects within areas susceptible to Valley Fever and are effective in reducing the risk of exposure.

Commenter 24 - Stephen Farmer, Westlands Water District

Westlands Water District

April 21, 2025

Ms. Lisa Worrall, Senior Environmental Planner
Siting, Transmission and Environmental Protection Division
California Energy Commission
715 P Street
Sacramento, CA 95814

SUBJECT: Comments Regarding California Energy Commission (CEC) Staff Assessment SCH # 2024091023 for the Darden Clean Energy Project

Dear Ms. Worrall,

Westlands Water District (District) serves a dual role as both a water district and Groundwater Sustainability Agency (GSA) and is responsible for water management in the Darden Clean Energy Project (Project) area. The District is the landowner, optioning the property for potential sale to enable the development of the Darden Clean Energy Project. Additionally, the District serves as the Responsible Agency required to make key findings and potentially approve the property's sale in accordance with applicable regulations and environmental review processes. The District reviewed Staff Assessment SCH #2024091023 (Assessment), the proposal to construct, operate, and eventually repower or decommission the Project on approximately 9,500 acres in western Fresno County. The District offers the following comments.

Groundwater Availability and Use

The Assessment indicated the proposed water source will be on-site groundwater wells. As stated in the District's previous comment letter on the Project, and per the terms of the proposed purchase and sale agreement with the District, the Project is limited to extraction of two (2.0) acre feet of groundwater per year for operation of its solar power generation facilities for each 320-acre portion of land acquired for the Project. During construction of the Project facilities, the Project may extract an additional one hundred and thirty (130) acre-feet of groundwater per year for construction water purposes for each 320-acre portion of land acquired for the Project. 24-1

Surface Water Availability and Use

The Project lands will not receive allocations of groundwater, other than what is indicated above. However, the Applicant may be eligible to apply for and receive surface water for 24-2

286 W. Cromwell Ave, Fresno, CA 93711
P.O. Box 5199, Fresno, CA 93755
Phone: 559-224-1523 | wwd.ca.gov

Municipal and Industrial (M&I) use[1], and the land will continue to have access to the District's distribution system for lands used for solar development operations. If the Project applies to become a new M&I water user, the operations will be bound by the Regulations, Terms and Conditions established by the District for M&I use. Copies of these are provided for your information, and notable provisions include that the District will make available up to five (5) acre-feet annually, per 160 acres, for solar developments. 24-2

Decommissioning

The Assessment indicated the Project will either be repowered or decommissioned after its anticipated useful life of up to 35 years. The Project owner will coordinate with the CEC to plan and prepare for eventual permanent closure, providing at minimum one (1) year notice to the CEC through submittal of a Final Closure Plan and Cost Estimate. Decommissioning is anticipated to be completed within up to a three (3) year period and will follow a decommissioning and reclamation plan. This plan involves removal of all project components, discharge and removal of battery modules and electrical equipment, and removal of any civil facilities, access roads, and security fence.

Regarding land uses following decommissioning, the Assessment provides: "It is anticipated that most of the site would be returned to farmland and/or pasture after decommissioning." (Assessment, p. 3-24.) The assessment further provides that if no specific land use is identified, the Project site would be vegetated with native and naturalized grassland seed mix. 24-3

In this context, the Assessment must recognize that after decommissioning, the Project site will no longer have access to water from any source. Moreover, the deed covenants will prohibit the Project site from irrigated agriculture as required by the District's 2015 Settlement with the United States[2]. It is therefore unlikely the Project site will be utilized for farmland or pasture, after decommissioning. Assuming a return to native and naturalized grassland, the Project proponents would need to establish this vegetation using only precipitation. The CEC must ensure that decommissioning is conducted in an orderly and effective manner so the Project site does not fall into neglect/disrepair and become a nuisance to nearby agricultural operations.

Weed Management and Fire Risk

The District reviewed the Assessment's vegetation management plan, which identifies weed control methods including mowing, hand removal, herbicide applications, and sheep grazing. Vegetation fire risk must be mitigated through the control or eradication of vegetation immediately surrounding the solar arrays and battery energy storage systems (BESS). 24-4

[1] https://wwd.ca.gov/wp-content/uploads/2024/06/rules19.pdf
[2] https://wwd.ca.gov/resource-management/drainage/drainage-settlement-documents/

If sheep grazing is determined to be a means to limit weed infestations, it must always be contained within the Project fencing. If grazing occurs outside of the Project fencing, sheep may wander to adjoining fields, damage adjacent crops, and their presence may disqualify adjacent organic fields from further organic certification. The CEC should identify a mechanism to address this concern and ensure any sheep grazing is contained within the Project fencing. 24-4

District Facilities

The Project site is located near the District's distribution system Laterals 13R, 14R, 14L, 15L, 16L, 17L and 18L. Prior to construction, please contact Underground Service Alert (811).

If Project features, including electrical collector lines and transmission facilities, may cross the District's distribution system laterals, the Project owner shall contact the District to obtain the requirements for crossing a District lateral easement(s). No Project facilities shall be located in a manner that restricts the District's ability to access and perform maintenance on the water distribution system. 24-5

The District previously provided comments for the proposed project on October 22, 2024, a copy of which is attached.

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

Sincerely,

Stephen Farmer
Chief Administrative Officer

Enclosure
1. Westlands Water District's Comment Letter Regarding NOP No. 23-OPT-02, October 22, 2024

Response to Commenter 24 - Stephen Farmer, Westlands Water District

Response to Comment 24-1. Thank you for clarifying the correct total acreage associated with the option agreement to purchase between the Westlands Water District and the applicant. Revisions have been made in **Section 5.16, Water Resources** on page 5.16-12, of the Staff Assessment to update the estimates regarding the applicant's groundwater extraction entitlement during project construction and operation. The revisions are specified in **Section 3** (Revisions to Staff Assessment).

Response to Comment 24-2. Currently, the applicant has only proposed to extract groundwater for water supply during both construction and operation. If the applicant elects to use WWD surface water through Municipal and Industrial service, the applicant would need to file a petition with the CEC for post certification project change pursuant to 20 CCR 1882. This action would be subject to separate CEQA review.

Response to Comment 24-3. Revisions have been made in **Section 3, Project Description** under "3.6-12 Facility Closure" on page 3-24 of the Staff Assessment to note that the project site would be prevented from receiving water from any source and the statement that most of the site being returned to farmland and/or pasture after decommissioning was removed.

Response to Comment 24-4. A CEC license, if granted, would cover the project site; offsite impacts (if potentially present) were analyzed in the Staff Assessment. No offsite impacts are envisioned, anticipated, or permitted, as part of the project description, due to grazing.

Response to Comment 24-5. Staff agrees with the comment, and the applicant will get the necessary permits if the applicant constructs electrical collector feeders and transmission facilities that cross the district's distribution system laterals.

Commenter 25 - California Department of Fish and Wildlife

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

April 22, 2025

Ann Crisp, Project Manager
California Energy Commission
715 P Street
Sacramento, California 95814
Ann.Crisp@energy.ca.gov

Subject: Draft Environmental Impact Report (DEIR) for the Darden Clean Energy Project (Project)
State Clearinghouse No. 2024091023

Dear Ann Crisp:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the California Energy Commission (CEC) for the above-referenced Project. CDFW appreciates this opportunity to provide comments and recommendations regarding proposed Project activities that may affect California fish and wildlife, pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

Conserving California's Wildlife Since 1870

The proposed Project would ordinarily require one or more discretionary approvals by CDFW because it may result in substantial adverse impacts to fish and wildlife resources such as lake and streambed alteration (Fish and G. Code, § 1602); and incidental take of species protected under CESA (Fish and G. Code, § 2081). CDFW would typically submit comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) However, because the Project proponent opted into the Assembly Bill (AB) 205 certification process, the CEC has exclusive jurisdiction over the proposed Project and is responsible for ensuring any certification of the proposed Project including all conditions necessary to ensure compliance with the Fish & G. Code and its implementing regulations found in Title 14 of the California Code of Regulations. (Pub. Resources Code, §§ 25545.1, subd. (b), 25545.5, subd. (a).) Thus, CDFW does not have a direct permitting role in the process that would ordinarily trigger a Responsible Agency role. CDFW instead submits these comments as a Trustee Agency under CEQA.

Pursuant to AB 205, the CEC and CDFW developed a coordination plan through a Memorandum of Understanding (MOU) to ensure that all potential impacts to fish, wildlife, and plant resources, and the habitats upon which they depend, including but not limited to incidental take of species protected under CESA, are consistent with the Fish & G. Code and its implementing regulations found in Title 14 of the California Code of Regulations. (Pub. Resources Code § 25545.5, subd. (a).) The MOU also ensures timely and effective consultation between the CEC and CDFW with respect to any proposed CEC findings and actions regarding potential impacts to fish, wildlife, and plant resources. (*Ibid.*) CDFW is also submitting these comments in its consultation role under AB 205 and the MOU.

PROJECT DESCRIPTION SUMMARY

Proponent: Intersect Power, LLC

Objective: The Project proposes to construct, operate, and eventually repower or decommission a solar facility located on approximately 9,100 acres in western Fresno County. The Project will operate year-round, with a 35-year anticipated lifespan. The primary Project components are:

- 1,150-megawatt (MW) solar photovoltaic (PV) facility (solar facility) involving the construction of approximately 3,100,000 solar panels
- 4,600 MW-hour battery energy storage system (BESS)
- Operations and maintenance facility
- 15-mile 500 kV generation intertie (gen-tie) line that will interconnect with the regional electrical grid
- 34.5-500 kilovolt (kV) grid step-up substation (step-up substation)

Location: The Project is located in an agricultural area of unincorporated Fresno County approximately 17 miles southwest of the City of Kerman. The solar facility, BESS, and substation will be located on approximately 9,100 acres of land currently owned by Westlands Water District, between South Sonoma Avenue to the west, and South Butte Avenue to the east. The Project's 10 to 15-mile gen-tie line will span west from the intersection of South Sonoma Avenue and West Harlan Avenue to immediately west of Interstate 5, where it will connect to the new utility switchyard along with PG&E's Los Banos-Midway #2 500 kV transmission line.

Timeframe: Construction is expected to begin in late 2025 or early 2026 and will be operational by 2027 or 2028 for 35 years.

COMMENTS AND RECOMMENDATIONS

After reviewing the DEIR, CDFW has determined that the mitigation measures and Conditions of Certification as currently documented are sufficient to mitigate, or fully mitigate, impacts to listed species. CDFW will continue to meet with CEC staff ahead of EIR finalization to discuss potential Project related impacts and possible avoidance, minimization, and/or mitigation measures for the biological resources that may be analyzed in the EIR, as well as helping to address any outstanding requirements of Fish and Game Code Section 2081(b) (Incidental Take Permit pursuant to CESA). 25-1

If you have any questions, please contact Jim Vang, Senior Environmental Scientist Specialist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Land Use and Climate Innovation
state.clearinghouse@opr.ca.gov

Response to Commenter 25 - California Department of Fish and Wildlife

Response to Comment 25-1. Staff notes your comment.

Commenter 26 - Jameson Saberon, Pacific Gas and Electric Company

Pacific Gas and Electric Company®

Jameson Saberon, Sr. Land Planner
Environmental Management, Electric Transmission

8 East River Park Place West
Fresno, CA 93720
Office: (559) 263-5214
Email: jameson.saberon@pge.com

April 25, 2025

California Energy Commission
Attn: Lisa Worrall, Senior Environmental Planner
715 P Street
Sacramento, CA 95814-5512

RE: Comments to the Staff Assessment and Draft Environmental Impact Report for the Proposed Darden Clean Energy Project (SCH#2024091023)

Dear Ms. Worrall:

On behalf of Pacific Gas and Electric Company ("PG&E"), please find the following comments on the Staff Assessment and Draft Environmental Impact Report ("DEIR") for the proposed Darden Clean Energy Project ("project"). This comment letter supersedes previous correspondence dated April 21, 2025. As the DEIR correctly indicates, the California Energy Commission ("CEC") does not have approval authority over PG&E's construction and operation of its interconnection facilities, which are under the jurisdiction of the California Public Utilities Commission ("CPUC"). The CEC's DEIR also properly includes an environmental assessment of PG&E's interconnection facilities as part of the direct and reasonably foreseeable indirect physical changes resulting from construction of the solar generating and battery storage facility.

General Comments

CPUC Permitting and Jurisdiction

As indicated in the DEIR, the project will require a new breaker-and-a-half (BAAH) 500 kV Switching Station ("switchyard"), which will connect to the Los Banos-Midway No. 2 500 kV Transmission Line and become part of the California Independent System Operator ("California ISO") transmission system. This switchyard will be constructed by the project applicant, IP Darden I, LLC and Affiliates, a wholly-owned subsidiary of Intersect Power, LLC ("applicant"), and is intended to be acquired, owned and operated by PG&E upon completion and testing of the switchyard to confirm that it meets required standards. PG&E itself will construct, own and operate a new looped transmission line extension from the existing Los Banos-Midway No. 2 500 kV Transmission Line and various downstream network upgrades as described in the DEIR (the "Downstream Network Upgrades"). The CPUC has jurisdiction over the design, construction, operation and maintenance of utility facilities by regulated utilities. 26-1

Because PG&E will not construct the switchyard, PG&E requests a universal change to all sections of the DEIR to delete "PG&E utility" before "switchyard" and replace it with "new BAAH 500 kV" switchyard, consistent with the switchyard's description in the California ISO documents. Moreover, the DEIR should clarify that, because the switchyard is not being constructed by PG&E, PG&E is not responsible for any measures related to construction of the new BAAH 500 kV switchyard.

1

DEIR Mitigation Measures versus PG&E Construction Measures

The applicant will construct the new BAAII 500 kV switchyard and PG&E will construct the components identified as the Downstream Network Upgrades as described in Table 3-3, one of the Components of the Three Alternative Fiber Line Scenarios as described in Table 3-4, and the Los Banos-Midway No. 2 500 kV Transmission Line loop into the new BAAH 500 kV switchyard. While the CEC does not have siting, design or construction authority over PG&E's existing electrical facilities or jurisdiction to impose mitigation measures on PG&E for the facilities it constructs, PG&E will incorporate construction measures into the electric transmission line construction generally consistent with the measures described in the DEIR, as specified more particularly in Attachment A, to avoid or minimize potential impacts associated with project construction. 26-2

Specific Comments

PG&E respectfully requests that the following be considered to ensure the Staff Assessment and DEIR accurately describe the PG&E components of the larger project. For your convenience, each of the comments reference the relevant section, page, and paragraph of the DEIR.

1 Executive Summary, Introduction, Page 1-1, Paragraph 3:

The DCEP includes project components that are outside of the CEC's jurisdiction. These components would be subject to California Public Utility Commission (CPUC) jurisdiction. ~~The components include a Pacific Gas and Electric Company (PG&E) utility switchyard that the applicant would construct using PG&E approved contractors and owned and operated by PG&E. Interconnection of the DCEP into the California Independent System Operator (California ISO) regulated electric grid would require PG&E downstream network upgrades.~~ **These components include construction of the Downstream Network Upgrades as described in Table 3-3, one of the Components of the Three Alternative Fiber Line Scenarios as described in Table 3-4, and the Los Banos-Midway No. 2 500 kV Transmission Line loop into and out of the new BAAH 500 kV switchyard. While the design of the new BAAH 500 kV switchyard is also under CPUC jurisdiction, PG&E will not construct it or be responsible for its construction other than providing information concerning design requirements. The Project applicant is responsible for any mitigation for construction of the new BAAH 500 kV switchyard.** The SA does not analyze the non-jurisdictional components **or the new BAAH 500 kV switchyard design** for conformance with LORS: however, since they **non-jurisdictional components** are a part of the whole of the action for CEQA, staff has analyzed the potential environmental impacts of the non-jurisdictional project components and recommended mitigation measures for adoption **as additional Construction Measures within the jurisdiction of** the licensing authority, as necessary. 26-3

2 Introduction, 2.2 Energy Commission Jurisdiction and the Opt-In Certification Program, Page 2-3, Paragraph 4:

Interconnection of the DCEP with the California Independent System Operator electrical grid would require the construction and operation of a new **BAAII 500 kV** utility switchyard. Also, network system upgrades were identified by Pacific Gas and Electric Company (PG&E) as necessary to ensure a reliable connection between the DCEP and the grid. ~~Both the new switchyard, to be owned and operated by PG&E, and~~ The network system upgrades are not within the CEC's licensing authority and are considered "non-jurisdictional." The SA does not analyze these non-jurisdictional components for conformance with LORS; however, since they are a part of the whole of the action for CEQA, staff has analyzed the potential environmental impacts of these non-jurisdictional project components and recommended mitigation measures- 26-4

~~that can and should be adopted by the licensing authority~~, as necessary. **PG&E will incorporate the recommended measures in accordance with Attachment A as additional Construction Measures under the jurisdiction of the licensing authority.**

3 Project Description, Non-Jurisdictional Project Components, Page 3-1:

Project Overview
IP Darden I, LLC and Affiliates1 (applicant), wholly owned subsidiaries of Intersect Power, LLC, propose to construct, operate, and eventually repower or decommission the Darden Clean Energy Project (DCEP or project) on approximately 9,500 acres in western Fresno County. The project would operate seven days a week, 365 days a year, with an up to 35-year2 anticipated lifespan. The primary project components are:

- 1,150 megawatt3 (MW) solar photovoltaic (PV) facility (solar facility)
- Up to 4,600 MW-hour battery energy storage system (BESS)
- 34.5-500 kilovolt (kV) grid step-up substation (step-up substation)
- 15-mile 500 kV generation-intertie (gen-tie) line
- ~~Pacific Gas and Electric Company (PG&E) owned~~ **New BAAH** 500 kV utility switchyard along the existing **PG&E** Los Banos-Midway #2 500 kV **Transmission Line** ~~transmission line~~

The applicant had previously proposed an 800 MW green hydrogen facility; however, that component is no longer part of the project (RCI 2024dd). 26-5

Non-Jurisdictional Project Components
To interconnect the DCEP **and the new BAAH 500 kV switchyard** to the California Independent System Operator (California ISO) managed electric grid, **PG&E will relocate and loop approximately 900 feet of the existing Los Banos-Midway No. 2 500 kV Transmission Line into and out of the new BAAH 500 kV switchyard.** ~~a PG&E-owned and operated 500-kV utility switchyard along the Los Banos-Midway #2 500 kV transmission line would be required, including a 500 kV loop in and out line. The applicant would retain an approved PG&E contractor to build the switchyard per PG&E standards and then the switchyard would be deeded over to PG&E to operate and maintain. In addition to the new PG&E utility switchyard~~ The California ISO identified ~~PG&E~~ **Downstream Network Upgrades** ~~downstream network system upgrades~~ that would **also** be necessary to accommodate power generation from the DCEP. Refer to subsection "3.7, Project Facilities and Design" below for more details.

3.7 Non-Jurisdictional Project Components, 3.7.3 Construction Methods and Activities, Page 3-37, Paragraph 5:

At each of the existing structures along the 230 kV electric transmission line route, minor upgrades to the steel attachments may be required to accommodate installation of the OPGW. These upgrades would include ~~only~~ overhead work and **minor foundation work** on the existing tower, such as replacing the good peaks with a pulley to accommodate the OPGW line. The existing static wire would then be used to pull the new OPGW through each structure's pulley. Existing roads or helicopters would be used to provide access to the sites to fashion the attachments needed on each structure. 26-6

4.3 Transmission System Engineering, 4.3.1 Setting, Page 4.3-2, Paragraph 3: 26-7

~~General Order 131-D~~ **General Order-131-E**, Rules for Planning and Construction of Electric Generation, Line, and Substation Facilities in California. This General Order specifies application and noticing requirements for new line construction, including EMF reduction. 26-7 Continued

4.4 Worker Safety and Fire Protection, 4.4.2 Impacts, Page 4.4-24:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard and Downstream Network Upgrades**

The project would involve construction of the ~~utility~~ **new BAAH 500 kV** switchyard, which would be **deeded to PG&E after construction and inspection to be operated as a regulated utility facility.** ~~owned and operated by PG&E as a utility.~~ The project owner has stated that equipment used for construction of the utility switchyard may include, but is not limited to: cranes, aerial lift, skid steer loaders, rubber tired loaders, rubber tired dozer, welders, trencher, forklift, bore/drill rig, grader, roller, tractor/loader/backhoe, haul trucks, and utility terrain vehicles (UTVs). Approximately 3-acre-feet of water would be used during construction of the utility switchyard, at an average of 50 to 100 gallons per day (this number is included in the overall 1,100 acre-feet of construction water needed for the project as a whole). Special safety hazards would be present during the use of all the above-mentioned equipment and operations involving cranes would require the employ of certified and Cal OSHA-licensed crane operators with a pre-written Lift Plan. 26-8

4.4 Worker Safety and Fire Protection, PG&E Utility Switchyard and Downstream Network Upgrades, Page 4.4-24 and 4.4-28:

Page 4.4-24: All the proposed transmission system upgrades associated with the Darden Clean Energy Project would be done by PG&E. Major utilities such as PG&E have extensive experience with the types of workplace activities involved with the proposed upgrades. They also are experienced with regulations applicable to worker protection and have extensive worker safety plans and procedures to protect their employees from workplace hazards. Staff concludes that PG&E would~~, for the most part,~~ conduct the upgrade activities in compliance with all applicable LORS that address occupational safety and health regulations. Staff also concludes that the proposed upgrades would~~, for the most part,~~ not require significant levels of service from the local fire department and would not result in significant impacts on local fire protection services in the project area. Standard PG&E occupational safety and health programs and fire protection measures would be followed. ~~However, the PG&E Standard Construction Practices provided to staff focused on ensuring minimal impacts to biological species on the site and listed only a few standard practices ensuring worker safety and health. These standard practices are also not dated so staff has no way of knowing if PG&E's practices Darden Clean Energy Project Staff Assessment have been updated to included recent Cal OSHA worker safety requirements. In order to ensure that worker safety and health LORS are followed on these non-jurisdictional project elements, and to enhance worker safety, staff is proposing MM WORKER SAFETY-1 and WORKER SAFETY-2.~~ 26-9

Page 4.4-24: All the proposed transmission system upgrades associated with the Darden Clean Energy Project would be done by PG&E. Major utilities such as PG&E have extensive experience with the types of workplace activities involved with the proposed upgrades. They also are experienced with regulations applicable to worker protection and have extensive worker safety plans and procedures to protect their employees from workplace hazards. Staff concludes that PG&E would~~, for the most part,~~ conduct the upgrade activities in compliance with all applicable LORS that address occupational safety and health regulations. Staff also concludes that the proposed upgrades would~~, for the most part,~~ not require significant levels of service from

the local fire department and would not result in significant impacts on local fire protection services in the project area. Standard PG&E occupational safety and health programs and fire protection measures would be followed. ~~However, the PG&E Standard Construction Practices provided to staff focused on ensuring minimal impacts to biological species on the site and listed only a few standard practices ensuring worker safety and health. These standard practices are also not dated so staff has no way of knowing if PG&E's practices Darden Clean Energy Project Staff Assessment have been updated to included recent Cal OSHA worker safety requirements. In order to ensure that worker safety and health LORS are followed on these non-jurisdictional project elements, and to enhance worker safety, staff is proposing MM WORKER SAFETY-1 and WORKER SAFETY-2.~~ 26-9 Continued

Page 4.4-28: ~~Impacts associated with non-jurisdictional project components require mitigation to reduce impacts to less than significant. Staff recommends the mitigation measures detailed in subsection "4.4.6 Recommended Mitigation Measures" below. The mitigation measures recommended below could and should be implemented by the permitting authority (CPUC) as mitigation measures.~~

PG&E also requests that the CEC strike Section 4.4.6 regarding "Recommended Mitigation Measures" on pages 4.4-35 through 4.4-38. (See Attachment A.)

4.4 Worker Safety and Fire Protection, 4.4.6 Recommended Mitigation Measures:
Construction of Downstream Network Upgrades as described in Table 3-3, one of the Components of the Three Alternative Fiber Line Scenarios as described in Table 3-4, and the Los Banos-Midway No. 2 500 kV Transmission Line loop into the new BAAH 500 kV switchyard would include mechanisms intended to protect the public from accidents or failure of project components. The construction of PG&E project components would comply with federal and state regulations and standards. All authorized personnel working on-site during construction would be trained according to OSHA safety standards (OSHA 2015), which are based on applicable federal, state, and local safety regulations. All PG&E employees and contract partners will follow PG&E's utility safety standards, in particular PG&E Injury & Illness Prevention Plan (IIPP), which is required under California law, to eliminate exposure to injury, accidents, or hazards based on unsafe or unhealthy work conditions in the field. All PG&E employees and contract partners will also follow standards for preventing and mitigating fires while performing PG&E work, working on or near facilities located on any forest, brush, or grass-covered lands using equipment, tools, and/or vehicles whose use could result in the ignition of a fire. This includes areas that seem urban or suburban but have vegetation that can aid in the spread of an ignition. Please remove recommended mitigation measures **MM WS-1, MM IIAZ-2,** and **MM PII-1** from the "non-jurisdictional" component of the project for downstream network upgrades to be constructed by PG&E, as indicated in Attachment A. 26-10

Furthermore, during construction, migration of dust from the construction sites would be limited by control measures set forth by **MM AQ-1, MM BIO-2, and MM BIO-3** for the PG&E project components. Work areas would also be stabilized using best management practices (BMPs) described in storm water pollution prevention plans (SWPPPs) prepared for PG&E project components. Please remove recommended mitigation measure **MM WS-2** from the "non-jurisdictional" component of the project for downstream network upgrades to be constructed by PG&E, as indicated in Attachment A.

5.1 Air Quality, 5.1.2.2 Direct and Indirect Impacts, Page 5.1-17:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard** 26-11

As shown in **Table 5.1-4** and **Table 5.1-5**, the worst-case unmitigated construction emission rates, under Phase 6, for all criteria pollutants would be below the applicable SJVAPCD thresholds of significance. Therefore, the construction during Phase 6 (construction of the ~~PG&E~~ **New BAAH 500 kV** ~~utility~~ switchyard) would not conflict with or obstruct implementation of the applicable air quality plans of SJVAPCD. ~~The PG&E Construction Measures for air quality identify measures to reduce fugitive dust during construction. Staff has concluded that these measures are sufficient to further reduce emissions from construction activities. Staff recommends Mitigation Measure (MM) AQ-1, which includes PG&E Construction Measures for air quality to further reduce construction emissions.~~ 26-11 Continued

5.1 Air Quality, 5.1.2.2 Direct and Indirect Impacts, Page 5.1-28:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

As shown in **Table 5.1-5**, construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard in the 36-month construction scenario would contribute to total NOx and CO emissions that would exceed SJVAPCD annual significance thresholds. As shown in **Table 5.1-4**, in the 18-month construction scenario, construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard would contribute to NOx and CO emissions that would exceed SJVAPCD annual significance thresholds. As shown in **Tables 5.1-11** and **5.1-13**, however, impacts from unmitigated construction emissions, would not exceed the NAAQS or CAAQS for CO under any construction schedule. **Tables 5.1-12** and **5.1-14** show that PM10 and PM2.5 impacts from unmitigated project construction emissions would not exceed SILs levels under any construction schedule.

26-12

Therefore, construction of the entire project, including the ~~PG&E utility~~ **new BAAH 500 kV** switchyard, would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standards. ~~For the PG&E utility switchyard, staff recommends mitigation measure (MM) AQ-1, which includes PG&E Construction Measures for air quality to reduce construction emissions, and thus further reduce emissions of criteria pollutants below applicable standards.~~

5.1 Air Quality, 5.1.2.2 Direct and Indirect Impacts, Page 5.1-35:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

The applicant included the construction emission sources for the ~~PG&E utility~~ **new BAAH 500 kV** switchyard in the ambient air quality impacts analysis for the Darden project. Therefore, the project impacts shown in **Tables 5.1-11** through **Table 5.1-14** include emissions from the ~~PG&E utility~~ **new BAAH 500 kV** switchyard.

26-13

Tables 5.1-11 through **Table 5.1-14** show that construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard would not expose sensitive receptors to substantial pollutant concentrations. ~~Staff recommends MM AQ-1, which requires generalized procedures to reduce construction emissions, and thus further reduce pollutant concentrations from construction activities.~~

5.2 Biological Resources, 5.2.1 Environmental Setting, Page 5.2-1:

Existing Conditions

The project would be located on approximately 9,500 acres in unincorporated Fresno County, within the San Joaquin Valley. For the purposes of analysis, the project site is defined as all areas subject to permanent and temporary impacts. This includes both jurisdictional and non-jurisdictional components. The jurisdictional components include, the solar facility, battery energy storage system (BESS), step-up substation, ~~and~~ generation-intertie (gen-tie) line, **a new** 26-14

BAAH 500 kV switchyard, and associated facilities while the non-jurisdictional components include ~~the Pacific Gas and Electric Company (PG&E) utility switchyard and~~ the PG&E downstream network upgrades. The PG&E downstream network upgrades are not included in the 9,500 acres. The project area can be broadly defined as all areas surrounding the project site that would not be subject to development but would include adjacent habitat outside the site boundaries. The project vicinity includes all areas within 10 miles of the proposed project site and beyond.

26-14 Continued

The ~~PG&E utility~~ **new BAAII 500 kV** switchyard would be located on lands that would be deeded to PG&E upon completion and inspection, to be owned and operated by PG&E as a public utility. The PG&E downstream network upgrades, identified by California Independent System Operator as necessary to accommodate the project, would include three alternative scenarios for fiber line communications (Scenario 1 Fiber Line, Scenario 2 Fiber Line, and Scenario 3 Fiber Line) within existing PG&E electric distribution and transmission line corridors, as well as proposed upgrades at four existing PG&E substations, the Cantua Substation, Los Banos Substation, Midway Substation, and Gates Substation. The Gates Substation and Cantua Substation are located in Fresno County, California, the Los Banos Substation is located in Merced County, California, and the Midway Substation is located in Kern County (RCI 2024cc).

5.2 Biological Resources, 5.2.2.2 Direct and Indirect Impacts, Page 5.2-121:

~~PG&E Utility Switchyard~~ <u>New BAAH 500 kV Switchyard</u> and Downstream Network Upgrades

Although the ~~PG&E utility~~ **new BAAH 500 kV** switchyard is analyzed as part of the project pursuant to CEQA, ultimate licensing authority will fall under the California Public Utilities Commission (CPUC) **upon transfer**. PG&E would separately comply with CPUC permitting requirements for its interconnection facilities (RCI 2024u). ~~Construction-related impacts for the PG&E utility switchyard would be covered by implementation of the standard PG&E Construction Measures (RCI 2024u).~~ PG&E has indicted that they will implement the applicable PG&E Construction Measures as part of the construction ~~and operation of the PG&E utility switchyard as well as~~ for the downstream network upgrades. These upgrades would include the three alternative scenarios for fiber line communications as well as proposed upgrades at four existing PG&E substations.

26-15

The applicant provided a list of standard PG&E Construction Measures to address direct and indirect impacts to special-status plants from construction of the non-jurisdictional components of the project (RCI 2024cc). These measures would be followed by PG&E and its contractors during construction of the ~~PG&E utility switchyard and~~ downstream network upgrades. However, ~~construction of the PG&E switchyard and the~~ construction activities for the facilities and equipment installed as part of the selected alternative fiber line scenario and the upgrades at existing PG&E substations would not be covered under the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (O&M HCP) as these do not meet the definition of limited minor new construction in the HCP. (Jones & Stokes Associates, Inc. 2006), as detailed in Data Response Set 6 - Appendix D REV 1 DR TSD-1 BRA Vol 1 (RCI 2024cc).

5.2 Biological Resources, 5.2.6 Recommended Mitigation Measures:

26-16

Please remove recommended mitigation measures **MM BIO-19** and **MM BIO-20** from the "non-jurisdictional" component of the project for downstream network upgrades to be constructed by PG&E, as they apply only to the switchyard being constructed by the project applicant.

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Also, **MM BIO-11** should be consistent with Section 1913 (b) of the Native Plant Protection Act, which provides: (b) Notwithstanding the provisions of Section 1911, ... the removal of endangered or rare native plants from a ... or other right-of-way by the owner of the land or his agent, or the performance by ... privately owned public utility of its obligation to provide service to the public, shall not be restricted by this chapter because of the presence of rare or endangered plants, except as provided in subdivision (c) of this section. Section (c), in turn, states: ... where the owner of land has been notified by the department pursuant to Section 1903.5 that a rare or endangered native plant is growing on such land, the owner shall notify the department at least 10 days in advance of changing the land use to allow for salvage of such plant. The failure by the department to salvage such plant within 10 days of notification shall entitle the owner of the land to proceed without regard to this chapter. 26-16 Continued

5.3 Climate Change and Greenhouse Gas Emissions, 5.3.2.2 Direct and Indirect Impacts, Page 5.3-12:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

The ~~PG&E utility~~ **new BAAH 500 kV** switchyard's short-term construction GHG emissions would not generate substantial greenhouse gas emissions, either directly or indirectly, and would not have a significant impact on the environment. Over the 18-month and 36-month scenario durations of construction, total GHG emissions associated with the ~~PG&E utility~~ **new BAAH 500 kV** Switchyard would amount to approximately 6,665 MTCO2e and 5,112 MTCO2e, respectively including all equipment and vehicle use, associated with the utility switchyard (RCI 2023ll). Construction vehicles and the supplies of transportation fuels used during construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard are required to comply with the applicable GHG reduction programs for mobile sources and suppliers of transportation fuels. ~~Staff recommends Mitigation Measure (MM) GHG-1, which includes PG&E construction measures for GHG as described in Section 5.3.6 of this analysis, to further reduce GHG emissions from construction.~~ Construction activities of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard would conform to relevant programs and recommended actions detailed in CARB's Scoping Plan. 26-17

5.3 Climate Change and Greenhouse Gas Emissions, 5.3.2.2 Direct and Indirect Impacts, Page 5.3-17:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

The ~~PG&E utility~~ **new BAAH 500 kV** switchyard's short-term construction GHG emissions would not interfere with the state's ability to achieve long-term GHG emissions reduction goals. Construction vehicles and the supplies of transportation fuels used during construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard are required to comply with the applicable GHG reduction programs for mobile sources and suppliers of transportation fuels. Construction activities of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard would conform to relevant programs and recommended actions detailed in CARB's Scoping Plan. ~~The PG&E Construction Measures for GHGs identify measures to reduce emissions during construction. Staff has concluded that these measures are sufficient to reduce emissions from construction activities. Staff recommends MM GHG-1, which includes PG&E Construction Measures to further reduce construction emissions.~~ 26-18

5.4 Cultural and Tribal Cultural Resources, 5.4.2.2 Direct and Indirect Impacts, Page 5.4-21:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

No built environment historical resources were identified within the utility switchyard location. Therefore, no construction impacts to the built environment historical resources would occur as a 26-19

8

result of this project component. The utility switchyard location exhibits moderate to high sensitivity for buried archaeological resources. Historical agricultural activities in the project area have disturbed roughly the first 18 inches below the current ground surface. The applicant's response to Data Request DR PD-10 indicates excavation at the proposed utility switchyard will be 10 22 feet deep. (RCI 2024k, p. 20.) Ground-disturbing activities for the utility switchyard location project component within soils not previously disturbed could result in significant impacts to archaeological resources due to the depth of proposed ground-disturbing activities and location within moderate to high-sensitivity areas.

~~The PG&E Construction Measures for cultural and tribal cultural resources identify professional qualifications for specialists and monitors who will observe project implementation, train the construction workforce in basic identification of historical resources, prepare and implement a monitoring plan, implement stop-work procedures (if required), and reporting to the California Public Utilities Commission (CPUC) on all activities. These measures would prevent or reduce impacts on inadvertently found historical resources through early discovery, documentation, and other mitigative actions. Staff has concluded that these measures are sufficient to reduce. Staff recommends Mitigation Measures (MMs) CUL-1 through CUL-3. These measures would form a comprehensive monitoring program for inadvertent discoveries of historical resources during project implementation.~~ 26-19 Continued

5.4 Cultural and Tribal Cultural Resources, 5.4.2.2 Direct and Indirect Impacts, Page 5.4-24:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

No unique archaeological resources are known to exist within the ~~PG&E utility~~ **new BAAH 500 kV** switchyard component location. Given the high to moderate sensitivity for buried archaeological resources, however, there is a potential that a previously unidentified unique archaeological resource might be unearthed during construction. The ~~PG&E Construction Measures for cultural and~~ tribal cultural resources identify professional qualifications for specialists and monitors who will observe project implementation, train the construction workforce in basic identification of historical resources, prepare and implement a monitoring plan, **and** implement stop-work procedures (if required)~~, and reporting to the CPUC on all activities~~. measure would prevent or reduce impacts on inadvertently found historical resources through early discovery, documentation, and other mitigative actions. Staff has concluded that these measures are sufficient to reduce impacts. ~~Staff recommends MMs CUL-1 through CUL-3. These measures would form a comprehensive monitoring program for inadvertent discoveries of historical resources during project implementation.~~ 26-20

5.4 Cultural and Tribal Cultural Resources, 5.4.2.2 Direct and Indirect Impacts, Page 5.4-26:

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

No formal cemeteries or human remains interred outside of formal cemeteries are known to exist within the ~~utility~~ **new BAAH 500 kV** switchyard component location. Given the high to moderate sensitivity for buried archaeological resources, however, there is a potential that a previously unidentified human remains might be unearthed during construction. ~~The PG&E Construction Measure **MM CUL-3** identifies stop-work procedures and reporting requirements to the CPUC in the event human remains are discovered. Staff has concluded that this measure is sufficient to reduce impacts. Staff recommends **MM CUL-3**. This measure would prevent or reduce impacts on inadvertently found human remains through early discovery, documentation, and other mitigative actions.~~ 26-21

5.4 Cultural and Tribal Cultural Resources, 5.4.2.2 Direct and Indirect Impacts, Page 5.4-28 and Page 5.4-31: 26-22

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

To date no tribal cultural resources that are listed or are eligible for listing on the CRHR have been identified within the ~~PG&E utility~~ **new BAAII 500 kV** switchyard. There is a possibility, however, that ground disturbance associated with the proposed project could result in the destruction of buried, as-yet unknown precontact archaeological resources that might qualify as tribal cultural resources. If these resources were to be destroyed, it would be significant impact. The ~~PG&E Construction Measures for cultural and~~ tribal cultural resources identify professional qualifications for specialists and monitors who will observe project implementation, train the construction workforce in basic identification of historical resources, prepare and implement a monitoring plan, **and** implement stop-work procedures (if required)~~, and reporting to the CPUC on all activities~~. measure would prevent or reduce impacts on inadvertently found historical resources through early discovery, documentation, and other mitigative actions. ~~Staff has concluded that these measures are sufficient to reduce impacts. Staff recommends MMs CUL-1 through CUL-3. These measures would form a comprehensive monitoring program for inadvertent discoveries of historical resources during project implementation.~~ 26-22 Continued

5.4 Cultural and Tribal Cultural Resources, 5.4.6 Recommended Mitigation Measures:
The Cultural and Tribal Cultural Resources measures within the DEIR are consistent with those supplied by PG&E for all "non-jurisdictional" components of the project to be constructed by PG&E. The measures are feasible and appropriately scaled to work on electric transmission line facilities, including OPGW work. PG&E has no object to these measures, and will incorporate them into the Construction Measures as indicated in Attachment A. 26-23

5.6 Geology, Paleontology, and Minerals, 5.6.6 Recommended Mitigation Measures, Page 5.6-43 to Page 5.6-51:
The measures for paleontology appear to be scaled to the extensive ground disturbance necessary for the solar farm or the switching station and are not appropriate for transmission line work. Ground disturbance on the transmission line will be focused on limited, isolated locations, and, if work is required to place poles or dig foundations, would require tools and involve a shaft so narrows as to make paleo monitoring pointless. In addition, due to the nature of the work, monitoring rarely would provide sufficient visibility to allow resources, if any were present, to be seen. Finally, unlike the large areal excavations and grading work required for a solar facility or a switchyard, digging for poles or footings creates a narrow shaft in which it would be difficult to safely recover fossils buried more than a few feet deep.

26-24

The Geological, Paleontological, and Minerals measures **MM CIVIL-1, MM GEO-1, MM GEO-2, MM GEN-1, MM PAL-1, MM PAL-2, MM PAL-3, MM PAL-4, MM PAL-5, MM PAL-6, MM PAL-7,** and **MM PAL-8** are not appropriate to PG&E's work on this project. **MM CUL-1** provides for worker training in paleontology as well as cultural resources. (See Attachment A.) The project applicant is responsible for measures applicable to the switchyard construction.

5.12 Solid Wast Management, 5.12.6 Recommended Mitigation Measures, Page 5.12-11:
Please remove recommended mitigation measure **MM WASTE-1** the "non-jurisdictional" component of the project for downstream network upgrades to be constructed by PG&E, as it applies to construction of the switchyard. (See Attachment A.) 26-25

5.15 Visual Resources, 5.15.6 Recommended Mitigation Measures, Page 5.12-68: 26-26

Please remove recommended mitigation measure **MM VIS-1** from the "non-jurisdictional" component of the project for downstream network upgrades to be constructed by PG&E, as it applies to construction of the switchyard. (See Attachment A.) 26-26 Continued

We would be happy to discuss these comments further if that would be helpful. Please do not hesitate to contact me at (559) 365-0144 if you have any questions or concerns.

Sincerely,

Jameson Saberon

Jameson Saberon
Senior Land Planner, Environmental Planning and Permitting

Cc:
Jo Lynn Lambert, Counsel for PG&E
Wendy Nettles, PG&E Supervisor, Environmental Management

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ATTACHMENT A

Construction Measure Responsibilities, Draft Environmental Impact Report for the Proposed Darden Clean Energy Project (SCH#2024091023)

SUMMARY

The following document has been prepared to identify construction measure requirements applicable to Pacific Gas & Electric (PG&E) work activities during construction of the transmission line loop and downstream network upgrades for the Darden Clean Energy Project (Project) and measures applicable to the BAAH 500 kV Switchyard that will be constructed by the Project applicant.

The DEIR's "non-jurisdictional" recommended mitigation measures identified below are applicable to Pacific Gas and Electric (PG&E) work activities during PG&E's construction of the transmission line loop and downstream network upgrades. The CPUC will not issue a discretionary approval for construction of these PG&E interconnection facilities, which qualify for an exemption and noticing under General Order 131-E. For this reason, the measures will instead be incorporated into PG&E's Construction Measures with the minor revisions shown below.

Climate Change and Greenhouse Gas Emissions (MM GHG-1): Encourage construction workers to carpool to the job site to the extent feasible. The ability to develop an effective carpool program for the project will depend upon the proximity of carpool facilities to the area, the geographical commute departure points of construction workers, and the extent to which carpooling will not adversely affect worker arrival time and the project's construction schedule. • Minimize unnecessary construction vehicle idling time for on-road and off-road vehicles. The ability to limit construction vehicle idling time will depend on the sequence of construction activities and when and where vehicles are needed or staged. Certain vehicles, such as large diesel-powered vehicles, have extended warm-up times following start-up that limit their availability for use following startup. Where such diesel-powered vehicles are required for repetitive construction tasks, these vehicles may require more idling time. The project will apply a "common sense" approach to vehicle use, so that idling is reduced as far as possible below the maximum of 5 consecutive minutes allowed by California law; if a vehicle is not required for use immediately or continuously for construction activities, its engine will be shut off. Construction foremen will include briefings to crews on vehicle use as part of preconstruction conferences. Those briefings will include discussion of a "common sense" approach to vehicle use. • Maintain construction equipment in proper working conditions in accordance with PG&E standards. • Minimize construction equipment exhaust by using low-emission or electric construction equipment, where feasible. Portable diesel fueled construction equipment with engines 50 horsepower or larger and manufactured in 2000 or later will be registered under the CARB Statewide Portable Equipment Registration Program. • Minimize welding and cutting by using compression of mechanical applications where practical and within standards. • Encourage use of natural gas-powered vehicles for passenger cars and light-duty trucks where feasible and available. • Encourage recycling construction waste where feasible.	26-27
Biological Resources (MM BIO-1): **Worker Environmental Awareness Training.** A qualified biologist will develop an environmental awareness training program that is specific to the project. All on-site construction personnel will attend the training before they begin work on the project. Training will include a discussion of the construction management practices that are being implemented to protect biological resources as well as the terms and conditions of any project permits.	26-28
Biological Resources (MM BIO-2): **Standard Construction Practices.** The following standard construction practices will be implemented, ~~as feasible,~~ to reduce the potential for environmental impacts. • Vehicle parking: vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the	26-29

extent practicable. • Work hours: work will occur only during daylight hours, unless required to occur at night due to line clearances for worker safety. • Vehicle access: the development of new access and ROW roads will be minimized, and clearing vegetation and blading for temporary vehicle access will be avoided to the extent practicable. • Speed limit: vehicles will not exceed a speed limit of 15 mph in the ROWs or on unpaved roads within sensitive land-cover types. • Restoration and erosion control: on completion of any project component, all areas that are significantly disturbed and not necessary for future operations, shall be stabilized to resist erosion, and revegetated and re-contoured if necessary, to promote restoration of the area to pre- disturbance conditions. Dead or injured listed species: personnel will be required to report any accidental death or injury of a listed species or the finding of any dead or injured listed species to a qualified Biologist. Notification of CDFW and/or USFWS of any accidental death or injury of a listed species shall be done in accordance with standard reporting procedures.	26-29 Continued
Biological Resources (MM BIO-3): Access. • Vehicles and equipment must use pavement, existing roads, and previously disturbed areas to the extent practicable. • Keep off-road travel, blading, and vegetation clearing to the minimum extent necessary for safe vehicle/equipment access.	26-30
Biological Resources (MM BIO-4): Trash. • Place all activity and food-related trash in a covered receptacle and remove from the activity area daily.	26-31
Biological Resources (MM BIO-5): Refueling. • No vehicles or heavy equipment will be refueled within 100 feet of a wetland, stream, or other waterway, or within 250 feet of vernal pools, unless secondary containment is used. • Vehicles will carry adequately stocked spill kits and staff must be trained in their use. • The fueling operator must always stay with the fueling operation. • Do not top off tanks.	26-32
Biological Resources (MM BIO-6): Waterways. Cleared or pruned vegetation, woody debris (including chips), and lose or exposed soil, must be disposed of in a manner to ensure that these materials do not enter surface water or a water feature.	26-33
Biological Resources (MM BIO-7): Wildlife Entrapment. Inspect pipes, culverts and other construction material and equipment for wildlife prior to moving them. Should wildlife become trapped, a qualified biologist shall remove and relocate the animal to a safe location. Any wildlife encountered during the course of construction shall be allowed to leave the construction area unharmed.	26-34
Biological Resources (MM BIO-8): Wildlife Sighting. No wildlife or plant species will be handled or removed from activity areas.	26-35
Biological Resources (MM BIO-9): Invasive Species. Clean all vehicles, equipment, clothing, etc. of material potentially containing noxious weeds/seeds prior to entering and existing work locations. Cleaning can be accomplished by brushing, washing, or blowing with compressed air.	26-36
Biological Resources (MM BIO-10): Herbicides. Herbicides will be applied in a manner to avoid drift, will be stored and transported in a manner to prevent spilling, and will be applied to target species only. Applications must not be made in, immediately prior to, or immediately following rain.	26-37
Biological Resources (MM BIO-11): Special-Status Plants. Prior to the start of ground disturbance activities, a qualified biologist knowledgeable on the identification of rare plant species shall conduct a pre-construction plant survey of areas proposed disturbance and 100-foot buffer (where legally accessible) timed during the appropriate blooming period of the survey season immediately prior to construction to determine if any special-status plant species are present. If special-status plants	26-38

are identified on-site, their locations shall be mapped and PG&E shall confer with CDFW or USFWS as required by applicable law to avoid take ~~of state or federally listed species.~~ or to facilitate salvage or seed collection.

Biological Resources (MM BIO-12):

Blunt-Nosed Leopard Lizard. If qualified biologists determine work areas are located within suitable habitat for blunt-nosed leopard lizard (BNLL), protocol level surveys for the BNLL shall be conducted in accordance with the 2019 CDFW Approved Survey Methodology for the Blunt-Nosed Leopard Lizard no more than one year prior to initiation of work activities to determine the potential for occupancy by BNLL. The survey methods applied shall be commensurate with the anticipated level of disturbance to BNLL habitat.

Within work areas identified as suitable BNLL habitat as described above, ~~T~~temporary work areas which do not require ground disturbance that would result in habitat modification would follow the protocol "Survey for Disturbances for Maintenance Activities" which requires a total of 8-days of BNLL surveys over the course of the adult active period between April 15 and July 15. A minimum of 3 survey days will be conducted consecutively, with a maximum of 6 survey days completed within any 30-day time period. Fall hatchling surveys will not be required unless conditions or anticipated construction methods change. Examples of work activities include grading existing roads or previously disturbed areas, mowing, overland travel, and equipment staging that does not require improvements to existing conditions (pullsites, landing zones, staging areas). ~~**Darden Clean Energy Project Staff Assessment BIOLOGICAL RESOURCES 5.2-233**~~

Within work areas identified as suitable BNLL habitat as described above, ~~A~~ a ~~longer~~ **multi-season** survey effort, "Surveys for Disturbances Leading to Habitat Removal," which includes both spring adult surveys and fall hatchling surveys, will be required for ground disturbing activities anticipated to result in **permanent** impacts to BNLL habitat. Examples of work activities include establishment of new roads or structures, conversion of land use, and excavations such as those required for underground infrastructure (trenching or boring of underground fiber). Adult BNLL surveys shall be conducted for 12 days over the course of the 90- day adult optimal survey period (April 15 to July 15), with a maximum of 4 survey days per week and 8 survey days within any 30-day time period. At least one survey session should be conducted for 4 consecutive days. In addition to the 12 days of BNLL surveys required for activities in this category, 5 additional survey days are required during the hatchling optimal survey period, with at least 2 survey days conducted between August 15-30 and at least 2 survey days between September 15-30, for a total of 17 survey days overall within the same survey season/calendar year. ~~If surveys indicate that BNLL and appropriate burrow habitat are absent, the construction areas can be fenced using materials and installing temporary wildlife exclusion fencing in compliance with agency specifications to prevent potential occupancy of BNLL in active construction work areas.~~ If BNLL are found within the survey areas **during surveys or incidental observations, prior to any activities starting or resuming (whichever applies) within 50 feet distance of the detection, in that measures to ensure complete avoidance of any project related impacts to BNLL must be implemented. These measures must at a minimum include installation of appropriate signage, on site monitoring by approved qualified biologists during all ground disturbing activities within 50 feet of the detection, and consultation with the USFWS and the CDFW to develop a BNLL avoidance plan, which must then be implemented.**

~~If surveys indicate that BNLL and appropriate burrow habitat are absent, the construction areas can be fenced using materials and installing temporary wildlife exclusion fencing in compliance with agency specifications to prevent potential occupancy of BNLL in active construction work areas. If BNLL are found within the survey areas, measures to protect the species shall include appropriate signage, monitoring by approved qualified biologists and consultation with the USFWS and the CDFW to develop a BNLL avoidance plan.~~ If burrows are found to be occupied, measures for avoidance and minimization of impact to BNLL shall be written in compliance with recommendations provided during agency consultations and shall contain project specific details. Project actions in areas where BNLL are located shall be restricted to the species' active period (April to early November) to ensure that no aestivating BNLL in burrows are impacted while in their burrows. In conjunction with CDFW or other involved agencies, sensitive areas shall be established and protected with appropriate signage.

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Biological Resources (MM BIO-13):

San Joaquin Kit Fox, America Badger, Burrowing Owl.

No less than 14 days and no more than 30 days prior to the start of ground disturbing activities, a qualified biologist knowledgeable in the identification of all special-status wildlife species shall conduct a pre- construction survey of areas proposed for disturbance within work areas and 500-foot buffer (where legally accessible) to determine if any special-status species are present. If, as a result of this pre- construction survey it is determined that Burrowing Owl, American Badger or San Joaquin Kit Fox are present, the following measures shall be implemented:

1. If signs of Burrowing Owl or American Badger are identified on-site, **CDFW shall be notified,** and appropriate buffers shall be established to limit all construction activities. Buffers for burrows shall be as follows:

Burrowing Owls:

Location Time of Year Level of Disturbance

Nesting Sites 4/1-8/15 200m (low) 500m (med) 500m (high)

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Nesting Sites 8/16-10/15 200m (low) 500m (med) 500m (high)
Nesting Sites 10/16-3/31 50m (low) 100m (med) 500m (high)
These burrowing owl active burrow buffers are drawn from CDFW's 2012 burrowing owl staff report, which specifically provides that activities may occur within them if resource managers allow on the basis of existing vegetation, human development, and land use in the area. ~~if required buffers are infeasible, PG&E shall confer with CDFW to develop a Burrowing Owl and American Badger Exclusion Plan. No relocation or collapsing of burrows or dens will be allowed until the Plan has been reviewed and approved by CDFW. The plan shall be consistent with the recommendations of CDFW's 2012 Staff Report on Burrowing Owl Mitigation and include, at a minimum:~~
~~a. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;~~
~~b. Type of scope to be used and appropriate timing of scoping to avoid impacts;~~
~~c. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place for 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape, i.e., look for sign immediately inside the door).~~
~~d. How the burrow(s) shall be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);~~
2. If signs of San Joaquin Kit Fox are identified on-site, appropriate buffers shall be established limiting all construction activities. Buffers include (50 feet) for a potential den, (100) feet for a known den and (500) feet for a natal or pupping den, unless otherwise specified by **USFWS and/or** CDFW. If required buffers are not possible to protect the species, then a confer with CDFW and **USFWS** will be initiated to determine the need for take authorization through the acquisition of an incidental take permit, pursuant to Fish and Game Code section 2081 subdivision (d) and **appropriate USFWS permit.**
American Badger/San Joaquin Kit Fox:
a. Potential or Atypical den—50 feet
b. Known den—100 feet
c. Natal or pupping den—500 feet, unless otherwise specified by CDFW
San Joaquin Kit Fox:
In determining whether SJKF activity could occur within these buffers, the biological monitor would take into account the following:
a. Noise level and duration. The noise level and duration of activities would be considered. Loud (e.g. greater than 80 decibels) are sustained (e.g. longer than one hour) activities would be disallowed within the buffer setbacks. Activities with shorter durations and/or lower noise levels may be considered with continual observation of the den by the monitor and work stoppage if the biologist detects evidence of disturbance.
b. Level of disturbance typically experienced in the location of the den prior to construction. Some areas (e.g. existing roads or agricultural areas) have been historically subject to human disturbance and dens near these areas are assumed to be accustomed to those previous levels of disturbance. If construction noise and duration are similar to disturbances that would have occurred in the area prior to construction (e.g. vehicular traffic on an existing road), those activities could continue with ongoing monitoring of the den by a biological monitor.
c. If construction activities have begun within 100-feet of a potential or atypical den that was determined during pre-construction activities to be inactive when construction began and the den becomes active during construction (i.e., becomes a "known" den), then work shall stop and CDFW and/or USFWS should be contacted to avoid take. those activities would be allowed to continue at the same intensity as occurred when the den became active. A biological monitor would maintain continual watch on the den while construction activities are conducted within the buffer describe above.
d. In no case would construction activities, regardless of noise and duration, occur closer than 50-feet from a known or potential/atypical den or 500 feet from a natal/pupping den unless approved by CDFW or USFWS. Evidence that construction activities were causing negative changes in behavior patterns would cause the biologist to disallow those activities inside the buffer.
e. If a the minimum 50 or 500- foot no disturbance buffer cannot be maintained, then consultation with USFWS and/or CDFW is warranted to determine if the work activities can avoid take or if authorization is necessary as described below.

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<u>Biological Resources **(MM BIO-14)**:</u>
Swainson's Hawk. If ground-disturbing activities outside of existing maintenance roads are anticipated to occur during the nesting season for Swainson's hawks (generally March through July), a qualified wildlife biologist will conduct pre-construction surveys within 0.50 miles of such activities that occur within or near suitable breeding habitat for nesting Swainson's hawks. The biologist will also consult with CDFW and species experts to determine if there are any known active Swainson's hawk nests or traditional territories within 0.50 miles of the work areas. If Swainson's hawk nests are identified onsite or within 0.5-miles from work areas, PG&E will confer with CDFW to prepare a Swainson's hawk nesting construction

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plan. The purpose of this plan would be to identify what level of monitoring would be required, what types of construction activities can occur and what locations within the project site and what avoidance setbacks need to be established, if any, to minimized impacts to an active Swainson's hawk nest.	
Biological Resources (MM BIO-15): **Le Conte's Thrasher, Golden Eagle, San Joaquin Antelope Squirrel, Coast Horned Lizard and the Tulare Grasshopper Mouse.** Within 30-days prior to the start of ground disturbance, a pre-construction survey shall be conducted by a qualified biologist knowledgeable in the identification of all special-status plant and wildlife species identified by the project's CEQA review to have a potential to occur, including Le Conte's thrasher, golden eagle, San Joaquin antelope squirrel (SJAS), coast horned lizard, and the Tulare grasshopper mouse. Surveys need not be conducted for all areas at one time; they may be phased so that surveys occur within 30-days of the portion of the project site that will be disturbed. The location and nature of all special-status species observations resulting from the pre-construction survey shall be documented and any suitable dens and/or burrows that could support fossorial special-status wildlife species will be examined for potential occupancy and documented. Documentation of completed studies shall be retained and made available to applicable wildlife agency staff on request. Should individuals or active nesting/burrowing sites of the species be present on- site, PG&E shall confer with the appropriate wildlife agency and commence work only once a plan has been established and approved by the applicable agency. a. A minimum 50-foot no disturbance buffer shall be employed around SJAS burrows. If a minimum 50- foot no disturbance buffer cannot be maintained, then consultation with CDFW is warranted to determine if the work activities can avoid take or if authorization is necessary as described below. b. If a minimum 50-foot no disturbance buffer for SJAS is not feasible, consultation with CDFW shall occur to discuss how to implement work activities and avoid take. If take cannot be avoided, take authorization through the acquisition of an incidental take permit, pursuant to Fish and Game Code section 2081 subdivision (d) will be necessary to comply with CESA. c. If Tulare grasshopper mouse or coast horned lizard are observed during surveys, a 50-foot no disturbance buffer shall be installed around burrows where these species are present.	26-42
Biological Resources (MM BIO-16): **Giant Kangaroo Rat and San Joaquin Antelope Squirrel.** In the unanticipated event that giant kangaroo rat are discovered on site, the following procedures shall be implemented: Giant kangaroo rat precincts and any SJAS burrows that could be occupied by SJAS shall be flagged and a 50- foot-wide buffer around the precincts shall be avoided by construction equipment and ground disturbing activities, if feasible. If a minimum 50-foot no disturbance buffer is not feasible, consultation with CDFW shall occur to discuss how to implement the work activity and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (d) will be necessary to comply with CESA.	26-43
Biological Resources (MM BIO-17): **Nesting Bird Surveys Prior to Construction.** Wherever possible, clearing and grubbing of vegetation will be completed in the non-breeding season preceding construction. If ground-disturbing activities occur during the nesting bird season (February 1-September 15), a qualified biologist shall conduct pre-activity surveys for active nests no more than thirty days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys shall cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e. nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests and confirm site conditions have not changed and identify any additional nests.	26-44
Biological Resources (MM BIO-18): **Nesting Bird Monitoring and/or Avoidance Buffers During construction.** Once construction begins, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, the work causing that change will cease and CDFW may be consulted if necessary for additional avoidance and minimization measures if work must proceed and behavior does not return to the identified baseline condition. If continuous monitoring of identified nests by a qualified biologist is not feasible, a minimum no-disturbance buffer of 250 feet around active nests of non- listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be implemented. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the	26-45

construction area would be concealed from a nest site by topography. A qualified biologist shall advise and support any variance from these buffers.	
Cultural and Tribal Cultural Resources (MM CUL-1): **Worker Awareness Training.** PG&E will provide environmental awareness training on archeological and paleontological resources protection. This training may be administered by the PG&E CRS or a designee as a standalone training or included as part of the overall environmental awareness training as required by the project and will at minimum include: types of cultural resources or fossils that could occur at the project site; types of soils or lithologies in which the cultural resources or fossils could be preserved; procedures that should be followed in the event of a cultural resource, human remain, or fossil discovery; and penalties for disturbing cultural or paleontological resources.	26-46
Cultural and Tribal Cultural Resources (MM CUL-2): **Flag and Avoid Known Resources.** Sites will be marked with flagging tape, safety fencing, and/or sign designating it as an "environmentally sensitive area" to ensure that PG&E construction crews and heavy equipment will not intrude on these sites during construction. At the discretion of the PG&E CRS, monitoring may be done in lieu of or in addition to flagging. If it is determined that the project cannot avoid impacts on one or more of the sites, then, for those sites that have not been previously evaluated, evaluation for inclusion in the National Register of Historic Places (NRHP)/California Register of Historic Resources (CRHR) will be conducted. Should the site be found eligible, appropriate measures to reduce the impact to a less-than significant level will be implemented, including but not limited to data recovery, photographic and archival documentation, or other measures as deemed appropriate. If it is determined that sites that have been previously determined to be eligible for inclusion in either the NRHP or CRHR cannot be avoided, measures will be implemented to reduce the impact to a less-than-significant level, including but not limited to data recovery, photographic and archival documentation, or other measures as deemed appropriate.	26-47
Cultural and Tribal Cultural Resources (MM CUL-3): Unanticipated Cultural Resources If unanticipated cultural resources are inadvertently discovered during site preparation or construction activities, work will stop in that area and within 100 feet of the find until CRS or their qualified designee can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with PG&E and other appropriate agencies. Work may continue in other portions of the project area with the CRS's approval. PG&E will implement the CRS's or their designee's recommendations for treatment of discovered cultural resources. Human Remains In the unlikely event that human remains or suspected human remains are uncovered during preconstruction testing or during construction, all work within 100 feet of the discovery will be halted and redirected to another location. The find will be secured, and the CRS or designated representative will be contacted immediately to inspect the find and determine whether the remains are human. If the remains are not human, the CRS will determine whether the find is an archaeological deposit and whether the "Unanticipated Cultural Resources" paragraph of this mitigation measure should apply (see previous paragraph). If the remains are human, the cultural resources specialist will immediately implement the applicable provisions in PRC Sections 5097.9 through 5097.996, beginning with the immediate notification to the affected county coroner. The coroner has two working days to examine human remains after being notified. If the coroner determines that the remains are Native American, California Health and Safety Code 7050.5 and PRC Section 5097.98 require that the coroner contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC, as required by PRC Section 5097.98, will determine and notify the Most Likely Descendant.	26-48
Transmission Line Safety and Nuisance (MM TLSN-1): PG&E ~~Switchyard and~~ Downstream Network Upgrades belong to non-jurisdictional components: Downstream Transmission facilities are constructed to satisfy CPUC and PG&E construction standards such as G.O 95,128 and 131-~~DE~~. ~~Additionally, PG&E should get approval from the FAA if the downstream transmission structures reach a height of 200 feet or above.~~	26-49

PG&E will also implement the following construction measures for the transmission line loop and downstream network upgrade components that PG&E will construct:

Hazards and Hazardous Materials Hazardous-Substance Control and Emergency Response PG&E will implement its hazardous substance control and emergency response procedures to ensure the safety of the public and site workers during construction. The procedures identify methods and techniques to minimize the exposure of the public and site workers to potentially hazardous materials during all phases of project construction through operation. They address worker training appropriate to the site worker's role in hazardous substance control and emergency response. The	26-50

procedures also require implementing appropriate control methods and approved containment and spill-control practices for construction and materials stored on-site. If it is necessary to store chemicals on-site, they will be managed in accordance with all applicable regulations. Material safety data sheets will be maintained and kept available on-site, as applicable. Project construction will involve soil surface blading/leveling, excavation of up to several feet, and augering to a maximum depth of 35 feet in some areas. In the event that soils suspected of being contaminated (on the basis of visual, olfactory, or other evidence) are removed during site grading activities or excavation activities, the excavated soil will be tested, and if contaminated above hazardous waste levels, will be contained and disposed of at a licensed waste facility. The presence of known or suspected contaminated soil will require testing and investigation procedures to be supervised by a qualified person, as appropriate, to meet state and federal regulations. All hazardous materials and hazardous wastes will be handled, stored, and disposed of in accordance with all applicable regulations, by personnel qualified to handle hazardous materials. The hazardous substance control and emergency response procedures include, but are not limited to, the following: • Proper disposal of potentially contaminated soils. • Establishing site-specific buffers for construction vehicles and equipment located near sensitive resources. • Emergency response and reporting procedures to address hazardous material spills. Stopping work at that location and contacting the County Fire Department Hazardous Materials Unit immediately if visual contamination or chemical odors are detected. Work will be resumed at this location after any necessary consultation and approval by the Hazardous Materials Unit.	26-50 Continued
<u>Worker Environmental Awareness</u> The training will include the following components related to hazards and hazardous materials: • PG&E Health, Safety, and Environmental expectations and management structure. • Applicable regulations. • Summary of the hazardous substances and materials that may be handled and/or to which workers may be exposed. • Summary of the primary workplace hazards to which workers may be exposed. • Overview of the controls identified in the Storm Water Pollution Prevention Plan	26-51
<u>Employ Noise-Reducing Construction Practices during Temporary Construction Activities</u> PG&E will employ standard noise-reducing construction practices such as the following: • Ensure that all equipment is equipped with mufflers that meet or exceed factory new-equipment standards. • Locate stationary equipment as far as practical from noise-sensitive receptors. • Limit unnecessary engine idling. • Limit all construction activity near sensitive receptors to daytime hours unless required for safety or to comply with line clearance requirements. Minimize noise-related disruption by notifying residents. Should nighttime project construction be necessary because of planned clearance restrictions, affected residents will be notified at least 7 days in advance by mail, personal visit, or door hanger, and informed of the expected work schedule.	26-52
<u>Temporary Traffic Controls</u> PG&E will obtain any necessary transportation and encroachment permits from Caltrans and the local jurisdictions, as required, including those related to state route crossings and the transport of oversized loads and certain materials, and will comply with permit requirements designed to prevent excessive congestion or traffic hazards during construction. PG&E will develop road and lane closure or width reduction or traffic diversion plans as required by the encroachment permits. Construction activities that are in or along or that cross local roadways will follow best management practices and local jurisdictional encroachment permit requirements—such as traffic controls in the form of signs, cones, and flaggers—to minimize impacts on traffic and transportation in the project area.	26-53
<u>Air Transit Coordination</u> PG&E will implement the following protocols related to helicopter use during construction and air traffic: • PG&E will comply with all applicable Federal Aviation Administration (FAA) regulations regarding air traffic within 2 miles of the project alignment. • PG&E's helicopter operator will coordinate all project helicopter operations with local airports before and during project construction. • Helicopter use and landing zones will be managed to minimize impacts on local residents.	26-54
<u>Coordinate Road Closures with Emergency Service Providers</u> At least 24 hours prior to implementing any road or lane closure, PG&E will coordinate with applicable emergency service	26-55

providers in the project vicinity. PG&E will provide emergency service providers with information regarding the road or lanes to be closed; the anticipated date, time, and duration of closures; and a contact telephone number.	
Access: • Vehicles and equipment must use pavement, existing roads, and previously disturbed areas to the extent practicable. • Keep off-road travel, blading, and vegetation clearing to the minimum extent necessary for safe vehicle/equipment access.	26-56
Trash: Place all activity and food-related trash in a covered receptacle and remove from the activity area daily.	26-57
Refueling: • No vehicles or heavy equipment will be refueled within 100 feet of a wetland, stream, or other waterway, or within 250 feet of vernal pools, unless secondary containment is used. • Vehicles will carry adequately stocked spill kits and staff must be trained in their use. • The fueling operator must always stay with the fueling operation. • Do not top off tanks.	26-58
Air Quality: Fugitive Dust Control The following actions will be taken, as applicable and feasible, to control fugitive dust during construction. SJVAPCD notifications will be made in accordance with any requirements in effect at the time of construction. • Applying water to disturbed areas and to storage stockpiles. • Applying water in sufficient quantities to prevent dust plumes during activities such as clearing & grubbing, backfilling, trenching and other earth moving activities. • Limit vehicle speed to 15 miles per hour. • Load haul trucks with a freeboard (space between top of truck and load) of six inches or greater. • Cover the top of the haul truck load. • When material are transported off site, all material will be covered or wetted to limit visible dust emissions, and at least 6-inches of freeboard space from the top of the container shall be maintained. • Clean-up track-out at least daily. • Minimize unnecessary idling time through application of a "common sense" approach to vehicle use-if a vehicle is not required immediately or continuously for construction activities, its engine will be shut off. Construction foremen will include briefings to crews on vehicles use as part of pre-construction conferences. Those briefings will include discussion of a "common sense" approach to vehicle use. • Maintain construction equipment in good working order. • Minimize construction equipment exhaust by using low-emission or electric construction equipment where feasible. Portable diesel fueled construction equipment with engines 50 hp or larger and manufactured in 2000 or later will be registered under the California Air Resources Board (CARB) Statewide Portable Equipment Registration Program, or shall meet a minimum US EPA/CARB Tier 1 engine standards.	26-59
Prepare and Implement a Storm Water Pollution Prevention Plan (SWPPP) PG&E will prepare and implement a SWPPP to prevent construction-related erosion and sediments from entering nearby waterways. The SWPPP will include a list of BMPs to be implemented in areas with potential to drain to any water body. BMPs to be part of the project-specific SWPPP may include, but are not limited to, the following control measures. • Implementing temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, grass buffer strips, high infiltration substrates, grassy swales, and temporary revegetation or other ground cover) to control erosion from disturbed areas. • Protecting drainage facilities in downstream off-site areas from sediment using appropriate BMPs. • Protecting the quality of surface water from non-stormwater discharges such as equipment leaks, hazardous materials spills, and discharge of groundwater from dewatering operations. • Restoring disturbed areas, after project construction is completed, unless otherwise requested by the landowner in agricultural land use areas.	26-60
Stormwater Runoff: * Properly handle, store, and use materials to prevent soil contamination or discharge from site. * Store liquid materials in watertight container with appropriate secondary containment or in a fully enclosed storage shed. * Barricade or cover storm drains with impervious material during demolition activities that involve liquid pollutants or chemicals.	26-61

* Minimize dry pollutants exposure to precipitation. * Install stabilized entrances and/or implement street sweeping to prevent track out to paved surfaces. * Cover or barricade drains within reasonable proximity to the work area during concrete work. Provide appropriate washout containment and train personnel to wash equipment and tools into the containment BMP. Re-schedule concrete work if rain is forecast. Use vacuum to collect concrete cuttings or slurry and dispose of properly. * Portable toilets must be placed at least 50 feet away from water features, have trays to contain spills and minor leaks, stabilizing features to prevent tipping, and serviced regularly. * Provide waste receptacle (dumpster) adequate in size. Cover all waste containers at end of each day and prior to rain events. Do not allow rinse or wash water (concrete rinse, paint wash, etc.) to contact the ground and/or paved surfaces nor allow rinse or wash water to be directed or dumped into any drain inlet or surface water and properly dispose of all rinse and/or wash water. * Maintain vehicles and equipment in good working condition. Perform fueling and maintenance activities only in areas fitted with appropriate BMPs. Maintain spill kits on-site in case of spill.	26-61 Continued
Employ Noise-Reducing Construction Practices during Temporary Construction Activities: PG&E will employ standard noise-reducing construction practices such as the following: • Ensure that all equipment is equipped with mufflers that meet or exceed factory new-equipment standards. • Locate stationary equipment as far as practical from noise-sensitive receptors. • Limit unnecessary engine idling. Limit all construction activity near sensitive receptors to daytime hours unless required for safety or to comply with line clearance requirements. Minimize noise-related disruption by notifying residents. Should nighttime project construction be necessary because of planned clearance restrictions, affected residents will be notified at least 7 days in advance by mail, personal visit, or door hanger, and informed of the expected work schedule.	26-62
Decommissioning: The switching station will become a permanent asset of PG&E's electrical transmission system upon testing and transfer. Any decommissioning plans for the solar project would exclude PG&E-owned facilities. PG&E will be required to decommission the switching station and towers in accordance with local, CPUC, and wildlife agency standards and regulations.	26-63

The DEIR recommended mitigation measures identified below are applicable to the new BAAH 500 kV Switchyard that will be constructed by the Project applicant. The DEIR should clarify that these measures or the existing Conditions of Certification that cover the same issues will be implemented by the Project applicant. These measures will not be implemented by PG&E.

Worker Safety and Fire Protection (MM WS-1): The person with authority shall submit to the CPUC a copy of the Project Construction Health and Safety Program containing the following: • a Construction Personal Protective Equipment Program; • a Construction Exposure Monitoring Program; • a Construction Injury and Illness Prevention Program; • a Construction Emergency Action Plan that fulfills the requirements of California Public Utilities Code 761.3 section (g); • a Helicopter Code of Safe Practices that incorporates all provisions of tit. 8, §§ 1901-1909 and specially includes an added limitation of operations to be conducted only during day light hours, a landing zone dust control plan, a traffic control plan for areas where the loads would be deposited and near any public road or highway, includes requirements for a Designated Biologist(s) to monitor and avoid avian impacts, and complies with FAA Regulations 14 CFR Part 91 (General Operating and Flight Rules) and Part 133 (Rotorcraft External-Load Operations); • an Emergency Response Plan; and • a Construction Fire Prevention Plan that includes methods of access for emergency responders through locked gates. The Construction Health and Safety Program shall be submitted to the FCFPD for review and comment prior to submittal to the permitting authority for approval.	26-64
Worker Safety and Fire Protection (MM WS-2): The person with authority shall develop and implement a worker VF Prevention and Response Plan that includes an enhanced Dust Control Plan containing the following requirements: 1. The main access roads through the facility will be either paved or stabilized using soil binders, or equivalent methods, to	26-65

provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to initiating construction, and delivery areas for operations materials (chemicals, replacement parts, etc.) will be paved or treated prior to taking initial deliveries.
2. All unpaved construction roads and unpaved operation and maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent that can be determined to be as efficient as or more efficient for fugitive dust control than CARB approved soil stabilizers, and that shall not increase any other environmental impacts, including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control. All other disturbed areas in the project and linear construction sites shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of COC AQ-SC4. The frequency of watering can be reduced or eliminated during periods of precipitation.
3. No vehicle shall exceed 10 miles per hour on unpaved areas within the construction site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
4. Visible speed limit signs shall be posted at the construction site entrances.
5. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.
6. Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.
7. All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.
8. All construction vehicles shall enter the construction site through the treated entrance roadways, unless an alternative route has been submitted to and approved by the permitting authority.
9. Construction areas adjacent to any paved roadway below the grade of the surrounding construction area or otherwise directly impacted by sediment from site drainage shall be provided with sandbags or other equivalently effective measures to prevent run-off to roadways, or other similar run-off control measures as specified in the Storm Water Pollution Prevention Plan (SWPPP), only when such SWPPP measures are necessary so that this condition does not conflict with the requirements of the SWPPP.
10.All paved roads within the construction site shall be swept daily or as needed (less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.
11.At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads enroute from the construction site or construction staging areas shall be swept as needed (less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or runoff resulting from the construction site activities is visible on the public paved roadways.
12.All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered or shall be treated with appropriate dust suppressant compounds.
13.All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least two feet of freeboard.
14.Wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) shall be used on all construction areas that may be disturbed. Any windbreaks installed to comply with this condition shall remain in place until the soil is stabilized or permanently covered with vegetation.
15.Site worker use of dust masks (NIOSH N-95 or better) whenever visible dust is present.
16.Implementation of enhanced dust control methods (increased frequency of watering, use of dust suppression chemicals, etc. immediately whenever visible dust comes from or onto the site. Should enhanced dust control methods fail to control dust, the on-site person with authority or designate shall direct a temporary shutdown of the activity causing the emissions. The activity shall not restart until the on-site person with authority or designate is satisfied that appropriate additional mitigation or other site conditions have changed so that visual dust plumes will not result upon restarting the shutdown source.
17.Specific training on VF as per Labor Code Section 6109 which requires that employers of workers in high-incidence counties (Fresno County is included) shall provide effective awareness training on VF to all employees before work begins and annually by that date thereafter.
18.Medical referral protocol.
19.Reporting of medically diagnosed cases to the California Department of Public Health, Cal OSHA, and the permitting authority.

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Continued

<u>Air Quality (MM AQ-1):</u>
Fugitive Dust Control.
• Applying water to disturbed areas and to storage stockpiles.
• Limit vehicle speed to 15 miles per hour.
• Load haul trucks with a freeboard (space between top of truck and load) of six inches or greater.

26-66

• Cover the top of the haul truck load. • When material are transported off site, all material will be covered or wetted to limit visible dust emissions, and at least 6-inches of freeboard space from the top of the container shall be maintained. • Clean-up track-out at least daily. • Minimize unnecessary idling time through application of a "common sense" approach to vehicle use-if a vehicle is not required immediately or continuously for construction activities, its engine will be shut off. Construction foremen will include briefings to crews on vehicles use as part of pre-construction conferences. Those briefings will include discussion of a "common sense" approach to vehicle use. • Maintain construction equipment in good working order. • Minimize construction equipment exhaust by using low-emission or electric construction equipment where feasible. Portable diesel fueled construction equipment with engines 50 hp or larger and manufactured in 2000 or later will be registered under the California Air Resources Board (CARB) Statewide Portable Equipment Registration Program or shall meet a minimum US EPA/CARB Tier 1 engine standards.	26-66 Continued
Geology, Paleontology, and Minerals (MM CIVIL-1): Under the responsible charge of an appropriate registered California professional, the project owner shall prepare and submit the following to the ~~CPUC~~ CEC **prior to the construction of the switchyard**: 1. Design of the proposed drainage structures and the grading plan; 2. An erosion and sedimentation control plan; 3. A construction storm water pollution prevention plan (SWPPP); 4. Soils, geotechnical, or foundation investigations reports required by the 2022 CBC; and 5. Design plans, calculations, and other supporting documentation to mitigate the risks of geologic and seismic hazards on people and project structures to less than significant.	26-67
Geology, Paleontology, and Minerals (MM GEO-1): As described in the CBC (2022) Section 1803.1 and Fresno County Code of Ordinances Title 17 (2024), or their successors, the project owner shall complete a preliminary soil report. The report shall specifically include laboratory test data, associated geotechnical engineering analyses, and a thorough discussion of seismicity, liquefaction, dynamic compaction, compressible soils, corrosive soils, and ground rupture due to faulting. The report must also include recommendations for ground improvement and foundation systems necessary to mitigate these potential geologic hazards, if present. As described CBC (2022) Sections 1803.2 to 1803.5, the project owner shall complete geotechnical investigations if investigative conditions exist for questionable soils, expansive soils, shallow groundwater, deep foundations, rock strata, excavations near foundations, compacted fill material, controlled lowstrength material, alternate setback and clearance, and Seismic Design Categories C through F. In accordance with the California Business and Professions Code and CBC (2022) Section 1803.1, the preliminary soils report and other geotechnical investigations must be prepared under the responsible charge of, and signed by, appropriate qualified California licensed individuals. As described in Section 1803.7 of the California Building Code (CBC 2022), or its successor in effect at the time construction of the project commences, the project owner shall complete a geohazards report. The geohazard report shall identify geologic and seismic conditions that may require mitigation. An appropriate qualified California-certified licensed engineering geologist, in consultation with a California registered geotechnical engineer, shall prepare, sign, and seal the geohazards report.	26-68
Geology, Paleontology, and Minerals (MM GEO-2): As described in the CBC (2022) Sections 1803.2 to 1803.5, the project owner shall complete geotechnical investigations if investigative conditions exist for questionable soils, expansive soils, shallow groundwater, deep foundations,rock strata, excavations near foundations, compacted fill material, controlled lowstrength material, alternate setback and clearance, and Seismic Design Categories C through F. In accordance with the California Business and Professions Code and CBC (2022) Section 1803.1, the geotechnical investigations must be prepared under the responsible charge of, and signed by, appropriate qualified California licensed individuals. As described in Section 1803.7 of the California Building Code (CBC 2022), or its successor in effect at the time construction of the project commences, the project owner shall complete a geohazards report. The geohazard report shall identify geologic and seismic conditions that may require mitigation. An appropriate qualified California-certified licensed engineering geologist, in consultation with a California registered geotechnical engineer shall prepare, the geohazards portion of the geotechnical report.	26-69
Geology, Paleontology, and Minerals (MM GEO-3): Standard PG&E Construction Measures recommend the following actions to minimize and mitigate construction in soft or	26-70

loose soils (RCI 2024cc). Where soft or loose soils are encountered during project construction, several actions are available, feasible and can be implemented to avoid, accommodate, replace, or improve such soils. Depending on site-specific conditions and permit requirements, one or more of these actions may be implemented to eliminate impacts from soft or loose soils (RCI 2024cc): • Locating construction facilities and operations away from areas of soft and loose soil. • Over-excavating soft or loose soils and replacing them with engineered backfill materials. • Increasing the density and strength of soft or loose soils through mechanical vibration and/or compaction. • Installing material, such as aggregate rock, steel plates, or timber mats, over access roads. • Treating soft or loose soils in place with binding or cementing. (RCI 2024cc)	26-70 Continued
Geology, Paleontology, and Minerals (MM GEN-1): The project owner shall design, construct, and inspect the project in accordance with the 2022 California Building Standards Code (CBSC 2022) which encompasses the California Building Code (CBC), California Building Standards Administrative Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Fire Code, California Code for Building Conservation, California Reference Standards Code, and all other engineering LORS applicable to civil and structural aspects of the project in effect at the time initial design plans are submitted to the CPUC for review and approval. The CBSC in effect is the edition that has been adopted by the California Building Standards Commission and published at least 180 days previously). The project owner shall ensure that all the provisions of the above applicable codes are enforced during the construction, addition, alteration, moving (onsite), demolition, repair, or maintenance of the completed facility.	26-71
Geology, Paleontology, and Minerals (MM PAL-1): The project owner shall provide the CPUC with the resume, qualifications, and contact information of its PRS for review and approval. The PRS's resume shall demonstrate to the satisfaction of the CPUC the appropriate education and experience to accomplish the required paleontological resource tasks. The PRS's resume shall also include the names and phone numbers of references that can be contacted to verify information. As determined by the CPUC, the PRS shall meet the minimum qualifications for a Qualified Professional Paleontologist as defined in the Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by SVP (SVP 2010). The qualifications of the PRS shall include the following: 1. Institutional affiliations, appropriate credentials, and college degree (M.S., Ph.D., or equivalent). 2. Ability to recognize and collect fossils in the field. 3. Local geological and biostratigraphic expertise. 4. Proficiency in identifying vertebrate and invertebrate fossils. 5. At least three years of paleontological resource mitigation and field experience in California and at least one year of experience leading paleontological resource mitigation and field activities. The project owner shall ensure that the PRS obtains qualified paleontological resource monitors (PRMs) to monitor as he or she deems necessary on the project. PRMs shall have the equivalent of the following qualifications: 1. B.S. or B.A. degree in geology or paleontology and a minimum of one year of relevant paleontological resource monitoring experience in California; or 2. A.S. or A.A. in geology, paleontology, or biology and a minimum of four years of relevant paleontological resource monitoring experience in California; or 3. Enrollment in upper division classes pursuing a bachelor's degree or a more advanced degree in the field of geology or paleontology and a minimum of three years of relevant paleontological resource monitoring experience in California. If the approved PRS is replaced prior to completion of project mitigation and submittal of the PRR, the project owner shall obtain CPUC approval for the replacement PRS. The project owner shall keep resumes on file for the qualified PRSs and PRMs. The PRM's resume shall include the names and contact information of references. If a PRM is replaced, the resume of the replacement PRM shall also be provided to the CPUC for review and approval.	26-72
Geology, Paleontology, and Minerals (MM PAL-2): The project owner shall provide to the PRS and the CPUC, for approval, maps and drawings showing the footprint of the power plant, construction laydown areas, and all related facilities. Maps shall identify all areas of the project where ground disturbance is anticipated. If the PRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the PRS and CPUC. The site grading plan and the plan and profile drawings for the utility lines would be	26-73

acceptable for this purpose. The plan drawings must show the location, depth, and extent of all ground disturbances and be at a scale between 1 inch = 40 feet (1:480) and 1 inch = 100 feet (1:1,200). If the footprint of the project or its linear facilities change, the project owner shall provide maps and drawings reflecting those changes to the PRS and CPUC. If construction of the project proceeds in phases, maps and drawings may be submitted prior to the start of each phase. A letter identifying the proposed schedule of each project phase shall be provided to the PRS and CPUC. Before work commences on affected phases, the Project owner shall notify the PRS and CPUC of any construction phase scheduling changes. At a minimum, the project owner shall ensure that the PRS or PRM consults weekly with the project superintendent and construction field manager to confirm area(s) to be worked the following week, until ground disturbance is completed.	26-73 Continued
Geology, Paleontology, and Minerals (MM PAL-3): The project owner shall ensure that the PRS prepares a PRMMP and submits it to the CPUC for review and approval. Approval of the PRMMP by the CPUC shall occur prior to any ground disturbance. The PRMMP shall function as the formal guide for monitoring, collecting, sampling, and reporting activities, and may be modified with CPUC approval. The PRMMP shall be used as the basis of discussion when on-site decisions or changes are proposed. Copies of the PRMMP shall include all updates and reside with the PRS, each PRM, the project's on-site manager, and the CPUC. The PRMMP shall be developed in accordance with the guidelines of the SVP (SVP 2010) and shall include, but not be limited to, the following: 1. Procedures for and assurance that those procedures would be followed in the performance and sequence of project-related tasks, such as any literature searches, pre-construction surveys, worker environmental training, field work, flagging or staking, construction monitoring, mapping and data recovery, fossil preparation and collection, identification and inventory, preparation of final reports, and transmittal of materials for curation. 2. Identification of the person(s) expected to assist with each of the tasks required by the PRMMP and these COCs. 3. A thorough discussion of the geologic units expected to be encountered, the location and depth of the units relative to the project when known, and the known sensitivity of those units based on the occurrence of fossils either in that unit or in correlative units. 4. An explanation of why sampling is needed, a description of the sampling methodology, and how much sampling is expected to take place and in which geologic units. This should include descriptions of the sampling procedures that shall be used for fine-grained and coarse-grained units. 5. A discussion of the locations where monitoring of project construction activities is deemed necessary, and a proposed plan for monitoring and sampling at these locations. 6. A discussion of procedures to be followed: (a) in the event of a significant fossil discovery, (b) stopping construction, (c) resuming construction, and how notifications shall be performed. 7. A discussion of equipment and supplies necessary for collection of fossil materials and any specialized equipment needed to prepare, remove, load, transport, and analyze large-sized fossils or extensive fossil deposits. 8. Procedures to inventory, prepare, and deliver fossil materials for curation in a retrievable storage collection at a public repository or museum that meet the SVP's standards and requirements for the curation of paleontological resources. 9. Identification of the institution that has agreed to receive data and fossil materials collected, requirements or specifications for materials delivered for curation and how they shall be met, and the name and phone number of the contact person at the institution. 10.A copy of the paleontological resources COCs. 11.A copy of the daily monitoring log form.	26-74
Geology, Paleontology, and Minerals (MM PAL-4): Prior to ground disturbance the project owner and the PRS shall prepare a CPUC-approved WEAP. The WEAP shall address the possibility of encountering paleontological resources in the field, the sensitivity and importance of these resources, and legal obligations to preserve and protect those resources. The purpose of the WEAP is to train project workers to recognize palaeontologic resources and identify procedures they must follow to ensure there are no impacts to sensitive palaeontologic resources. The WEAP shall include: 1. A discussion of applicable laws and penalties under the law. 2. Good quality photographs or physical examples of fossils expected to be found in units of high palaeontologic sensitivity at, or near, the project site. 3. Information that the PRS and PRM have the authority to stop or redirect construction in the event of a discovery or unanticipated impact to a paleontological resource. 4. Instruction that employees are to stop or redirect work in the vicinity of a find and to contact their supervisor and the PRS or PRM. 5. An informational brochure that identifies reporting procedures in the event of a discovery.	26-75

6. A WEAP certification of completion form signed by each worker indicating that they have received the training. 7. A sticker that shall be placed on hard hats indicating that environmental training has been completed. The project owner shall submit the training script and, if the project owner is planning to use a video for training, a copy of the training video, with the set of reporting procedures for workers to follow that shall be used to present the WEAP and qualify workers to conduct ground disturbing activities that could impact paleontological resources.	26-75 Continued
Geology, Paleontology, and Minerals (MM PAL-5): No worker shall excavate or perform any ground disturbance activity prior to receiving CPUC-approved WEAP training by the PRS, unless specifically approved by the CPUC. Prior to project ground disturbance, the following workers shall be WEAP trained by the PRS in-person: project managers, construction supervisors, foremen, and all general workers involved with or who operate ground-disturbing equipment or tools. Following the start of ground disturbing activities and after the initial WEAP training conducted prior to ground disturbance, a CPUC- approved video or inperson training may be used for new employees. If a video is used a qualified trainer shall be present to monitor training and respond to questions. The training program may be combined with other training programs prepared for cultural and biological resources, hazardous materials, or other areas of interest or concern. A WEAP certification of completion form shall be used to document who has received the required training.	26-76
Geology, Paleontology, and Minerals (MM PAL-6): The project owner shall ensure that the PRS and PRM(s) monitor, consistent with the PRMMP, all construction-related grading and excavation in areas where potential fossil-bearing materials have been identified, both at the site and along any constructed linear facilities associated with the project. If the PRS determines full-time monitoring is not necessary in locations that were identified as potentially fossil bearing in the PRMMP, the project owner shall notify and seek the concurrence with the CPUC. The project owner shall ensure that the PRS and PRM(s) have the authority to stop or redirect construction if paleontological resources are encountered. The project owner shall ensure that there is no interference with monitoring activities unless directed by the PRS. Monitoring activities shall be conducted as follows: • Any change of monitoring from the accepted schedule in the PRMMP shall be proposed in a letter or email from the PRS and the project owner to the CPUC prior to the change in monitoring and be included in the MCR. The letter or email shall include the justification for the change in monitoring and be submitted to the CPUC for review and approval. • The project owner shall ensure that the PRM(s) keep a daily monitoring log of paleontological resource activities; copies of these logs shall be submitted with the MCR. The name and contact information of PRM(s) and PRS who were making field observations shall be included in the daily log. The PRS may informally discuss paleontological resource monitoring and mitigation activities with the CPUC at any time. • The project owner shall ensure that the PRS notifies the CPUC within 24 hours of the occurrence of any incidents of non-compliance with any paleontological resources COCs. The PRS shall recommend corrective action to resolve the issues or achieve compliance with the COCs. • For any significant paleontological resources encountered, either the project owner or the PRS shall notify the CPUC within 24 hours. If the resources are encountered on a weekend or holiday, notification shall occur on the morning of the next business day. In the event construction has been stopped because of a paleontological find, such notification shall be provided as soon as practical, but not later than 24 hours after a stop work order has been issued. • For excavations planned in material that is classified as having a moderate to high paleontological sensitivity prior to construction additional precautions may be required. Should excavation methods be proposed that would preclude effective monitoring and examination of paleontological resources encountered during excavation, appropriate mitigation involving education of the public about the lost resources shall be proposed in the PRMMP. • The project owner shall ensure that the PRS prepares a summary of monitoring and other paleontological activities to be included in each MCR. The summary shall include the name(s) of the PRS or PRM(s) active during the month, general descriptions of training and monitored construction activities, and general locations of excavations, grading, and other activities. A section of the report shall include the geologic units or subunits encountered, descriptions of samplings within each unit, and a list of identified fossils. • Negative findings, when no fossils are identified, shall also be reported. A final section of the report shall address any issues or concerns about the project relating to palaeontologic monitoring, including any incidents of noncompliance or any changes to the monitoring plan that have been approved by the CPUC. If no monitoring took place during the month, the report shall include an explanation in the summary as to why monitoring was not conducted.	26-77
Geology, Paleontology, and Minerals (MM PAL-7): The project owner shall ensure preparation of a PRR by the designated PRS. The PRR shall be prepared following completion of ground-disturbing activities. The PRR shall include an analysis of the collected fossil materials and related information and	26-77

shall be submitted to the CPUC for approval. The report shall include, but not be limited to, a description and inventory of recovered fossil materials, a map showing the location of paleontological resources encountered and the PRS's description of sensitivity and significance of those resources, and notes regarding if and how the fossil material was curated in accordance with MM PAL-3. Any portions of this report that involve any independent judgment or analysis of the earth's crust, and the rocks and other materials which compose it, must be done by or under the responsible charge of a California licensed Professional Geologist	26-78 Continued
<u>Geology, Paleontology, and Minerals (MM PAL-8):</u> The project owner, through the designated PRS, shall ensure that all components of the PRMMP are adequately performed, including collection of fossil material, preparation of fossil material for analysis, analysis of fossils, identification and inventory of fossils, preparation of fossils for curation, and delivery for curation of all significant paleontological resource materials encountered and collected during project construction. The project owner shall pay all curation fees charged by the museum for fossil material collected and curated as a result of paleontological mitigation. The project owner shall also provide the curator with documentation showing the project owner irrevocably and unconditionally donates, gives, and assigns permanent, absolute, and unconditional ownership of the fossil material.	26-79
<u>Hazards, Hazardous Materials/Waste, and Wildfire (MM HAZ-1):</u> Prior to construction, a Hazardous Materials Management Plan shall be prepared, which shall be implemented during construction to prevent the release of hazardous materials and hazardous waste. The plan shall include the following requirements and procedures: 1. Training requirements for construction workers in appropriate work practices, including spill prevention and response measures. Additional training requirements for those performing excavation activities shall be required and shall include training on types of contamination and contaminants (e.g., petroleum hydrocarbons, asbestos, lead based paint and hazardous materials [as defined by the California Health and Safety Code (HSC)]) and identifying potentially hazardous contamination (e.g., stained or discolored soil and odor). 2. Contain all hazardous materials at work sites and properly handle, store, or dispose of all such materials. a. Hazardous materials shall be stored on pallets within fenced and secured areas and protected from exposure to weather and further contamination. b. Fuels and lubricants shall be stored only at designated staging areas. 3. Maintain hazardous material spill kits with appropriate materials for small spills at all active work sites and staging areas. Thoroughly clean up all spills as soon as they occur. 4. Store sorbent and barrier materials at all construction staging areas, including staging areas used during activities for decommissioning. Sorbent and barrier materials will be used to contain runoff from contaminated areas and from accidental releases of oil or other potentially hazardous materials. 5. Perform all routine equipment maintenance at a shop or at the staging area and recover and dispose of wastes in an appropriate manner. 6. Monitor and remove vehicles used for construction-related activities with chronic or continuous leaks from use and complete repairs before returning them to operation. 7. Store shovels and drums at the staging areas. If small quantities of soil become contaminated, use shovels to collect the soil and store in properly labeled drums before proper offsite disposal. Large quantities of contaminated soil may be collected using heavy equipment and stored in drums or other suitable containers prior to disposal. Should contamination occur adjacent to staging areas because of runoff, shovels and/or heavy equipment shall be used to collect the contaminated material. Only trained construction workers shall handle hazardous, and potentially hazardous, materials. 8. Transporting, shipping, and disposal procedures for hazardous waste. 9. Procedures for notifying PG&E and agency personnel in the event of the discovery of contaminated soil and/or groundwater. Contact information for federal, regional, and local agencies, the PG&E's environmental coordinator(s) responsible for the cleanup of contaminated soil or groundwater, and licensed disposal facilities and haulers.	26-80
<u>Hazards, Hazardous Materials/Waste, and Wildfire (MM HAZ-2):</u> Prior to construction, the Construction and O&M Fire Protection and Prevention Programs shall be prepared. The program specifications are provided below: Construction Fire Protection and Prevention Program. In accordance with 8 CCR, § 1920, a Fire Protection and Prevention Program shall be developed and implemented during Project construction. The Construction Fire Protection and Prevention Program shall include the following elements: • A list of applicable standards and publications • A map showing the project site, including layout, ingress, egress, drainage and grading, potential ignition sources during	26-81

various phases of construction, and evacuation areas and/or muster locations • A description of fire protections that would be implemented during construction activities, including water systems, gaseous agent systems, and fire extinguishers • A description of detection and alarm systems that would be implemented during construction activities • A list of all major fire hazards • An outline of procedures to control accumulation of flammable and combustible waste materials • An outline of procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent or control sources of ignition or fires • Identification of Project personnel responsible for the control of fuel source hazards O&M Fire Protection and Prevention Program. A Fire Protection and Prevention Program shall be developed and implemented during Project O&M activities. The O&M Fire Prevention Program shall include the following elements: • A list of applicable standards and publications • A map showing the Project site, facilities, ingress, egress, potential ignition sources, and evacuation areas and/or muster locations• A description of fire protections that would be implemented during O&M activities, including permanent water systems, gaseous agent systems, and fire extinguishers • A description of detection and alarm systems that would be implemented during O&M activities • A list of all major fire hazards • An outline of procedures to control accumulation of flammable and combustible waste materials • An outline of procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent or control sources of ignition or fires • Identification of project personnel responsible for the control of fuel source hazards • An outline of procedures to respond to wildland and grass fires within the project vicinity or project site.	26-81 Continued
Public Health (MM PH-1): Minimize Personnel and Public Exposure to Valley Fever. Prior to site preparation, grading activities, or ground disturbance, the Applicant shall preparea Fugitive Dust Control Plan for the Project. The Fugitive Dust Control Plan shall include the following at a minimum: a. Equipment, vehicles, and other items shall be cleaned thoroughly of dust before they are moved off-site to other work locations. b. Wherever possible, grading and trenching work shall be phased so that earthmoving equipment works well ahead or downwind of workers on the ground. c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. d. If a water truck runs out of water before dust is dampened sufficiently, ground workers exposed to dust are to leave the area until a full truck resumes water spraying. e. All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a High Efficiency Particulate Arrestance (HEPA) filtered air system. f. N95 respirators shall be provided to onsite workers for the duration of the construction period. g. Workers shall receive training to recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Fresno County Planning and Community Development Department within 24 hours of the training session. h. A Valley Fever informational handout shall be provided to all on-site construction personnel. The handout shall provide, at a minimum, information regarding the symptoms, health effects, preventative measures, and treatment.	26-82
Solid Waste Management (MM WASTE-1): The project owner shall prepare a Construction Waste Management Plan and an Operation Waste Management Plan for all wastes generated during construction and operation of the facility, respectively, and shall submit both plans to the CPUC for review and approval. The plans shall contain, at a minimum, the following: • A description of all waste streams, including projections of frequency, amounts generated and hazard classifications; and • Methods of managing each waste, including treatment methods and companies contracted with for treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans.	26-83
Visual Resources (MM VIS-1): ~~PG&E~~ Utility Switchyard ~~and Downstream Network Upgrades~~ Surface Treatment Plan. To reduce potential significant impacts associated with contrast and glare for components of the utility switchyard ~~and downstream network upgrades~~, the applicant will prepare and implement a Utility Switchyard ~~and Downstream Network Upgrades~~ Surface Treatment Plan. The	26-84

Utility Switchyard ~~and Downstream Network Upgrades~~ Surface Treatment Plan will require that the finishes on all new transmission and other structures with metal surfaces shall be non-reflective, new conductors shall be non-specular, and the plan will be prepared consistent with PG&E's surface treatment standards.
Water Resources (MM WATER-1): The project owner must manage stormwater pollution from project construction activities by fulfilling the requirements contained in State Water Resources Control Board's NPDES CGP for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002) and all subsequent revisions and amendments. Among the requirements of the CGP, the project owner shall submit an NOI and file permit registration documents electronically using SMARTS, and develop and implement a construction SWPPP for the construction of the project Construction SWPPP). The SWPPP shall include all applicable BMPs for the project construction activities conducted in the local environment.
Water Resources (MM WATER-2): Prior to commencing project operations, the project owner must prepare a site-specific operations DESCP that addresses all project elements of stormwater management during project operations. The DESCP shall include the following: - Discussion, site maps, plans and applicable BMPs demonstrating how stormwater and sediment erosion shall be managed during project operation. - Final design and rational of detention basins proposed for the 16 drainages areas. - Discussion of BMPs deployment and materials management practices at the project site. - Discussion and schedule of BMP inspections, storm event monitoring, and stormwater management structure maintenance.

26-85

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As indicated above, the measures applicable to PG&E's construction will be incorporated as Construction Measures. The CPUC will not be issuing a discretionary permit for these facilities because PG&E's construction will qualify for the CPUC's noticing provisions under General Order 131-E.

Sincerely,

Jameson Saberon

Jameson Saberon
Senior Land Planner, Environmental Planning and Permitting

Cc:
Jo Lynn Lambert, Counsel for PG&E
Wendy Nettles, PG&E Supervisor, Environmental Management

Commenter 26 - Jameson Saberon, Pacific Gas and Electric Company

Response to 26-1. In response to the comment that the applicant, and not PG&E, will construct the switchyard, staff has made revisions in the Staff Assessment to change references to what staff termed, "PG&E [Pacific Gas and Electric Company] Utility Switchyard," to the new "BAAH [breaker-and-a-half] 500 kV [kilovolt] switchyard." Staff also modified the project description to reflect CEC's jurisdiction over the applicant's construction of the switchyard. See **Section 3, Revisions to Staff Assessment** for revised text.

Response to 26-2. Staff has made revisions to several sections in the Staff Assessment to add a switchyard specific COC based on the recommended mitigation measures (MMs) that are applicable for the new BAAH 500 kV switchyard. The switchyard specific COCs would be implemented by the applicant and monitored by the CEC's Compliance Project Manager (CPM). The naming convention for the switchyard specific COCs would utilize the "**SWITCH**" root. See **Section 3, Revisions to Staff Assessment** for the revised measures.

Response to 26-3. Staff has made most of the requested revisions to page 1-1 of **Section 1, Executive Summary**. Staff have not made the requested revision to note that the recommend mitigation measures are additional construction measures. This statement is not accurate and is unnecessary. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-4. Staff has made some of the requested revisions to page 2-3 of **Section 2, Introduction.** The revised text can be found in **Section 3, Revisions to Staff Assessment**. Staff has not made all of the revisions requested for the mitigation measures recommended in the Staff Assessment as they still apply to the downstream network upgrades and transmission loop in line and therefore, staff has not made the requested revision to reference the measures listed in Attachment A to the comment letter.

Response to 26-5. Staff has made the requested revisions to page 3-1 of **Section 3, Project Description**. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-6. Staff has made the requested revisions to page 3-37 and 3-38 of **Section 3, Project Description**. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-7. Staff revised page 4.3-2 of **Section 4.3, Transmission System Engineering** in the Staff Assessment in accordance with the suggestion from PG&E. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-8. Staff revised page 4.4-24 of **Section 4.4**, **Worker Safety and Fire Protection** of the Staff Assessment in accordance with the suggestions from PG&E. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-9. Staff has not accepted these PG&E revisions that would remove **MM WORKER SAFETY-1** and **MM WORKER SAFETY-**2. The reasoning for these recommended mitigation measures is included on page 4.4-24 of **Section 4.4, Worker Safety and Fire Protection** of the Staff Assessment.

Response to 26-10. Staff accepts the request to remove PH-1 (see **Response 26-82**) in accordance with the suggestions from PG&E. MM WS-1 and MM HAZ-2 will continue to be recommended mitigation measures for the downstream network upgrades.

Response to 26-11. Staff made the requested edits in **Section 5.1, Air Quality** on page 5.1-17 of the Staff Assessment and added a switchyard-specific COC **SWITCH AQ-1** on page 5.1-49 based on **MM AQ-1**. See **Section 3, Revisions to Staff Assessment** for the revisions

Response to 26-12. Staff made the requested edits to **Section 5-1, Air Quality** on pages 5.1-28 and 5.1-29 of the Staff Assessment and added a switchyard-specific COC **SWITCH AQ-1** on page 5.1-49 based on **MM AQ-1**. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-13. Staff made the requested edits to **Section 5-1, Air Quality** on page 5.1-35 of the Staff Assessment and added a switchyard-specific COC **SWITCH AQ-1** on page 5.1-49 based on **MM AQ-1**. See **Section 3, Revisions to Staff Assessment** for the revisions

Response to 26-14. Staff has revised **Section 5.2**, **Biological Resources**, page 5.2-1 in accordance with the suggestions from PG&E to identify the switchyard as the "BAAH 500 kV switchyard" and clarify that construction would be under the jurisdiction of the CEC. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-15. Staff has revised **Section 5.2.2.2**, **Biological Resources,** page 5.2-1 in accordance with the suggestions from PG&E to identify the switchyard as the "BAAH 500 kV switchyard". See **Section 3, Revisions to Staff Assessment** for the revisions. See **Section 3, Revisions to Staff Assessment** for the revisions

Response to 26-16. Staff added COC **SWITCH BIO-2** based on **MM BIO-19**. Staff has incorporated minor modifications to reflect CEC oversight of this COC instead of PG&E as wells as revisions based on comments from the applicant, see Comment **11-50**.

Staff has also considered the related comment that **MM BIO-20** applies specifically to the construction of the switchyard and therefore should be deleted. Staff disagrees that this measure is not applicable to the downstream network upgrades and transmission loop in line. This measure requires a biological monitor onsite during ground disturbing activities, or other activities with the potential to impact sensitive biological resources, in order to minimize impacts to sensitive biological resources. Both the network

upgrades and transmission loop in line would include ground disturbing, thus staff have not deleted **MM BIO-20**.

Staff reviewed **MM BIO-11**, which was based on the proposed Standard PG&E Construction Measures with minor edits by staff (RCI 2024w). Staff has revised **MM BIO-11** in accordance with the suggestions from PG&E. Staff acknowledges that under the Native Plant Protection Act (F. and G. Code § 1900 et seq.), public utilities performing their service obligations are exempt from restrictions on plant removal unless CDFW has provided formal notification of the presence of listed species pursuant to subsection 1903.5. In such cases, PG&E shall notify the department at least 10 days in advance of land use changes to allow for potential salvage, consistent with subsection 1913(c). For federally listed species, as noted in Table 5.2-1A of **Section 5.2**, **Biological Resources**, there is low potential for the federally endangered San Joaquin woollythreads (*Monolopia congdonii*) to occur, a species which is not covered under the California Native Plant Protection Act, and which would require protections, if detected, and would necessitate coordination with USFWS, as described in **MM BIO-11**.

In addition, staff has included an avoidance measure for blunt nosed leopard lizard to address the species potential to occur in the far western edge of the switchyard site in the COCs, as **SWITCH BIO-1.** Since based on further coordination, it has been determined that the project applicant, not PG&E, is responsible for any mitigation related to construction of the new BAAH 500 kV switchyard. **See Section 3, Revisions to Staff Assessment** for the revisions. **MM BIO-12** will also remain a mitigation measure for the downstream network upgrades See **Response to 26-39.**

Response to 26-17. Staff renamed the switchyard in **Section 5.3**, **Climate Change and Greenhouse Gas Emissions**, on page 5.3-12 of the Staff Assessment and added a switchyard-specific COC **SWITCH GHG-1** on page 5.3-22 based on **MM GHG-1**. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-18. Staff renamed the switchyard in **Section 5.3**, **Climate Change and Greenhouse Gas Emissions**, on page 5.3-17, and added a switchyard-specific COC **SWITCH GHG-1** on page 5.3-22 based on **MM GHG-1**. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-19. Staff revised **Section 5.4, Cultural and Tribal Cultural Resources** according to the suggested changes. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-20. Staff revised **Section 5.4, Cultural and Tribal Cultural Resources** according to the suggested changes. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-21. Staff revised **Section 5.4, Cultural and Tribal Cultural Resources** according to the suggested changes. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-22. Staff revised **Section 5.4, Cultural and Tribal Cultural Resources** according to the suggested. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-23. Staff revised **Section 5.4, Cultural and Tribal Cultural Resources** according to the suggested changes. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-24. Staff has revised **Section 5.6, Geology, Paleontology, and Minerals**, renaming the switchyard and added a switchyard specific COC **SWITCH GEO-1**, based on the new COC **GEO-1** (previously **GEO-2**). Staff also referenced COCs **PAL-1** through **PAL-8**, **CIVIL-1**, **GEN-1**, **STRUC-1** that are required for the new BAAH 500 kV switchyard. In subsections 5.6.2.2 Direct and Indirect Impacts and 5.6.2.3 Cumulative Impacts, staff moved analyses of the switchyard from the subsections for non-jurisdictional project component subsections to the subsections for jurisdictional project components.

See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-25. Staff disagrees with the request to delete **MM WASTE-1.** This MM is also applicable to the downstream network upgrades and transmission loop in line. **MM WASTE-1** has not been deleted. A switchyard specific COC **SWITCH WASTE-1** has been added based on **MM WASTE-1**. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-26. MM VIS-1 in **Section 5.15, Visual Resources** continues to be recommended for the downstream network upgrades. Revisions have not been made to **MM VIS-1**. A switchyard specific COC **Switch VIS-1** has been added based on **MM VIS-1** (page 5.15-67 of the Staff Assessment) for implementation by the project applicant during construction of the new BAAH 500 kV switchyard. Revisions can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-27. As described in the Staff Assessment in **Section 3.7, Non-Jurisdictional Project Components**, CEC has identified non-jurisdictional elements of the Project. Those non-jurisdictional elements include, but are not limited to, PG&E Downstream Network Upgrades. For those elements, Staff notes that those facilities fall under the jurisdiction of the California Public Utilities Commission and PG&E would separately comply with CPUC permitting requirements. As described in **Response to 26-1**, Staff modified the project description to reflect CEC's jurisdiction over the applicant's construction of the switchyard. No modifications were made to any other downstream upgrades, and thus are still under the jurisdiction of the CPUC. Staff

continues to recommend the imposition of mitigation measures for non-jurisdictional project components.

PG&E did not suggest any edits to **MM GHG-1** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-28. PG&E did not suggest any edits to **MM BIO-1** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-29. PG&E agreed to staff's proposed edits for this standard PG&E construction measure and did not suggest any edits to **MM BIO-2** for the downstream upgrades and transmission loop in line. Thus, no revision has been made.

Response to 26-30. PG&E did not suggest any edits to **MM BIO-3** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-31. PG&E did not suggest any edits to **MM BIO-4** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-32. PG&E did not suggest any edits to **MM BIO-5** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-33. PG&E did not suggest any edits to **MM BIO-6** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-34. PG&E agreed to staff's proposed edits for this standard PG&E construction measure and did not suggest any edits to **MM BIO-7** for the downstream upgrades and transmission loop in line. Thus, no revision has been made. **Response to 26-35.** PG&E did not suggest any edits to **MM BIO-8** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-36. PG&E did not suggest any edits to **MM BIO-9** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-37. PG&E did not suggest any edits to **MM BIO-10** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-38. Staff included a standard PG&E Construction Measure as **MM BIO-11** in **Section 5.2, Biological Resources** with a minor modification to address exemptions for public utilities under the Native Plant Protection Act, specifically as they

apply to the downstream network upgrades and transmission loop in line. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-39. PG&E agreed to staff's proposed edits for this standard PG&E construction measure and did not suggest any edits to **MM BIO12** for the downstream upgrades and transmission loop in line. Thus, no revision has been made.

Response to 26-40. PG&E agreed to staff's proposed edits for this standard PG&E construction measure and did not suggest any edits to **MM BIO-12** for the downstream upgrades and transmission loop in line. Thus, no revision has been made.

Response to 26-41. PG&E did not suggest any edits to **MM BIO-14** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-42. PG&E agreed to staff's proposed edits for this standard PG&E construction measure and did not suggest any edits to **MM BIO-15** for the downstream upgrades and transmission loop in line. Thus, no revision has been made.

Response to 26-43. PG&E did not suggest any edits to **MM BIO-16** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-44. PG&E agreed to staff's proposed edits for this standard PG&E construction measure and did not suggest any edits to **MM BIO-17** for the downstream upgrades and transmission loop in line. Thus, no revision has been made.

Response to 26-45. PG&E did not suggest any edits to **MM BIO-18** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-46. PG&E did not suggest any edits to **MM CUL-1** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-47. PG&E did not suggest any edits to **MM CUL-2** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-48. PG&E did not suggest any edits to **MM CUL-3** for the downstream upgrades and transmission loop in line. Thus, no revisions have been made.

Response to 26-49. Staff disagrees with PG&E's suggested edits to **MM TLSN-1** to remove reference to Federal Aviation Administration requirements. These are necessary to ensure construction of the downstream network upgrades and transmission loop in line do not have a significant impact on aviation. Staff revised the mitigation measure to

remove reference to the switchyard and change G.O. 131-D to G.O. 131-E. Refer to **Section 3, Revisions to Staff Assessment** for these minor revisions.

Response to 26-50. Staff acknowledges hazards and hazardous materials construction control measures that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-51. Staff acknowledges worker environmental awareness measures related to hazards and hazardous materials that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions required.

Response to 26-52. Staff acknowledges standard noise-reducing construction practices that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions required.

Response to 26-53. Staff acknowledges temporary traffic controls that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-54. Staff acknowledges air transit coordination that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-55. Staff acknowledges coordination for road closures that PG&E would implement prior to road or lane closures for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-56. Staff acknowledges the measures for air quality that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-57. Staff acknowledges the measure for trash removal that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-58. Staff acknowledges the measure for refueling that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-59. Staff revised **MM AQ-1** for the downstream upgrades and transmission loop in line to be consistent with the currently proposed language provided by PG&E. With the revisions to **MM AQ-1**, impacts from construction of the downstream upgrades and transmission loop in line would remain less than significant. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-60. Staff acknowledges the measures for a storm water pollution prevention plan that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-61. Staff acknowledges the measures for storm water runoff that PG&E would implement for construction of the transmission line loop and downstream network upgrades. No revisions are required.

Response to 26-62. See **Response to 26-52.**

Response to 26-63. Staff acknowledges the measures for decommissioning that PG&E would implement for the switchyard and towers in accordance with local, CPUC and wildlife agency standards and regulations. See S**ection 3, Revisions to Staff Assessment** for these minor revisions.

Response to 26-64. MM WORKER SAFETY-1 still applies the downstream network upgrades. COC **WORKER SAFETY-1** would be required for the switchyard construction contractor. See **Section 3, Revisions to Staff Assessment** for these minor revisions for these minor revisions referencing the COC.

Response to 26-65. MM WORKER SAFETY-2 still applies to the construction of the downstream network upgrades. COC **WORKER SAFETY-11** would be required for the switchyard construction contractor. See S**ection 3, Revisions to Staff Assessment** for these minor revisions referencing the COC.

Response to 26-66. Staff revised **MM AQ-1**, adding in verification requirements and renumbered to COC **SWITCH AQ-1** in **Section 5.1, Air Quality**. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-67. MM CIVIL-1 still applies to the downstream network upgrades. COC **CIVI-1** would be required for the switchyard. See **Section 3, Revisions to Staff Assessment** for the minor revisions.

Response to 26-68. MM GEO-1 in the Staff Assessment has been deleted as it was duplicative of **MM GEO-2.GEO-2** has been renamed **GEO-1**. **MM GEO-1** still applies to the downstream network upgrades. The COC **GEO-1** would be required for the switchyard. See **Section 3, Revisions to Staff Assessment** for the minor revisions.

Response to 26-69. MM GEO-2 (now **MM GEO-1**) still applies to the downstream network upgrades. See **Section 3, Revisions to Staff Assessment** for the minor revisions.

Response to 26-70. MM GEO-3 (now **MM GEO-3**) still applies to the downstream network upgrades. See **Section 3, Revisions to Staff Assessment** for the minor revisions.

Response to 26-71. MM GEN-1 still applies to the downstream network upgrades. The COC **GEN-1** would be required for the switchyard. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-72 to 26-79. MMs PAL-1 to PAL-8 still apply to the downstream network upgrades. The COCs **PAL-1 to PAL-8** would be required for the switchyard. See **Section 3, Revisions to Staff Assessment** for the revisions.

Response to 26-80. MM HAZ-1 in **Section 5.7, Hazards, Hazardous Materials/Waste, and Wildfire** continues to be recommended for the downstream network upgrades. Additionally, **MM HAZ-1** has been renamed to COC **Switch HAZ-1** (page 5.7-54 of the Staff Assessment) for implementation by the project applicant during construction of the new BAAH 500 kV switchyard, with verification added. The revised condition can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-81. MM HAZ-2 in **Section 5.7, Hazards, Hazardous Materials/Waste, and Wildfire** continues to be recommended for the downstream network upgrades. Additionally, **MM HAZ-2** has been renamed to COC **Switch HAZ-2** (page 5.7-54 of the Staff Assessment) for implementation by the project applicant during construction of the new BAAH 500 kV switchyard, with verification added. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-82. Staff has removed **MM PH-1** in **Section 5.10, Public Health** and instead refers to COC **Worker Safety-11** and **SWITCH AQ-1** for the switchyard**.** The revisions can be found in **Section 3, Revisions to Staff Assessment**. See also **Response to H-1** and **11-63**.

Response to 26-83. MM WASTE-1 still applies to the downstream network upgrades and transmission loop in line. COC **SWITCH WASTE-1** has been added based on **MM WASTE-1**. for implementation by the project applicant during construction of the new BAAH 500 kV switchyard, with verification added. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-84. MM VIS-1 in **Section 5.15, Visual Resources** continues to be recommended for the downstream network upgrades. COC **SWITCH VIS-1** has been added based on **MM VIS-1** (page 5.15-67 of the Staff Assessment) for implementation by the project applicant during construction of the new BAAH 500 kV switchyard. The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-85. MM WATER-1 is still necessary for the downstream network upgrades and transmission loop in line**.** COC **SWITCH WATER-1** has bee added based on **MM WATER-1.** The revised text can be found in **Section 3, Revisions to Staff Assessment**.

Response to 26-86. MM WATER-2 is still necessary for the downstream network upgrades and transmission loop in line. No revision is necessary.

Commenter 27 - Arianna Brown, County of Fresno, Department of Public Works and Planning

County of Fresno

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

April 28, 2025

Lisa Worrall, Senior Environmental Planner
California Energy Commission
715 P Street, MS-40
Sacramento CA, 95814

SUBJECT: California Energy Commission 23-OPT-02 Darden Energy Project

Dear Ms. Worrall,

The project consists of a 1,150-megawatt (MW) solar photovoltaic (PV) facility, an up to 4,600 megawatt-hour (MWh) battery energy storage system (BESS), an up to 800 MW green hydrogen facility, a 34.5-500 kilovolt (kV) grid step-up substation, a 10- to 15-mile 500 kV generation intertie (gen-tie) line, and a 500kV utility switching station. The project would interconnect to the existing Pacific Gas and Electric Company (PG&E) Los Banos-Midway #2 500 kV transmission line.

The documents received for this review were circulated to our various Fresno County Public Works and Planning divisions. See comments below.

The project comments submitted to your agency on November 1, 2024, by the Fresno County Department of Public Works and Planning remain relevant. For your convenience, the comment letter dated November 1, 2024, is attached.

The County has no additional comments.

Sincerely,

Arianna Brown
Arianna Brown, Planner -- Development Services and Capital Projects Division
G:\4360Devs&Pln\PROJSEC\PROJDOCS\Environmental\OAR\California Energy Commission\Notice of Preparation_EIR\Darden Clean Energy Project 23-OPT-02\(23-OPT-02) California Energy Commission - RESPONSE LETTER.docx
Enclosures

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4545 / FAX 600-4200
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County of Fresno

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

November 1, 2024

Lisa Worrall, Senior Environmental Planner
California Energy Commission
715 P Street, MS-40
Sacramento CA, 95814

SUBJECT: California Energy Commission 23-OPT-02 Darden Energy Project

Dear Ms. Worrall,

The County of Fresno appreciates the opportunity to review and comment on the proposed 1,150-megawatt (MW) solar photovoltaic facility, 4,600 megawatt-hour (MWh) battery energy storage system, 800MW green hydrogen facility, 34.5-500 kilovolt (kV) grid strp-up substation, 10–15-mile 500kV generation intertie (gen-tie) line, and 500kV utility switching station. This project to be located south of the community of Cantua Creek.

The documents received for this review were circulated to our various Fresno County Public Works and Planning divisions. See comments below.

Fresno County Policy Planning:

The proposed solar electrical generation facility encompasses approximately 9,000-acres of land currently designated and zoned in the County of Fresno for farming and other agriculturally related uses. Upon reviewing the 9000 acres that would be converted into the proposed solar facility, staff identified approximately 2,700 acres are actively farmed. Moreover, there are lands within the 9,000-acre area that are capable of being farmed. The proposed facility would interconnect to the existing Pacific Gas and Electric Company (PG&E) Los Banos-Midway #2 500 kV transmission line. The 500 kV gen-tie line would be sited within an approximate 200-foot-wide easement on private lands.

The EIR must identify the acreage of agricultural land that is being actively farmed as well as land that is capable of being farmed within the 9000-acre area that would be converted to a solar facility. The impact of the proposed project on the Fresno County's agricultural resources appears to be a significant impact. 27-1

Additionally, the EIR must identify lands within the 9000-acre area as well as parcels that will be traversed by the proposed 500 kV gen-tie line that would connect the solar facility to the PG&E transmission line that are privately owned and are under the Williamson Act Contract. The EIR must address how the proposed project would impact lands that are restricted by the Williamson Act contact. 27-2

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4545 / FAX 600-4200
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County staff request that the CEC staff provides the draft EIR to the County of Fresno during the public review period. If you have any questions, please Contact Mohammad Khorsand at mkhorsand@fresnocountyca.gov or Dominique Navarrette at dnavarrette@fresnocountyca.gov or call (559) 600-9668. 27-3

Fresno County Roads and Operation

1) Cerini Avenue currently has County Road right-of-way within the project limits, which is not a county maintained road. Applicant should contact Design Division to apply for vacation of the County right-of-way on Cerini Avenue within the project limits. 27-4

2) A designated construction traffic route, including schedule of equipment and material load deliveries, shall be required. RMO will have additional comments on the roads designated in the route once it is submitted. 27-5

3) Existing County maintained roads in the area will be negatively impacted by the construction phase of this project. Improvements, such as road widenings, chip seal, or overlay, to the roads used for access will be required but cannot be determined until the construction route and schedule of deliveries is provided. 27-6

4) An encroachment permit shall be required for any crossings of County maintained roads. There appear to be proposed gen-tie crossings, an engineered plan must be submitted for review and approval prior to permit issuance. 27-7

5) Once improvements anticipated by Condition #2 are determined, an engineered plan must be submitted for review and approval prior to permit issuance for any improvements to County maintained roads. 27-8

6) All driveway access points to the subject parcels, both temporary and permanent, shall be identified. Additional conditions may be imposed once driveway access point locations are submitted. 27-9

7) The Department of Water Resources (DWR) is currently working on the replacement of Bridge 02-018 on Clarkson Avenue, schedule for construction currently unknown. DWR may be contacted for further information on that bridge. 27-10

8) There is an existing low water crossing/culvert located 0.02 miles north of the intersection of Mount Whitney Avenue and Stanislaus Avenue that is in poor condition and not recommended for construction traffic. If this is designated as part of the construction haul route, applicant will be required to evaluate the structure and may be required to improve it prior to start of deliveries. 27-11

Sincerely,

Arianna Brown

Arianna Brown, Planner -- Development Services and Capital Projects Division

G:\4360Devs&Pln\PROJSEC\PROJDOCS\Environmental\OAR\California Energy Commission\Notice of Preparation_EIR\Darden Clean Energy Project 23-OPT-02\(23-OPT-02) California Energy Commission - RESPONSE LETTER.docx

Response to Commenter 27 - Arianna Brown, County of Fresno, Department of Public Works and Planning

Response to 27-1. Table 5.8-3 in **Section 5.8, Land Use, Agriculture, and Forestry** of the Staff Assessment lists cropland by acreage within the project site. The Staff Assessment considered farmland conversion impacts within the 9,100-acre project area, as evaluated in Section 5.8 of the Staff Assessment, beginning on page 5.8-20. of the Staff Assessment. As described in **Section 3, Project Description,** and **Section 5.8, Land Use, Agriculture, and Forestry** of the Staff Assessment, the proposed project would result in the conversion of farmland that is owned by the Westlands Water District and was previously designated for retirement due to the presence of alkaline soils and insufficient water for irrigation. As described in "5.8-1 Environmental Setting", the Sagouspe Settlement Agreement, executed September 15, 2015, requires land within WWD jurisdiction to be permanently retired from irrigated agriculture (see page 5.8-13 of the Staff Assessment). Staff concluded that the impact of the proposed project on farmland would be less than significant.

Response to 27-2. As described in **Section 5.8, Land Use, Agriculture, and Forestry** of the Staff Assessment, the proposed project components were reviewed to determine whether their locations would conflict with or lead to the cancellation of Williamson Act contracts. As shown in **Table 5-8-1**, a total of 42 parcels are associated with the 9,100 acres of the proposed solar facility, BESS, step-up station, O & M facility, and none are engaged in Williamson Act contracts (see pp. 5.8-2 to 5.8-3). **Table 5.8-1** shows that the generation-intertie line would be constructed within a right-of-way that crosses 29 parcels, 18 of which are subject to Williamson Act contracts. As described in 5.8.2.2d of the Staff Assessment however, linear facilities, such as gen-tie lines, are statutorily deemed to be compatible with Williamson Act contacts per Government Code section 51238(a)(1)., unless the County Board after notice and hearing makes a finding to the contrary. The County has not made such a finding; therefore, the proposed project would have a less-than-significant effect on parcels engaged in Williamson Act contracts (see page 5.8-23 of the Staff Assessment).

Response to 27-3. The Notice of Availability of the Darden Clean Energy Project Staff Assessment, which included a link to the Staff Assessment, was mailed to the County of Fresno, Department of Public Works and Planning, specifically David Randall, Senior Planner, and Jeremy Shaw, Planner (Appendix B, Table B-2, page B-4 of the Staff Assessment). The Staff Assessment was posted to the project's docket and those enrolled in the subscription for the Darden Clean Energy Project received an email notification that the Staff Assessment was posted to the project's docket.

Response to 27-4. Comment acknowledged. Coordination with the County regarding vacation of right-of-way would be handled during the design and compliance process.

Response to 27-5. Condition of Certification **TRANS-3** requires the preparation and implementation of a Construction Management Plan (CMP). The CMP would be submitted to the County for review during the design and compliance process.

Response to 27-6. Condition of Certification **TRANS-3** requires the preparation and implementation of a Construction Management Plan (CMP). The CMP would be submitted to the County for review during the design process. COC **TRANS-3** also requires the CMP to include procedures to restore damages to existing roadways caused by project construction traffic. The construction contractor shall work with Fresno County and Caltrans to prepare a schedule and mitigation plan for the roadways along construction routes, in accordance with the procedures established by the CMP.

Response to 27-7. COC **TRANS-2** requires the project owner to ensure that permits and/or licenses are secured from the relevant administering agency. This includes encroachment permits and engineering plans for proposed gen-tie crossings.

Response to 27-8. As per COC **TRANS-3**, the applicant would prepare any needed engineering plans and permit applications for needed construction mitigation on County maintained roads. This would occur during the project design process.

Response to 27-9. COC **TRANS-2** requires the project owner to ensure that permits and/or licenses are secured from the relevant administering agency. This includes addressing any conditions imposed at proposed access point locations once they are finalized.

Response to 27-10. During the design process, the applicant would coordinate with the Department of Water Resources regarding the replacement of Bridge 02-018 on Clarkson Avenue.

Response to 27-11. Once the design and compliance process commence and the CMP is finalized, the applicant would coordinate with the County regarding the existing low water crossing/culvert located 0.02 miles north of the intersection of Mount Whitney Avenue and Stanislaus Avenue, if it is on the designated construction haul route.

2.4 References

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Section 3

Revisions to Staff Assessment

3 Revisions to Staff Assessment

3.1 Introduction

This section presents excerpted portions of the Staff Assessment where revisions have been made in response to the comments received during the 60-day public review period for the Staff Assessment (February 18, 2025 through April 21, 2025). None of the revisions to the Staff Assessment are in response to previously unidentified significant impacts. Deleted text are shown in ~~strikethrough~~ and new text is shown as **bold underline**. Ellipses (...) between excerpts signify that the text is on the same page but comes from separate paragraphs.

Staff has made revisions to several sections in the Staff Assessment to change references from what staff termed, "PG&E Utility Switchyard," to the new "BAAH [breaker-and-a-half] 500 kV [kilovolt] switchyard." Additionally, staff added switchyard-specific Conditions of Certification (COC), based on the mitigation measures that apply to the switchyard. The switchyard specific COC have "**SWITCH**" root for the naming convention.

3.2 Revisions to the Staff Assessment

Section 1 Executive Summary

Page 1-1 of the Staff Assessment

The DCEP includes project components that are outside of the CEC's jurisdiction. These components would be subject to California Public Utility Commission (CPUC) jurisd**i**ction. ~~The components include a Pacific Gas and Electric Company (PG&E) utility switchyard that the applicant would construct using PG&E-approved contractors and owned and operated by PG&E. Interconnection of the DCEP into the California Independent System Operator (California ISO) regulated electric grid would require PG&E downstream network upgrades.~~ **These components include construction of the Downstream Network Upgrades as described in Section 3, Project Description, Table 3-3, one of the Components of the Three Alternative Fiber Line Scenarios as described in Table 3-4, and the Los Banos-Midway No. 2 500 kV Transmission Line loop into and out of the new BAAH 500 kV switchyard. While the design of the new BAAH 500 kV switchyard is also under CPUC jurisdiction, PG&E will not construct it or be responsible for its construction other than providing information concerning design requirements. The project applicant is responsible for any mitigation for construction of the new BAAH 500 kV switchyard.** The SA does not analyze these non-jurisdictional components **or the new BAAH 500 kV switchyard design** for conformance with LORS; however, since the~~y~~ **non-jurisdictional components** are a part of the whole of the action for CEQA, staff has analyzed the potential environmental impacts of these non-jurisdictional project components and recommended mitigation measures for adoption by the licensing authority, as necessary.

Section 2 Introduction

Page 2-3 of the Staff Assessment

Interconnection of the DCEP with the California Independent System Operator electrical grid would require the construction and operation of a new **BAAH 500 kV** utility switchyard. Also, network system upgrades were identified by Pacific Gas and Electric Company (PG&E) as necessary to ensure a reliable connection between the DCEP and the grid. ~~Both the new switchyard, to be owned and operated by PG&E, and t~~**T**he network system upgrades are not within the CEC's licensing authority and are considered "non-jurisdictional." The SA does not analyze these non-jurisdictional components for conformance with LORS; however, since they are a part of the whole of the action for CEQA, staff has analyzed the potential environmental impacts of these non-jurisdictional project components and recommended mitigation measures that can and should be adopted by the licensing authority, as necessary.

Section 3 Project Description

Page 3-1 of the Staff Assessment

- 15-mile 500 kV generation-intertie (gen-tie) line
- ~~Pacific Gas and Electric Company (PG&E)-owned~~ **New breaker-and-a-half (BAAH)** 500 kV ~~utility~~ switchyard along the existing **Pacific Gas and Electric Company (PG&E)** Los Banos-Midway #2 500 kV transmission line

The applicant had previously proposed an 800 MW green hydrogen facility; however, that component is no longer part of the project (RCI 2024dd).

Non-Jurisdictional Project Components

To interconnect the DCEP **and the new BAAH 500 kV switchyard** to the California Independent System Operator (California ISO) managed electric grid, **PG&E would relocate and loop approximately 900 feet of the existing Los Banos-Midway No. 2 500 kV Transmission Line into and out of the new BBAH 500 kV switchyard (transmission loop in line).**~~a PG&E-owned and operated 500 kV utility~~ switchyard ~~along the Los Banos-Midway #2 500 kV transmission line would be required, including a 500 kV loop in and out line. The applicant would retain an approved PG&E contractor to build the switchyard per PG&E standards and then the switchyard would be deeded over to PG&E to operate and maintain. In addition to the new PG&E utility switchyard, t~~**T**he California ISO identified downstream network system upgrades that would be necessary to accommodate power generation from the DCEP. Refer to subsection "3.7 Project Facilities and Design" below for more details.

Page 3-2 of the Staff Assessment

The project's gen-tie line (approximately 15 miles long) would span west from the intersection of South Sonoma Avenue and West Harlan Avenue to immediately west of Interstate 5 (I-5), where it would connect to the new ~~utility~~ **BAAH 500 kV** switchyard

along PG&E's Los Banos-Midway #2 500 kV transmission line.

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- Construct a high-voltage electrical interconnection facility (the **BAAH 500** kV switchyard) to enhance the capacity of the transmission system and allow for the delivery of wholesale renewable electricity to the statewide grid, on behalf of the regulated utility.

Page 3-8 of the Staff Assessment

The storage system would consist of lithium-ion battery packs housed in electrical enclosures and buried electrical conduit. The Tesla Megapack 2 XL, a lithium iron phosphate (LFP) battery technology, ~~is anticipated to~~ **would** be used for the project (IP 2024n).

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The 500 kV line runs westerly from the project across privately owned lands, across I-5, and into the new ~~utility~~ **BAAH 500 kV** switchyard, as shown in **Figure 3-2**. **Figure 3-3** shows the proposed gen-tie route and existing transmission lines within one mile of the project.

...

The step-up substation would terminate the medium voltage solar feeders to several common medium voltage busses and transform the power at these busses to the high voltage required for transmission on the gen-tie line to the ~~utility~~ **BAAH 500 kV** switchyard.

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- Up to two microwave towers, approximately 18 feet by 18 feet and up to 200 feet tall, mounted with an antenna up to 15 feet in diameter
- Dead-end structure(s) up to 100 feet in height to connect the step-up substation to the grid

New BAAH 500 kV Switchyard. As set forth in Public Resources Code section 25545(b)(5) the CEC's jurisdiction includes linears such as transmission lines running from the project to the first point of junction with the transmission system. This is known as the first point of interconnection. Typically grid infrastructure, such as a switchyard, is already built and operating under the control of a utility prior to any project being filed with the CEC. In this case, the BAAH 500 kV switchyard will be constructed contemporaneously with the construction of the main project components such as the PV field and battery system but will not be dedicated to the project. In addition to the BAAH 500 kV switchyard's construction timeline, the project owner will not own or operate the BAAH 500kV switchyard; it will be transferred to PG&E pending

approval of the transfer by the CPUC. To account for the distinct construction and operational phases of the BAAH 500 kV switchyard, the BAAH 500 kV switchyard jurisdiction will be divided between the CEC and CPUC as follows.

Construction of the BAAH 500 kV switchyard will be under the CEC's jurisdiction with the construction mitigation measures identified in the technical sections imposed on the applicant through the conditions of certification. The construction conditions of certification will primarily ensure temporary construction impacts are appropriately mitigated using best management practices and other standard construction requirements such as preconstruction surveys, worker training, and various types of monitors.

The design of the BAAH 500 kV switchyard is dictated through requirements set forth in CPUC general order 131-E for electrical infrastructure. CEC staff understands that the applicant will be utilizing contractors familiar with the design requirement for PG&E switchyards. Thus, it is reasonable to expect the project to be designed and built in compliance with applicable engineering standards promulgated by the CPUC, CAISO or the North American Electricity Reliability Corporation.

Once the BAAH 500 kV switchyard is transferred to PG&E to become part of its wider transmission network, it becomes the first point of interconnection, and under the jurisdiction of the CPUC. The CEC will have no compliance oversite as to the operations or modification of the BAAH 500 kV switchyard just as the CEC does not have jurisdiction on other elements of the transmission system.

Moved from Page 3-25 of the Staff Assessment to Page 3-11 and revised

~~PG&E Utility~~ New BAAH 500 kV Switchyard

~~A utility owned~~ **The new BAAH 500 kV** switchyard would be sited on approximately 50 acres and would electrically connect DCEP's generation onto the utility's 500 kV transmission network. As shown in **Figure 3-2** the ~~utility~~ **BAAH 500 kV** switchyard would be on the west side of the project and serve as a termination point for the project gen-tie and would loop into the Los Banos-Midway #2 500 kV transmission line. The ~~utility~~ **BAAH 500 kV** switchyard would contain approximately five 500 kV circuit breakers and would be surrounded by a new security wall or chain link barbed wire security fence up to approximately 20 feet in height with a secure gate accessible only by PG&E staff.

Structural components within the ~~utility~~ **BAAH 500 kV** switchyard area would include:

- One up to 199-foot-tall free-standing digital microwave antenna (radio tower) to support SCADA communication between the **BAAH 500 kV** switchyard and the off-site PG&E Operations Center. The foundation would either be a concrete slab of up to 50 feet by 50 feet or drilled-pier depending on the results of future soils studies.

Support guy wires may be utilized if deemed necessary.

...

- New security wall or chain link barbed wire security fence up to approximately 20 feet in height with a secure gate accessible only by PG&E staff.

~~At the completion of the utility switchyard, ownership would transfer to PG&E, who would assume responsibility for operation of the switchyard.~~ **Upon transfer to PG&E,** ~~It~~ **it** is anticipated that the **BAAH 500 kV** switchyard would be remotely operated and maintained within PG&E's existing O&M program.

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3.6.2 Construction Methods and Activities

This section describes construction of the overall project, including the generating facility components and transmission components (including the ~~non-jurisdictional PG&E utility~~ **new BAAH 500 kV** switchyard).

...

TABLE 3-1 PRELIMINARY CONSTRUCTION SCHEDULE

	18-Month			36-Month		
Phase	**Start**	**End**	**Days**	**Start**	**End**	**Days**
...						
Phase 7[1]: ~~Utility~~ **BAAH 500 kV** Switchyard	2/28/2026	11/28/2026	180	5/31/2026	3/31/2027	200

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No helicopter use is proposed during routine operations although they may be used for emergency maintenance or repair activities.

New BAAH 500 kV Switchyard

The applicant would construct the BAAH 500 kV switchyard and deed it to PG&E upon completion and inspection, to be owned and operated by PG&E as a public utility. Construction would occur in a phased approach beginning with site preparation and grading of the site, installing foundations and underground equipment, and then installing and testing electrical equipment. Site preparation would involve grubbing, clearing, and grading of the BAAH 500 kV switchyard footprint (grading would be minimal due to the existing flat terrain) as well as installing the security wall or fence. Underground equipment, if necessary, would be installed in trenches and backfilled with suitable material (e.g., excavated soil or clean fill). BAAH 500

kV switchyard equipment would be installed on concrete foundations.

Equipment used for construction of the BAAH 500 kV switchyard may include, but is not limited to: cranes, aerial lift, skid steer loaders, rubber-tired loaders, rubber-tired dozer, welders, trencher, forklift, bore/drill rig, grader, roller, tractor/loader/backhoe, haul trucks, and utility task vehicles (UTVs). Approximately three-acre-feet of water would be used during construction of the BAAH 500 kV switchyard, at an average of 50 to 100 gallons per day (this number is included in the overall 1,100 acre-feet of construction water needed for the project as a whole).

Construction of the power line interconnection and other interconnection facilities would be completed by PG&E. The new structures would require permanent concrete foundations approximately six feet in diameter and up to 35 feet deep. Construction would involve temporary ground disturbance around each new power pole location (approximately a 50-foot radius) as well as temporary ground disturbance associated with access to each proposed structure location (approximately a 15-foot-wide access route if there is an adequate turning radius).

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PG&E downstream network upgrades associated with the project were identified in the California Independent System Operator (CAISO) Phase II Interconnection Study and are discussed under subsection "3.8, Non-Jurisdictional Project Components" below. Downstream network upgrades would include establishing microwave and fiber line communications paths to meet PG&E's communications reliability standards and support redundant communication paths for the ~~utility~~ **new BAAH 500 kV** switchyard. The digital microwave pathway would utilize the ~~utility~~ **new BAAH 500 kV** switchyard's new approximately 120-foot to 200-foot microwave antenna tower and either existing

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Permanent Closure

When the project, excluding the ~~utility~~ **new BAAH 500 kV** switchyard, is permanently closed, the closure procedure would follow a decommissioning and reclamation plan. At the time of decommissioning, all decommissioning related activities would follow the then-applicable laws, ordinances, regulations, and standards. This section summarizes the decommissioning plan.

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All access roads and other areas compacted by equipment during the decommissioning would be decompacted to a depth necessary to ensure proper density of topsoil, drainage of the soil, and root penetration prior to fine grading and tilling to a farmable condition consistent and compatible with the surrounding area and associated land use. ~~It is anticipated that most of the site would be returned to farmland and/or pasture~~

~~after decommissioning through implementation of appropriate measures to facilitate such uses.~~ If no specific use is identified, the project site would be vegetated with grassland seed mix comprised of a combination of native and naturalized grasses and forbs. **As part of the proposed purchase and sale agreement with Westlands Water District, the project would no longer have access to water from any source, thus the grassland seed mix would receive water through precipitation.** The goal of the reclamation would be to restore natural hydrology through precipitation and vegetative cover to the greatest extent practicable while minimizing new disturbance and removal of existing vegetation.

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3.7.1 Facility Design and Description

~~PG&E Utility Switchyard~~

~~A utility-owned switchyard would be sited on approximately 50 acres and would electrically connect DCEP's generation onto the utility's 500 kV transmission network. As shown in **Figure 3-2** the utility switchyard would be on the west side of the project and serve as a termination point for the project gen-tie and would loop into the Los Banos-Midway #2 500 kV transmission line. The utility switchyard would contain approximately five 500 kV circuit breakers and would be surrounded by a new security wall or chain link barbed wire security fence up to approximately 20 feet in height with a secure gate accessible only by PG&E staff.~~

~~Structural components within the utility switchyard area would include:~~

- ~~One up to 199-foot-tall free-standing digital microwave antenna (radio tower) to support SCADA communication between the switchyard and the off-site PG&E Operations Center. The foundation would either be a concrete slab of up to 50 feet by 50 feet or drilled-pier depending on the results of future soils studies. Support guy wires may be utilized if deemed necessary.~~
- ~~Series capacitor banks (sizing to be determined by utility requirements).~~
- ~~Approximately 15 500 kV steel A-frame dead-end poles up to 150 feet in height with foundations approximately 20 feet deep or more.~~
- ~~Busbar (a conducting bar that carries heavy currents to supply several electric circuits).~~
- ~~Two modular protection automation and control (MPAC) enclosure(s) approximately 150 feet by 25 feet by 12 feet tall for PG&E's substation control and protection equipment; MPAC building would be installed on a concrete foundation.~~
- ~~Two switchyard battery enclosure area(s) approximately 34 feet by 16 feet by 12 feet tall.~~
- ~~Five 500 kV circuit breakers and air disconnect switches.~~
- ~~On-site stormwater retention pond (approximately 1,300 feet by 130 feet) for~~

~~temporary run-off storage during rainfall events.~~

- ~~New security wall or chain link barbed wire security fence up to approximately 20 feet in height with a secure gate accessible only by PG&E staff.~~

~~At the completion of the utility switchyard, ownership would transfer to PG&E, who would assume responsibility for operation of the switchyard. It is anticipated that the switchyard would be remotely operated and maintained within PG&E's existing O&M program.~~

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PG&E Downstream Network Upgrades

The project would interconnect to PG&E's transmission system within the California ISO planning area **via looping in and out the existing Los Banos-Midway #2 500 kV transmission line with the new BAAH 500 kV switchyard**.

...

The three alternative fiber line scenarios include three long, linear OPGW routes along existing PG&E transmission line corridors, which generally run parallel to I-5 (Scenario 1: 15 miles, Scenario 2: 28 miles, or Scenario 3: 25 miles), to facilitate connection between the ~~PG&E utility~~ **new BAAH 500 kV** switchyard (for DCEP) (and existing PG&E facilities and infrastructure.

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TABLE 3-3 DOWNSTREAM NETWORK UPGRADES

Upgrade Classification	Upgrade	Description	Project Cost Allocation
Reliability Network Upgrade (RNUs)			
Interconnection RNU-Allocated (IRNU-A)	Darden ~~Utility~~ **BAAH 500 kV** Switchyard	▪ See ~~PG&E Utility~~ **BAAH 500 kV** Switchyard project description.	100
IRNU-A	Los Banos Substation	▪ Install a megawatt (MW) terminal and Direct Transfer Trip (DTT) scheme between the Darden ~~Utility~~ **BAAH 500 kV** Switchyard and Los Banos Substation using existing IT T1[5] infrastructure for the communication circuits.	100
IRNU-A	Midway Substation	▪ Install a DTT scheme between the ~~Darden Utility~~ **BAAH 500 kV** Switchyard and Midway Substation using existing IT T1 infrastructure for the communication circuits. ▪ Remove existing shunt reactor and install a new smaller shunt reactor to maintain the level of compensation.	100

TABLE 3-3 DOWNSTREAM NETWORK UPGRADES

Upgrade Classification	Upgrade	Description	Project Cost Allocation
		▪ Replace or modify line relays installed with the new control building to maintain compatibility with line relays at the ~~Darden Utility~~ **BAAH 500 kV** Switchyard.	
IRNU-A	Gates (or Manning) Substation	• Modify the Series Capacitor, as required. o A new series capacitor bank would need to be installed at Manning Substation, if that facility is built and comes online before Darden. If Darden comes online first, the series capacitor would then need to be installed at the Gates Substation instead.	100
IRNU-A	Transmission Line and Fiber Install	• See PG~~&E Utility~~ **BAAH 500 kV** Switchyard project description.	100
Network Upgrade Interconnection Facility (NU/IF)	Transmission Line Transposition Towers (Manning Substation Scope)	**PG&E proposes to conduct the following upgrades within the existing right-of-way of the Los Banos-Midway #2 500 kV Transmission Line:** • **Replace an existing lattice steel tower located at coordinate 36.056685, -120.048335 with a new three pole dead-end tubular steel pole transposition structure** • **Remove existing lattice steel transposition structure located at coordinates 35.913868, -119.882015 and 35.913724, -119.882252** • **Replace an exiting lattice steel structure located at coordinate 35.914624, -119.882877 with a new three pole dead-end tubular steel pole transposition structure** • **Replace an existing lattice steel structure located at the coordinates 35.909105, -119.877694 with a new three pole dead-end tubular steel pole transposition structure** ~~A Transposition Structure will be added at approximately 8 miles and 16 miles south of the Manning Substation (two total structures) in the existing PG&E 500 kV corridor. Scope includes concrete foundations and Lattice Steel Poles or Tubular Steel Poles to transpose the line conductors.~~ ~~This upgrade is currently in the Manning Substation scope and would only be associated with DCEP if both of the following occurred:~~ • ~~Harlan switching station seeks in-service prior to the Manning Substation~~	TBD

TABLE 3-3 DOWNSTREAM NETWORK UPGRADES			
Upgrade Classification	**Upgrade**	**Description**	**Project Cost Allocation**
		• ~~The scope currently assigned to Manning Substation cannot be scheduled ahead of the Harlan switching station's desired in-service date~~	

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Telecommunication Facilities

To meet PG&E's communications reliability standards, microwave and fiber line communications paths would be established to support redundant communication paths for the ~~utility~~ **new BAAH 500 kV** switchyard.

Fiber Communication Line. PG&E proposes to install a combination of fiber lines on existing electric transmission 230-kV structures using OPGW and on existing electric distribution structures using ADSS. The fiber line would be installed under one of the following scenarios summarized in **Table 3-4** and **Figure 3-5**.

TABLE 3-4 COMPONENTS OF THREE ALTERNATIVE FIBER LINE SCENARIOS		
Scenario 1 (15 miles)	**Scenario 2 (28 miles)**	**Scenario 3 (25 miles)**
Mixture of OPGW and ADSS	Mixture of OPGW and ADSS	Communication between ~~utility~~ **BAAH 500 kV** switchyard and existing PG&E Gates Substation
Communication between utility switchyard and existing telecommunications infrastructure along Panoche-Tranquility 230 kV line	Communication between ~~utility~~ **BAAH 500 kV** switchyard and existing PG&E Gates Substation	Scenario 3 Fiber Line would be underground, overhead on a dedicated pole line, or a mixture of both within PG&E's existing 500 kV transmission line corridor, transitioning to OPGW within PG&E's existing 230 kV transmission line corridor
Scenario 1 Fiber Line would be co-located within an existing PG&E electric distribution and 230 kV transmission line corridor in Fresno County	Scenario 2 Fiber Line would be co-located within an existing PG&E electric distribution and 230 kV transmission line corridor	Ground disturbance expected: (a) along the 500 kV line to place Scenario 3 Fiber Line underground or on a new dedicated pole line (or mixture of both), but not along the 230kV line where Scenario 3 Fiber Line would be attached to existing structures, (b) where Scenario 3 Fiber Line transitions between the transmission structures, and (c) from the Scenario 3 Fiber Line dead-end electric transmission line or electric distribution line structure to the existing PG&E Gates Substation

TABLE 3-4 COMPONENTS OF THREE ALTERNATIVE FIBER LINE SCENARIOS		
Scenario 1 (15 miles)	**Scenario 2 (28 miles)**	**Scenario 3 (25 miles)**
A section of Scenario 1 Fiber Line would cross I-5, installation of which would require replacing existing structures, installing new structures, or a directional bore to underground the line.	A section of Scenario 2 Fiber Line would cross I-5, installation of which would require replacing existing structures, installing new structures, or a directional bore to underground the line.	
Ground disturbance expected: (a) within DCEP boundary from where Scenario 1 Fiber Line originates at the ~~utility~~ **BAAH 500 kV** switchyard to the dead-end electric distribution structure immediately adjacent to DCEP, (b) potentially along the portion of the route where Scenario 2 crosses I-5, (c) where the line transitions from the distribution structures to the transmission line structures, and (d) where Scenario 1 Fiber Line transitions between the transmission structures to the splice point.	Ground disturbance expected: (a) within DCEP boundary from where Scenario 2 Fiber Line originates at the ~~utility~~ **BAAH 500 kV** switchyard to the dead-end electric distribution structure immediately adjacent to DCEP, (b) potentially along the portion of the route where Scenario 2 crosses I-5, (c) where Scenario 2 Fiber Line transitions between existing distribution structures to transmission structures, and (d) from the Scenario 2 Fiber Line dead-end electric transmission line or electric distribution line structure to the existing PG&E Gates Substation	

Source: RCI 2024z, Table 1

The communication line is anticipated to transition from overhead to underground at the locations described below. It is possible that undergrounding at other locations may also be required depending on ground conditions. The underground termination segments would be routed for up to approximately 2,000-feet.

- Approximately 1,000 feet within the DCEP boundary from where the Scenario 1 Fiber Line or Scenario 2 Fiber Line originates at the ~~utility~~ **BAAH 500 kV** switchyard to the dead-end electric distribution structure immediately adjacent to the DCEP.

...

Microwave Path Options. The following digital microwave pathway options would utilize the ~~utility~~ **BAAH 500 kV** switchyard's new approximately 120-foot to 200-foot microwave antenna tower. One of these options would be used and selection of the path would be determined upon completing infield site survey to verify line of sight from the ~~utility~~ **BAAH 500 kV** switchyard's new microwave antenna.

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Los Banos Substation. The following work would occur within the fence line and existing footprint of the substation:

- Install a MW terminal and DTT scheme between the ~~utility~~ **BAAH 500 kV**

switchyard and Los Banos Substation using existing IT T1 infrastructure for the communication circuits.

- Replace Los Banos 500 kV circuit breakers 822, 832 and 842.

Midway Substation. The following work would occur within the fence line and existing footprint of the substation:

- Install a DTT scheme between the ~~utility~~ **BAAH 500 kV** switchyard and Midway Substation using existing IT T1 infrastructure for the communication circuits, remove existing shunt reactor and install a new smaller shunt reactor to maintain the level of compensation, and replace or modify line relays installed with the new control building to maintain compatibility with line relays at the ~~utility~~ **BAAH 500 kV** switchyard.

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Cantua Substation. As described above, to meet PG&E's communication reliability standards, microwave and fiber line communication paths would be established to support redundant communication paths to the ~~utility~~ **BAAH 500 kV** switchyard. One option, a microwave path option to Cantua substation, would utilize the ~~utility~~ **BAAH 500 kV** switchyard's new

...

- Scenario 1 Fiber Line runs for approximately two miles along the northern perimeter of the ~~utility~~ **BAAH 500 kV** switchyard parcel, then north along S Derrik Avenue and across I-5 to a connection point with an existing PG&E electric distribution and 230 kV transmission line corridor; the connection point is approximately 0.4 miles east of I-5 near the corner of S Derrick Avenue and W Harlan Avenue.

...

- Scenario 2 Fiber Line runs for approximately two miles along the northern perimeter of the ~~utility~~ **BAAH 500 kV** switchyard parcel, then north along S Derrik Avenue and across I-5 to a connection point with an existing PG&E electric distribution and 230 kV transmission line corridor; the connection point is approximately 0.4 miles east of I-5 near the corner of S Derrick Avenue and W Harlan Avenue (the same as Scenario 1 Fiber Line).

...

- Scenario 3 Fiber Line runs from the southern perimeter of the ~~utility~~ **BAAH 500 kV** switchyard parcel within an existing PG&E 500 kV transmission line corridor for approximately 17 miles southeast to a connection point with an existing PG&E 230 kV transmission line corridor; the connection point is in an agricultural field approximately 0.3-miles northeast of the S El Dorado Avenue and W Mitchell Avenue intersection.

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- Cantua Substation is in Fresno County approximately 3 miles east of the ~~utility~~ **BAAH 500 kV** switchyard adjacent to Cantua Creek. It is otherwise surrounded by agricultural fields.

...

- Los Banos Substation is in Merced County directly south of Santa Nella and east of San Luis Reservoir along the south side of California State Route 152 (SR 152), approximately 55 miles northwest of the ~~utility~~ **BAAH 500 kV** switchyard.

...

3.7.3 Construction Methods and Activities

~~*PG&E Utility Switchyard*~~

~~The applicant would construct the utility switchyard and deed it to PG&E upon completion and inspection, to be owned and operated by PG&E as a public utility. Construction would occur in a phased approach beginning with site preparation and grading of the site, installing foundations and underground equipment, and then installing and testing electrical equipment. Site preparation would involve grubbing, clearing, and grading of the utility switchyard footprint (grading would be minimal due to the existing flat terrain) as well as installing the security wall or fence. Underground equipment, if necessary, would be installed in trenches and backfilled with suitable material (e.g., excavated soil or clean fill). Utility switchyard equipment would be installed on concrete foundations.~~

~~Equipment used for construction of the utility switchyard may include, but is not limited to: cranes, aerial lift, skid steer loaders, rubber-tired loaders, rubber-tired dozer, welders, trencher, forklift, bore/drill rig, grader, roller, tractor/loader/backhoe, haul trucks, and utility task vehicles (UTVs). Approximately three-acre-feet of water would be used during construction of the utility switchyard, at an average of 50 to 100 gallons per day (this number is included in the overall 1,100 acre-feet of construction water needed for the project as a whole).~~

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Transmission Loop In Line

Construction of the power line interconnection and other interconnection facilities **(looping in and out of the Loa Banos-Midway #2 500 kV transmission line)** would be completed by PG&E. The new structures would require permanent concrete foundations approximately six feet in diameter and up to 35 feet deep. Construction would involve temporary ground disturbance around each new power pole location (approximately a 50-foot radius) as well as temporary ground disturbance associated with access to each proposed structure location (approximately a 15-foot-wide access

route if there is an adequate turning radius).

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At each of the existing structures along the 230 kV electric transmission line route, minor upgrades to the steel attachments may be required to accommodate installation of the OPGW. These upgrades would include ~~only~~ overhead work **and minor foundation work** on the existing tower, such as replacing the good peaks with a pulley to accommodate the OPGW line. The existing static wire would then be used to pull the new OPGW through each structure's pulley. Existing roads or helicopters would be used to provide access to the sites to fashion the attachments needed on each structure.

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3.7.4 Operations and Maintenance Activities

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard

At the completion of the **new BAAH 500 kV** switchyard, ownership would transfer to PG&E, who would assume responsibility for operation of the switchyard. It is anticipated that the **BAAH 500 kV** switchyard would be remotely operated and maintained within PG&E's existing O&M program.

Section 4.1 Facility Design

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Verification: At least 60 days (or a project owner and DCBO mutually agreed upon alternative time frame) prior to the start of rough grading, the project owner shall submit to the DCBO and to the CPM the schedule, and the master drawings and master specifications list of documents to be submitted to the DCBO, for review and approval. These documents shall be the pertinent design documents for the major structures, systems, and equipment defined above in Condition of Certification GEN-2. Major structures**, systems,** and equipment shall be added to or deleted from the list only with CPM approval. The project owner shall provide schedule updates in the monthly compliance report (MCR).

GEN-3 The project owner shall make payments to the DCBO for design review, plan checks, construction inspections, and other applicable DCBO activities, based upon a reasonable fee schedule to be negotiated between the project owner and the DCBO. If the CEC delegates the DCBO function to a third party or local agency, the project owner, at the CEC's direction, shall make payments directly to the DCBO based upon a fee schedule negotiated between the CEC**, the project owner,** and the DCBO. These fees may be consistent with the fees listed in the 2022 CBC, adjusted for inflation and other appropriate adjustments; may be based on the value of the facilities reviewed; may be based on hourly rates; or may be otherwise agreed upon by the project owner and the DCBO.

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GEN-4 Prior to the start of rough grading, the project owner shall assign a California-registered architect, or a structural or civil engineer, **or a construction project manager with experience in constructing renewable energy projects** as the resident engineer (RE) in charge of the project.

~~The RE may delegate responsibility for portions of the project to other registered engineers. Registered mechanical and electrical engineers may be delegated responsibility for mechanical and electrical portions of the project, respectively. A project may be divided into parts, provided that each part is clearly defined as a distinct unit. Separate assignments of general responsibility may be made for each designated part.~~

If the resident engineer's role is limited to tasks such as overseeing construction activities, ensuring safety compliance, or managing project logistics without engaging in the design or engineering decision-making processes, licensure may not be necessary.

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If the RE or the delegated engineers are reassigned or replaced, the project owner shall submit the name and qualifications, and registration number of the newly assigned engineer **or construction project manager** to the DCBO for review and approval. The project owner shall notify the CPM of the DCBO's approval of the new engineer.

Verification: At least 30 days (or a project owner and DCBO mutually agreed upon alternative time frame) prior to the start of rough grading, the project owner shall submit to the DCBO for review and approval, the resume and **qualifications** registration number of the RE and any other delegated engineers **or construction project manager** assigned to the project. The project owner shall notify the CPM of the DCBO's approvals of the RE and other delegated engineer(s) within five days of the approval.

If the RE or the delegated engineer(s) is subsequently reassigned or replaced, the project owner has five days to submit the name, qualifications, and registration number of the newly assigned engineer **or construction project manager** to the DCBO for review and approval. The project owner shall notify the CPM of the DCBO's approval of the new engineer within five days of the approval.

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B. The soils engineer, geotechnical engineer, or civil engineer experienced and knowledgeable in the practice of soils engineering, shall:

   1. Review all the engineering geology reports;

2. Prepare the foundation investigations, geotechnical, or soils reports containing field exploration reports, laboratory tests, and engineering analysis detailing the nature and extent of the soils that could be susceptible to liquefaction, rapid settlement, or collapse when saturated under load;

3. ~~Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with requirements set forth in the 2022 CBC (depending on the site conditions, this may be the responsibility of either the soils engineer, the engineering geologist, or both);~~ and

3. Recommend field changes to the civil engineer and RE.

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C. The engineering geologist shall:

1. Review all the engineering geology reports and prepare a final soils grading report; and

2. ~~Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with the requirements set forth in the 2022 CBC (depending on the site conditions, this may be the responsibility of either the soils engineer, the engineering geologist, or both).~~

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GEN-7 If any discrepancy in design and/or construction is discovered in any engineering work that has undergone DCBO design review and approval, the project owner shall document the discrepancy and recommend required corrective actions. The discrepancy documentation shall be submitted to the DCBO for review and approval. The discrepancy documentation shall reference this condition of certification and, if appropriate, applicable sections of the CBC and/or other LORS. **Minor discrepancies such as typos or minor in-field adjustments that do not significantly change design or construction would not need approval.**

Page 4.1-12 of the Staff Assessment

CIVIL-2 The resident engineer **or delegate** shall, if appropriate, stop all earthwork and construction in the affected areas when the responsible soils engineer, geotechnical engineer, or the civil engineer experienced and knowledgeable in the practice of soils engineering, identifies unforeseen adverse soil or geologic conditions. The project owner shall submit modified plans, specifications, and calculations to the DCBO based on these new conditions. The project owner shall obtain approval from the DCBO before resuming earthwork and construction in the affected area.

Pages 4.1-16 to 4.1-18 of the Staff Assessment

MECH-2 The project owner shall submit to the DCBO for design review and approval the design plans, specifications, calculations, and quality control procedures for any **permanent** heating, ventilating, air conditioning (HVAC) or refrigeration system.

Packaged HVAC systems, where used, shall be identified with the appropriate manufacturer's data sheets.

The project owner shall design and install all **permanent** HVAC and refrigeration systems within buildings and related structures in accordance with the CBC and other applicable codes. Upon completion of any increment of construction, the project owner shall request the DCBO's inspection and approval of that construction. The final plans, specifications and calculations shall include approved criteria, assumptions, and methods used to develop the design. In addition, the responsible mechanical engineer shall sign and stamp all plans, drawings and calculations and submit a signed statement to the DCBO that the proposed final design plans, specifications and calculations conform with the applicable LORS.

Verification: At least 30 days (or a project owner and DCBO mutually agreed upon alternative time frame) prior to the start of construction of any **permanent** HVAC or refrigeration system, the project owner shall submit to the DCBO the required HVAC and refrigeration calculations, plans, and specifications, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with the CBC and other applicable codes, with a copy of the transmittal letter to the CPM.

ELEC-1 Prior to the start of any increment of electrical construction for all electrical equipment and systems 110 Volts or higher (see a representative list, below) the project owner shall submit, for DCBO design review and approval, the proposed final design, specifications, and calculations. Upon approval, the above listed plans, together with design changes and design change notices, shall remain on the site or at another accessible location for the operating life of the project. The project owner shall request that the DCBO inspect the installation to ensure compliance with the requirements of applicable LORS.

A. Final plant design plans shall include:

   1. one-line diagram for the **34.5kV**~~13.1 kV, 4.16 kV,~~ and 480 V systems;
   2. system grounding drawings;
   3. lightning protection system; and
   4. hazard area classification plan.

B. Final plant calculations must establish:

1. short-circuit ratings of plant equipment;
2. ampacity of feeder cables;
3. voltage drop in feeder cables;
4. system grounding requirements;
5. coordination study calculations for fuses, circuit breakers and protective relay settings for the **34.5kV** ~~13.1 kV, 4.16 kV~~ and 110/480 V systems;
6. system grounding requirements;
7. lighting energy calculations; and
8. 110-Volt system design calculations and submittals showing feeder sizing, transformer and panel load confirmation, fixture schedules and layout plans.

Section 4.2 Facility Reliability

Page 4.2-3 of the Staff Assessment

The project would be designed and built to provide adequate levels of flood resistance by complying with proposed COC **WATER-~~6~~3** (compliance with Fresno County Flood Hazard Reduction Ordinance) in **Section 5.16, Water Resources**, COC **GEO-1** (obtaining a grading permit) in **Section 5.6, Geology, Paleontology, and Minerals**, and COC **CIVIL-1** (delegate chief building official (DCBO) approved drainage, grading, erosion control, and storm water plans, alongside civil engineer-signed specifications and calculations) and COC **CIVIL-4** (DCBO approved grading plans for the erosion and sedimentation control work) in **Section 4.1, Facility Design**.

Section 4.3 Transmission System Engineering

Page 4.3-1 of the Staff Assessment

The project is proposed on approximately 9,500 acres in and agricultural area of western Fresno County (IP 2024n). Transmission lines in the project area include the Los Banos-Gates No. 1. Los Banos-Midway No.2 500 kV Transmission Lines, which cross the project site immediately west of the proposed ~~PG&E utility~~ **breaker-and-a-half (BAAH) 500 kilovolt (kV)** switchyard. The current transmission line corridor comprises two 500 kV single circuits parallel to each other and mounted on two distinct rows of transmission towers. The existing two circuits near the project site are spaced approximately 1,200 to 1,600 feet apart and have towers ranging from approximately 100 to 160 feet tall.

Page 4.3-2 of the Staff Assessment

General Order-131-~~D~~E, Rules for Planning and Construction of Electric Generation, Line, and Substation Facilities in California. This General Order specifies application and noticing requirements for new line construction, including EMF reduction.

Pag 4.3-5 of the Staff Assessment

gen-tie line would facilitate interconnecting the project substation with the new ~~PG&E utility~~ **BAAH 500 kV** switchyard. (RCI 2024k, Appendix D and E, IP 2024a, Attachment 10).

~~PG&E Utility~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

~~PG&E Utility~~ New BAAH 500 kV Switchyard

The switchyard includes two-bay, five high-voltage circuit breakers, disconnect switches, series capacitor banks, grounding grids, protection devices, bus support structures, Direct Transfer Trip (DTT) receivers, chain link fence around the switchyard, etc.

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TABLE 4.3-1 CONFORMANCE WITH APPLICABLE LORS

Applicable LORS	Conformance and Basis for Determination
Federal/Regional	
Federal Energy Regulatory Commission (FERC) /North American Electric Reliability Council (NERC)	**Yes.** The proposed interconnection facilities would comply with Federal/Regional regulations. COC **TSE ~~-5~~ ~~4~~** would require the submittal of any updates to the Large Generator Interconnection Agreement (LGIA) at least 30 days before the construction of transmission facilities.
NERC/WECC Planning Standards: The Western Electricity Coordinating Council (WECC) Planning Standards	**Yes.** The proposed interconnection facilities would comply with Federal/Regional regulations. COC **TSE-~~5~~ ~~4~~** would require the submittal of any updates to the LGIA at least 30 days before the construction of transmission facilities.
State	
California Public Utilities Commission (CPUC) General Order 95 (GO-95)	**Yes.** The proposed overhead collector lines and generator tie-line would comply with CPUC GO-95. Compliance with COC **TSE-~~4~~ 3** requires power plant switchyard, outlet line, and termination compliance with GO-95.
CPUC General Order 128 (GO-128)	**Yes.** The proposed underground collector lines would comply with CPUC GO-128. Compliance with COC **TSE-~~4~~ 3** requires power plant switchyard, outlet line, and termination compliance with GO-128.
General	
National Electric Safety Code 2023 (NESC)	**Yes.** The proposed overhead collector lines, underground collector lines, and generator tie-line would comply with NESC. Compliance with COC **TSE-~~4~~ 3** requires power plant switchyard, outlet line, and termination compliance with NESC.
Local	

TABLE 4.3-1 CONFORMANCE WITH APPLICABLE LORS	
Applicable LORS	**Conformance and Basis for Determination**
PG&E Regulation and standard	**Yes.** The proposed overhead generator tie-line would comply with PG&E Regulation for Clearance Requirements for Power Line Corridors. Compliance with COC **TSE-~~5~~ 4** and **TSE-~~6~~ 5** requires overhead conductor compliance with PG&E Regulation.

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Suppose the designated responsible engineer is subsequently reassigned or replaced. In that case, the project owner has five days to submit the newly assigned engineer's name, qualifications, and registration number to the DCBO for review and approval. The project owner shall notify the CPM of the DCBO's approval of the new engineer within five days of the approval.

~~**TSE-3** If any design and construction discrepancy is discovered in any engineering work that has undergone DCBO design review and approval, the project owner shall document the discrepancy and recommend corrective action. The discrepancy documentation shall become a controlled document and shall be submitted to the DCBO for review and approval, which refers to this condition of certification.~~

~~**Verification:** The project owner shall submit a copy of the DCBO's approval or disapproval of any corrective action taken to resolve a discrepancy to the CPM within 15 days of receipt. If disapproved, the project owner shall advise the CPM, within five days of the reason for the disapproval, along with the revised corrective action required to obtain the DCBO's approval.~~

TSE-4~~3~~ For the power plant switchyard, outlet line, and termination, the project owner shall not begin any construction until plans for that increment of construction have been approved by the DCBO.

...

TSE-5~~4~~ The project owner shall ensure that the proposed transmission facilities' design, construction, and operation conform to all applicable LORS and the below-mentioned requirements. The project owner shall submit the required copies of the design drawings and calculations determined by the DCBO. Once approved, the project owner shall inform the CPM and DCBO of any anticipated changes to the design and shall submit a detailed description of the proposed change and complete engineering, environmental, and economic rationale for the shift in the CPM and DCBO for review and approval.

Page 4.3-14 of the Staff Assessment

TSE-~~6~~5 The project owner shall provide the following Notice to the California Independent System Operator (California ISO) prior to synchronizing the facility with the California Transmission system:

a. At least one week prior to synchronizing the facility with the grid for testing, provide the California ISO a letter stating the proposed date of synchronization; and

b. At least one business day prior to synchronizing the facility with the grid for testing, provide telephone notification to the California ISO Outage Coordination Department.

Page 4.3-15 of the Staff Assessment

TSE-~~7~~6 The project owner shall inspect the transmission facilities during and after construction. Any subsequent CPM and DCBO approved changes to it to ensure conformance with CPUC GO-95 or NESC, Title 8, CCR, Articles 35, 36, and 37 of the "High Voltage Electric Safety Orders," applicable interconnection standards, NEC and related industry standards. In case of non-conformance, the project owner shall inform the CPM and DCBO in writing within ten days of discovering such non-conformance and describe the corrective actions to be taken.

Section 4.4 Worker Safety and Fire Protection

Page 4.4-1 of the Staff Assessment

Existing Conditions

The proposed Darden Clean Energy Project (DCEP or project) would be located on approximately 9,500 acres of unincorporated retired agricultural land in Fresno County to the south of the town of Cantua Creek. The solar facility of approximately 3.1 million photovoltaic panels, Battery Energy Storage System (BESS), and substation would be located on approximately 9,100 acres of land currently owned by Westlands Water District (WWD), between South Sonoma Avenue to the west and South Butte Avenue to the east. The project's gen-tie line would span west from the intersection of South Sonoma Avenue and West Harlan Avenue to immediately west of Interstate 5, where it would connect to the new **BAAH 500 kV** ~~utility~~ switchyard along Pacific Gas and Electric Company's (PG&E) Los Banos-Midway #2 500 kV transmission line.

Page 4.4-4 of the Staff Assessment

Policies HS-H.1 through HS-H.10 – Noise. To protect residential and other noise-sensitive uses from exposure to harmful or annoying noise levels; to identify maximum acceptable noise levels compatible with various land use designations; and to develop a policy framework necessary to achieve and maintain a healthful noise environment.

Policies PF-H.1 through HF-H.11 – Fire Protection And Emergency Medical Services. Policies in this section seek to facilitate the prompt and efficient

provision of fire and emergency medical facility and service needs, ensure adequate funding for fire services are available in new development area, and to protect the life and property of the Fresno County Community.

Page 4.4-23 to 4.4-25 of the Staff Assessment

Staff reviewed the information provided by the applicant to determine if the available FCFPD fire protection services and equipment would be adequate to protect workers, and to determine the project's impact on fire protection services in the area. The project would rely on both on-site fire protection systems and local fire protection services. The on-site fire protection systems provide the first line of defense for small fires. In the event of a major fire, fire support services, including trained firefighters and equipment for a sustained response, would be provided by the FCFPD under all conditions. Staff has reviewed and assessed the information available and discussed emergency response capabilities with the FCFPD (Fresno 2025a). Information provided by the FCFD demonstrates that the entire west side of Fresno County lacks the resources to respond to fire, rescue, and medical services emergencies to the existing towns and energy facilities in an appropriate time. Lack of a central area station, crew, water tenders, and engines have been identified by staff as needed by the FCFPD. The bulk of existing and proposed solar PV projects exist in the western part of Fresno County (Fresno 2024a).

Additional information provided by the county focused on three key elements: The 2024 Fresno County General Plan requirements PF-H.1 through H.9, the lack of coverage in the Darden Clean Energy Project area, and the necessity of emergency response.

The 2024 Fresno County General Plan emphasizes that:

a. **new fire stations be located to achieve and maintain a service level capability consistent with services for existing land uses;**
b. **maintain minimum first alarm response times to emergency calls to 5 minutes in urban areas, 15 minutes in suburban areas, and 20 minutes in rural areas; and**
c. **require new development to develop or to pay its fair share of the costs to fund fire protection facilities that, at a minimum, maintain the service level standards.**

The points above help to emphasize what is required to provide for essential emergency response to the project. The FCFPD also provided information addressing the lack of timely emergency response coverage in the project area. According to the FCFPD, an engine response time from the nearest station to the project would be approximately greater than 12 minutes and could exceed 20 minutes depending on the weather and traffic conditions.

The project has proposed four 15,000-gallon tanks with two on each side of

the BESS. The purpose of these tanks is to provide the FCFPD with a viable water source to use at their discretion. However, the current industry practice is to tell firefighters to let the BESS fire burn itself out and use the water to provide radiant cooling as needed. Once these tanks have been exhausted, they could not be refilled quickly. Therefore, the FCFPD could have to bring in additional water via a 3000-gallon water tender. The water tender would have to be filled form a municipal source due to water quality and flow rate. The nearest water tender refill station is located in the city of San Joaquin which is approximately 25 miles from the project site. It could take several trips and fire department resources to provide additional water if needed.

If an emergency response were to occur at the project site, the need to provide equipment and manpower from fire stations could deplete the coverage area of those fire stations. It is this "draw-down" of resources that could impact fire protection service to other parts of the county.

As a result of staff's assessment, it was determined that mitigation was necessary. Therefore, staff proposes COC **WORKER SAFETY-12** which would ensure that the FPFCD has a mechanism to ensure the project's impacts to fire protection services are less than significant.

Page 4.4-25 of the Staff Assessment

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

The project would involve construction of the ~~utility~~ **new BAAH 500kV** switchyard, which would be **deeded to PG&E after construction and inspection to be operated as a regulated utility facility** ~~owned and operated by PG&E as a utility~~. The project owner has stated that equipment used for construction of the utility switchyard may include, but is not limited to: cranes, aerial lift, skid steer loaders, rubber tired loaders, rubber tired dozer, welders, trencher, forklift, bore/drill rig, grader, roller, tractor/loader/backhoe, haul trucks, and utility terrain vehicles (UTVs). Approximately 3-acrefeet of water would be used during construction of the utility switchyard, at an average of 50 to 100 gallons per day (this number is included in the overall 1,100 acre-feet of construction water needed for the project as a whole). Special safety hazards would be present during the use of all the above-mentioned equipment and operations involving cranes would require the employ of certified and Cal OSHA-licensed crane operators with a pre-written Lift Plan.

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Cumulative Impacts

Staff discussed the 17 energy-related projects listed above and the potential for a cumulative and direct impact with the FCFPD. Staff has concluded based upon staff's experience and analysis of the issues that both a direct impact and a cumulative impact will be posed by the operation of the Darden project and therefore proposes that the FCFPD and the project owner enter into negotiations to provide mitigation as required in proposed COC **WORKER SAFETY-12**. ~~As an alternative if no agreement can be reached, staff is recommending that payments be determined by a methodology developed by the FCFPD. The methodology allows the FCFPD to derive a cost allocation to the project, both a one-time initial payment and an adjustable annual payment, all based on several factors including project size, megawatts generated, additional energy projects built, and hazards posed. Staff has thoroughly reviewed and discussed this methodology with the FCFPD and finds it to be appropriate, useful, and based on sound principles.~~

Page 4.4-31 to 4.4-32 of the Staff Assessment

WORKER SAFETY-2 The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following items:

1. An Operation Injury and Illness Prevention Plan.
2. An Operations Weed Management Plan that is consistent with **COC BIO-7** which requires: 1) an avoidance of the use of toxic substances; 2) the use of soil bonding and weighting agents which are non-toxic to wildlife and plants; 3) a prohibition on the use of anticoagulants for rodent control; 4) a prohibition on the use of pre-emergent and other herbicides with documented residual toxicity; and 5) a directive that herbicides shall be applied in conformance with federal, State, and local laws and according to the guidelines for wildlife-safe use of herbicides.
3. An Operations Emergency Action Plan that that fulfills the requirements of California Public Utilities Code 761.3 section (g).
4. An Operations Emergency Response Plan.
5. An Operations Helicopter Code of Safe Practices if helicopters are used for maintenance or repairs, that incorporates all provisions of tit. 8 §s 1901-1909 and specially includes an added limitation of operations to be conducted only during day light hours, a landing zone dust control plan, a traffic control plan for areas where the loads would be deposited and near any public road or highway, includes requirements for a Designated Biologist(s) to monitor and avoid avian impacts, and complies with FAA Regulations 14 CFR Part 91 (General Operating and Flight Rules) and Part 133 (Rotorcraft External-Load Operations).

6. A Hazardous Materials Management Program.
7. A Fire Prevention Plan (CCR, tit. 8, § 3221) that includes methods of access for emergency responders through locked gates.
8. A Fire Protection System Impairment Program.
9. A Personal Protective Equipment Program (CCR, tit.8, §§ 3401-3411).

The Operation Injury and Illness Prevention Plan, Hazardous Materials Management Program, Emergency Action Plan, Emergency Response Plan, Fire Prevention Plan, Fire Protection System Impairment Program, Helicopter Code of Safe Practices, and Personal Protective Equipment Program shall be submitted to the CPM for review and approval concerning compliance of the programs with all applicable safety orders. The Fire Prevention Plan, Fire Protection System Impairment Program, and the Emergency Action Plan shall also be submitted to the FCFPD for review and comment.

Verification: At least 30 days prior to the start of commissioning, the project **owner shall submit to the CPM for review and approval a copy of the Project** Operations and Maintenance Safety and Health Program. The project owner shall provide a copy to the CPM of letters from the FCFPD detailing the resolved comments on the Operations Fire Prevention Plan, Fire Protection System Impairment Program, and Emergency Action Plan.

Pages 4.4-34 of the Staff Assessment

WORKER SAFETY-6 The project owner shall provide a procedure or augment existing procedure(s) for both solar facility construction and operations that details the following:

a. Workers are trained to move away from a fire, even in an incipient stage, and call the control room to call 911 immediately.

b. Workers use a standard form checklist when working on electrical components of an inverter~~,~~ **or** collector box~~, or wiring from a solar panel so as~~ to ensure that all components are locked out and tagged out until the job task is completed. **Workers shall use proper PPE and safety procedures when handling solar modules and wiring during the day to mitigate the risk of energized modules.**

Pages 4.4-34 and 4.4-35 of the Staff Assessment

WORKER SAFETY-7 The project owner shall do the following at the BESS facility:

a. Require that the lithium-ion batteries be shipped from the factory to the project site at a maximum of 30 percent State of Charge (SOC);

b. Provide that fire lanes exist down the length and width of the BESS units wide enough to allow for fire engine access;

c. Provide at least two gates into the BESS facility wide enough for emergency

access;

d. Install remote fire or heat sensors at sufficient locations to cover the entire BESS facility (e.g., thermal infrared);

~~e. Place fire hydrants at the corners and midline location along the two east to west lengths of the facility;~~

f. Provide fire water flow of at least ~~2~~**1**,500 gallons per minute;

g. Install closed-circuit television (CCTV) cameras with Pan, Tilt, Zoom (PTZ), and low-light capability that cover the entire area of the BESS and which would have their own separate power supply;

h. Establish a Command and Control Protocol for staff to perform emergency duties and responsibilities during the detection, initiation, and escalation of a BESS fire;

i. Establish remote telemetry and CCTV viewing in a Command and Control Center located at a safe distance from the BESS facility for an Incident Commander to use;

j. Establish an annual joint training program with the FCFPD that includes table-top exercises for a BESS fire;

k. Prepare and submit a Root Cause analysis of any incident at the BESS facility (including but not limited to fire, malfunction, leak, or thermal runaway of any cell, module, or unit) to the CPM;

l. Consult with the FCFPD in preparing the fire protection system specifications and drawings for the Operations and Maintenance Building to ensure an adequate water supply for the fire suppression systems for the BESS facility as well as for occupied buildings; and

m. Implement the final provisions of CPUC GO 167-C.

Pages 4.4-37 and 4.4-38 of the Staff Assessment

WORKER SAFETY-12 The project owner shall:

a. reach an agreement with the FCFPD, either directly between the parties or using a mediator, regarding one-time initial funding and ongoing annual funding to provide mitigation for direct and cumulative project-related impacts.

b. if no agreement can be reached **under (a), then the project owner and FCFPD shall enter into arbitration. The project owner shall pay the cost of arbitration. The arbitrator shall be selected by mutual agreement of the parties and submitted to the CPM for review and approval. If the parties are unable to mutually agree to an arbitrator, the CPM shall select one. The arbitrator shall consider the following in reaching a decision:** ~~shall fund its share of the capital costs~~

~~in a one-time payment and shall provide an annual payment for the support of the fire department staff, both in amounts as determined by the application of FCFPD's cost allocation methodology, as described in the cumulative impacts section, (plus yearly negotiated increases for support of fire department staff), commencing with the date of site mobilization and continuing annually thereafter on the anniversary until the final date of project decommissioning.~~

1. **Weigh the needs of FCFPD's emergency response to the project related to fire, rescue, EMS, and hazardous materials spills and the related costs on the fire department resources;**
2. **Weigh the cumulative impact of the project on the fire department resources including but not limited to the drawdown of FCFPD resources on existing communities and the impacts on those communities;**
3. **Determine the amount of one-time initial funding for any capital improvements and the amount of annual funding with an increase for inflation.**

c. If the current property tax exclusion applicable to the project under California Revenue and Taxation code section 73 sunsets on January 1, 2027, and there is no solar property tax exclusion applicable to the project, then this COC will sunset. However, if a portion of the project is subject to a solar property tax exclusion, this COC will remain.

Verification: At least 30 days prior to the start of site mobilization, the project owner shall provide to the CPM for review and approval either:

a. A copy of the agreement with the FCFPD or

b. **A copy of the arbiter's decision.** ~~Documentation that a letter of credit has been provided to the FCFPD and that a letter of credit will be provided each year (plus yearly negotiated increases), in the amounts as determined by the FCFPD methodology, at the start of commercial operations.~~

Upon approval by the CPM, the project owner shall commence payment of the initial funding and annual funding.

Section 5.1 Air Quality

Page 5.1-1 of the Staff Assessment

In addition to the facility and linears, the project also consists of offsite components that fall outside the California Energy Commission's (CEC) jurisdiction but are part of the overall project. These components include the (1) ~~construction of Pacific Gas and Electric Company's (PG&E) utility switchyard, (2)~~ the construction of a loop in and out line between the ~~PG&E~~ **new breaker-and-a-half (BAAH) 500 kilovolt (kV)**

switchyard and the existing Los Banos-Midway 500kV line, and (~~3~~**2**) the construction of a fiber optic communication line from the ~~PG&E~~ **new BAAH 500 kV** switchyard north to an existing splice point to the Panoche substation or south to the existing Gates substation. In addition to these actions, the California Independent System Operator (California ISO) identified downstream network upgrades to three existing substations, Los Banos, Midway and Gates or Manning as well as the addition of two transposition structures. These offsite components, also known as non-jurisdictional components of the project, are considered as part of this analysis.

Page 5.1-17 of the Staff Assessment

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard

As shown in **Table 5.1-4** and **Table 5.1-5**, the worst-case unmitigated construction emission rates, under Phase 6, for all criteria pollutants would be below the applicable SJVAPCD thresholds of significance. Therefore, the construction during Phase 6 (construction of the ~~PG&E utility~~ **new BAAH 550 kV** switchyard) would not conflict with or obstruct implementation of the applicable air quality plans of SJVAPCD. ~~The PG&E Construction Measures for air quality identify measures to reduce fugitive dust during construction. Staff has concluded that these measures are sufficient to further reduce emissions from construction activities.~~ Staff recommends **COC SWITCH AQ-1** ~~Mitigation Measure (**MM**) **AQ-1**~~, which includes **generalized procedures** ~~PG&E Construction Measures for air quality~~ to further reduce construction emissions.

Pages 5.1-28 and 5.1-29 of the Staff Assessment

Therefore, construction of the entire project, including the ~~PG&E utility~~ **new BAAH 500 kV** switchyard, would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standards. For the ~~PG&E utility~~ **new BAAH 500 kV** switchyard, staff recommends **COC SWITCH AQ-1** ~~mitigation measure **(MM) AQ-1**~~, which includes **generalized procedures** ~~PG&E Construction Measures for air quality to reduce construction emissions, and thus~~ **to** further reduce emissions of criteria pollutants below applicable standards.

Page 5.1-35 and 5.1-36 of the Staff Assessment

It should be noted that the AAQA discussed above focuses on emissions at the project site, where concentrations of pollutants directly impact local receptors. Offsite vehicle/truck emissions would only pass by any single sensitive receptor along the routes for a momentary duration where emissions would disperse rapidly and over large areas. This makes them harder to quantify and less likely to cause concentrated exposure in a single location. In addition, vehicles have to meet on-road emission standards with compliance being verified through SMOG testing. Offsite trips will occur on existing roadways within the San Joaquin Valley Air Pollution Control District (SJVAPCD), which that already incorporates mobile source emissions into its ambient air quality attainment planning. Because the vehicle emissions are

spread out geographically and are typically mixed with general traffic pollution, they are treated as part of the baseline conditions rather than as a project-specific impact.

In addition, Section 5.14, Transportation shows that the construction vehicles/trucks would travel on the already high-traffic routes, such as SR-145, SR-269, Mt. Whitney Avenue, and I-5. Page 5.14-5 of Section 5.14, Transportation shows that the SR-145, which goes through Five Points, had a 2023 daily traffic volume of 4,100 vehicles. Page 5.14-11 of Section 5.14, Transportation shows the forecasted road segment traffic volume for SR-145 during construction would be 4,219 vehicles per day, which is only a 2.9% increase from existing conditions. In addition, the applicant's traffic study (RCI 2023aa, Figures 3-1a and 3-1b on pages 33 and 34 of 48) shows that it is less likely that the construction employee vehicles/trucks would pass the Westside Elementary School, the Cantua Elementary School, Cantua Creek, or El Porvenir. Therefore, as explained in Section 5.14, Transportation of the Staff Assessment, it is unlikely that the construction employee vehicles/truck trips would have any significant transportation or traffic impacts to these schools and communities.

Page 5.1-36 of the Staff Assessment

Tables 5.1-11 through **Table 5.1-14** show that construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard would not expose sensitive receptors to substantial pollutant concentrations. Staff recommends **COC SWITCH AQ-1** ~~**MM AQ-1**~~**,** which requires **generalized procedures** ~~PG&E Construction Measures for air quality~~ to reduce construction emissions, and thus further reduce pollutant concentrations from construction activities.

Page 5.1-44 of the Staff Assessment

Impacts associated with the ~~PG&E Utility Switchyard and~~ Downstream Network Upgrades to be considered for permitting by CPUC would be further reduced with the inclusion of MMs.

Page 5.1-45 of the Staff Assessment

AQ-SC3 Construction Fugitive Dust Control. The AQCMM shall submit documentation to the CPM in each Monthly Compliance Report that demonstrates compliance with the AQCMP mitigation measures for the purposes of minimizing fugitive dust emission creation from construction activities and preventing all fugitive dust plumes that would not comply with the performance standards identified in **AQ-SC4** from leaving the project site. Any deviation from the AQCMP mitigation measures shall require prior CPM notification and approval **and shall require demonstration that such deviation will not result in a new or increased significant environmental impact**.

Report monthly on the following fugitive dust mitigation measures that shall be

included in the AQCMP required by **AQ-SC2**:

Pages 5.1-48 and 5.1-49 of the Staff Assessment

AQ-SC5 Diesel-Fueled Engine Control. The AQCMM shall submit to the CPM, in the Monthly Compliance Report, a construction mitigation report that demonstrates compliance with the AQCMP mitigation measures for purposes of controlling diesel construction-related emissions. Any deviation from the AQCMP mitigation measures shall require prior and CPM notification and approval **and shall require demonstration that such deviation will not result in a new or increased significant environmental impact**.

a. The following off-road diesel construction equipment mitigation measures shall be included in the Air Quality Construction Mitigation Plan (AQCMP) required by **AQ-SC2**: All diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the conditions set forth herein.

b. All construction diesel engines with a rating of 25 hp or higher shall meet, at a minimum, the Tier 4 Final California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1), unless a good faith effort to the satisfaction of the CPM that is certified by the on-site AQCMM demonstrates that such engine is not available for a particular item of equipment. In the event that a Tier 4 Final engine is not available for any off-road equipment larger than **25** ~~50~~ hp, a Tier 4 Interim or Tier 3 engine shall be used or that equipment shall be equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than Tier 3 levels unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this condition, the use of such devices is "not practical" for the following, as well as other, reasons.

Page 5.1-50 of the Staff Assessment

COCs below are applicable to each of the three identical emergency engines.

Equipment Description: 230.12 BHP (Intermittent) PSI Model 8.8l Rich-Burn LPG/Propane-Fired Emergency Standby IC Engine (Or CPM and District Approved Equivalent) With Non-Selective Catalytic Reduction (NSCR) Powering an Electrical Generator.

Pages 5.1-54 and 5.1-55 of the Staff Assessment, immediately after **AQ-18**.

COC applicable to the BAAH 500 kV Switchyard

SWITCH AQ-1 Fugitive Dust Control.

1. **Applying water to disturbed areas and to storage stockpiles.**

2. **Limit vehicle speed to 15 miles per hour.**
3. **Load haul trucks with a freeboard (space between top of truck and load) of six inches or greater.**
4. **Cover the top of the haul truck load.**
5. **When material are transported off site, all material will be covered or wetted to limit visible dust emissions, and at least 6-inches of freeboard space from the top of the container shall be maintained.**
6. **Clean-up track-out at least daily.**
7. **Minimize unnecessary idling time through application of a "common sense" approach to vehicle use-if a vehicle is not required immediately or continuously for construction activities, its engine will be shut off. Construction foremen will include briefings to crews on vehicles use as part of pre-construction conferences. Those briefings will include discussion of a "common sense" approach to vehicle use.**
8. **Maintain construction equipment in good working order.**
9. **Minimize construction equipment exhaust by using low-emission or electric construction equipment where feasible. Portable diesel fueled construction equipment with engines 50 hp or larger and manufactured in 2000 or later will be registered under the California Air Resources Board (CARB) Statewide Portable Equipment Registration Program or shall meet a minimum US EPA/CARB Tier 1 engine standards.**

Verification: The AQCMM shall provide the CPM a Monthly Compliance Report to include the following to demonstrate control of fugitive dust emissions:

A. **A summary of all actions taken to maintain compliance with this condition;**
B. **Copies of any complaints filed with the District in relation to project construction; and**
C. **Any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.**

Page 5.1-55 of the Staff Assessment

MM AQ-1 Fugitive Dust Control.

The following actions will be taken, as applicable and feasible, to control fugitive dust during construction. SJVAPCD notifications will be

made in accordance with any requirements in effect at the time of construction.

- Applying water to disturbed areas and to storage stockpiles.
- **Applying water in sufficient quantities to prevent dust plumes during activities such as clearing & grubbing, backfilling, trenching and other earth moving activities.**

...

Page 5.1-56 of the Staff Assessment

Fresno 2024 – Fresno County General Plan Policy Document. Dated February 2024. Accessed in January 2025. Available online at: https://www.fresnocountyca.gov/files/sharedassets/county/v/1/public-works-and-planning/development-services/planning-and-land-use/general-plan/fcgpr_general-plan_county_final_2024_02.pdf

RCI 2023aa – Rincon Consultants, Inc. (TN 252979). Appendix K Traffic and Transportation Analysis, dated November 6, 2023. Accessed online at: https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-02

RCI 2023dd – Rincon Consultants, Inc. (TN 252983). Section 5-7 Air Quality. Dated November 6, 2023. Available online at: https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-02

Section 5.2 Biological Resources

Page 5.2-1 of the Staff Assessment

The jurisdictional components include, the solar facility, battery energy storage system (BESS), step-up substation, ~~and~~ generation-intertie (gen-tie) line, **a new BAAH 500 kV switchyard,** and associated facilities while the non-jurisdictional components include the Pacific Gas and Electric Company (PG&E) ~~utility switchyard and the PG&E~~ downstream network upgrades.

...

The ~~PG&E utility~~ **new BAAH 500 kV** switchyard would be located on lands that would be deeded to PG&E upon completion and inspection, to be owned and operated by PG&E as a public utility.

Page 5.2-2 of the Staff Assessment

The California Aqueduct bisects the gen-tie parcels, running generally north to south, and the gen-tie line **corridor** ~~would also span~~ **would be located 200 feet north of** Cantua Creek.

Pages 5.2-3 to 5.2-4 of the Staff Assessment

Surveys conducted by the applicant identified the following agricultural and other land cover types in the project area for the solar field, BESS, substation, and other associated components: ~~tilled/barren, row crops (tomato and garlic), pistachio and almond orchards corn field, and cover crops~~ **non-active agriculture, almond orchard, or eucalyptus grove**.

...

The PG&E utility switchyard would be located in **an** area that consists of an almond orchard and open bare ground with grassland identified along the far western boundary outside of the area of impact.

...

Additional details on land cover are documented in CEC **Supplemental** Data **Request** Response Set ~~4~~**1** in Table 2 **(RCI 2024ww)** and Appendix E (RCI 2024u) and mapped in the application as Figure 5.2-5 (RCI 2024u) as well as in Appendix A to CEC Data Request Response 6, as REV 1 DR BIO-1 Updated Land Cover Maps (RCI 2024z).

Page 5.2-5 of the Staff Assessment

~~There would be no discharges to waters of the state and discharges to agricultural ditches subject to the Porter Cologne Water Quality Control Act are not proposed as part of the project.~~ **Discharges to agricultural ditches classified as waters of the state may occur as a result of temporary construction activities. Temporarily impacted areas would be restored to pre-project conditions following construction.**

Page 5.2-7 of the Staff Assessment

The applicant's biologists documented several aquatic features, including ephemeral drainages, roadside ditches, and manmade canals and agricultural ditches which intersect the alternative fiber line study areas and two of the substation study areas, but would be avoided by proposed project activities (RCI 2024cc). **Of the PG&E substations, aquatic features only intersect the Cantua Substation study area. No other substations study areas have aquatic features.** A formal jurisdictional delineation was not conducted.

Seven intermittent riverine features mapped in the NWI were identified within the three alternative fiber line study areas and the Cantua Substation study area. These include Los Gatos Creek, Domengine Creek, Martinez Creek, Salt Creek, Cantua Creek, and two unnamed drainages (RCI 2024cc). **Outside of the Gates Substation study area, a**~~A~~ drainage ditch with ponded water was observed ~~in the southeast corner of the property containing the Gates Substation, although it lies outside the Gates Substation study area~~.

Page 5.2-11 of the Staff Assessment

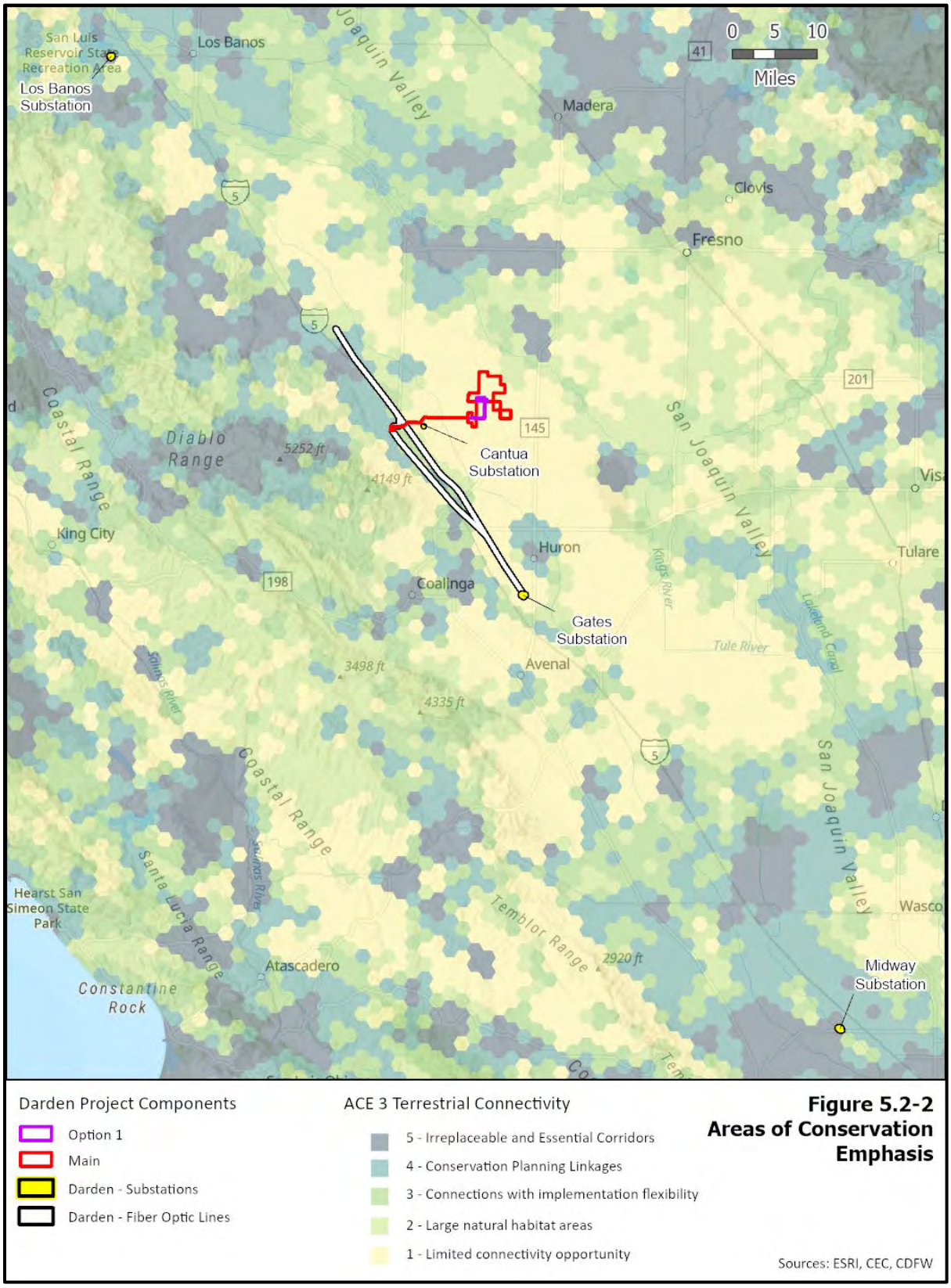

Figure 5.2-2
Areas of Conservation Emphasis

Page 5.2-19 of the Staff Assessment

This information as well as additional analyses of potential impacts was included in CEC Data Request Response Set 6 (RCI 2024z, **RCI 2024aa, and** RCI 2024cc). The assessments were based on the latest available information regarding proposed activities within the PG&E alternative fiber line and PG&E substation study areas.

Page 5.2-23 of the Staff Assessment

Table 5.2-1A, Column 3, recurved larkspur

Low. Suitable chenopod scrub, cismontane woodland, valley and foothill grassland does not occur within or adjacent to the project site, including the jurisdictional components or PG&E utility switchyard. May occur along Scenario ~~2~~**1** Fiber Line and Scenario 3 Fiber Line study areas.

Page 5.2-26 of the Staff Assessment

Table 5.2-1A, Column 3, Indian Valley bush-mallow

Low. Suitable chaparral, cismontane woodland, granitic outcrops do not occur within or adjacent to solar facility and other jurisdictional components or PG&E utility switchyard. Outside of the known elevation range of this species. May occur along the Scenario 1 Fiber Line ~~through~~ **and** Scenario 3 Fiber Line study area, where a 1998 CNDDB record exists along Salt Creek.

Page 5.2-52 of the Staff Assessment

Recurved Larkspur (*Delphinium recurvatum*)

This species is not expected to occur on the project site, including the jurisdictional components and PG&E utility switchyard due to the lack of suitable habitat. **In 1995,** ~~Hundreds of~~ plants were documented in CNDDB (2024), in alkali grassland and saltbush scrub, west of the proposed Scenario ~~2~~**1** Fiber Line study area for the PG&E downstream network upgrades. It has a low potential to occur in the Scenario 1 Fiber Line ~~toa~~**nd** Scenario 3 Fiber Line study areas. This species is not expected to occur in the substation study areas due to the lack of suitable habitat.

Page 5.2-101 of the Staff Assessment

This is also partly due to the fact that at the initial stages of the project, artificial irrigation could be used on the project site **(for tree plantings only)**, promoting revegetation efforts and attracting a suite of species in the food web and supporting biodiversity, versus the likelihood that purchased off site compensatory habitat could likely consist of dry, tilled lands.

Page 5.2-109 of the Staff Assessment

These include common raven, killdeer, ~~mountain plover,~~ and other common and special-status species.

Page 5.2-110 to 5.2-111 of the Staff Assessment

To minimize direct impacts on nesting birds, the applicant has proposed mitigation measures to avoid and reduce project-related effects. These measures include requirements to conduct pre-construction nesting surveys to identify active nests of nesting birds and raptors, and the establishment of avoidance buffers around active nests. Buffer distances **were proposed which would range from 200-500 feet for common raptors and 30-50 feet for most common passerines** ~~from 250 to 500 feet around active nests depending upon the species~~.

...

Staff's recommended nest buffer distances consistent with Fresno County General Plan Policy OS-E.19, which requires minimum buffers of 250 feet for non-raptors and 500 feet for raptors unless determined otherwise by the qualified biologist. Staff's proposed COC **BIO-8**, would also require surveys during the tricolored blackbird breeding season (~~February~~ **March 15** through ~~September~~ **August 31**) if construction activities will take place near suitable nesting habitat for the species. The NBMP would describe methods to minimize potential project effects to nesting birds and avoid any potential for unauthorized take, if any nests are found.

Page 5.2-113 of the Staff Assessment

These measures have been incorporated into staff's proposed COC **BIO-11** (Swainson's Hawk Conservation Easement and Revegetation **Security** ~~Strategy~~).

Page 5.2-115 of the Staff Assessment

With implementation of staff's proposed COCs **BIO-1** to **BIO-7,** ~~and~~ **BIO-9**, **BIO-11~~1~~2**, **and** ~~to~~ **BIO-13**, impacts to burrowing owl and their nesting habitat would be reduced be less than significant and full mitigation under CESA would be provided. Staff concludes that this mitigation approach ensures long-term protection for this species.

Page 5.2-122 of the Staff Assessment

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

Although the ~~PG&E utility~~ **new BAAH 500 kV** switchyard is analyzed as part of the project pursuant to CEQA, ultimate licensing authority will fall under the California Public Utilities Commission (CPUC) **upon transfer**. PG&E would separately comply with CPUC permitting requirements for its interconnection facilities (RCI 2024u). ~~Construction-related impacts for the PG&E utility switchyard would be covered by implementation of the standard PG&E Construction Measures (RCI 2024u)~~. PG&E has indicted that they will implement the applicable PG&E Construction Measures as part of the construction ~~and operation of the PG&E utility switchyard as well as~~ for the downstream network upgrades.

...

These measures would be followed by PG&E and its contractors during construction of the ~~PG&E utility switchyard and~~ downstream network upgrades. ~~However, construction of the PG&E switchyard and the~~ construction activities for the facilities and equipment installed as part of the selected alternative fiber line scenario and the upgrades at existing PG&E substations would not be covered under the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (O&M HCP) as these do not meet the definition of limited minor new construction in the HCP~~.~~ (Jones & Stokes Associates, Inc. 2006), as detailed in Data Response Set 6 - Appendix D REV 1 DR TSD-1 BRA Vol 1 (RCI 2024cc).

Page 5.2-149 of the Staff Assessment

Sources of operational noise will include general operation of the facility such as transformers, energy storage systems and substation equipment (Section 5.3, Noise, RCI 2023u), which will be strewn across a large project site, which most mobile animals can avoid at will. **While some mobile animals may disperse in response to operational noise, those with nests or young (e.g. nesting birds, including Swainson's hawk or burrowing owl) have limited mobility and could still be adversely affected.**

Page 5.2-155 to 5.2-156 of the Staff Assessment

Construction and Operation– ~~*No Impact*~~ *Less than Significant*

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, and Generation-Intertie

...

None of these features are considered jurisdictional under CDFW regulations, including the California Fish and Game Code~~, Porter-Cologne Water Quality Control Act,~~ or Clean Water Act and not subject to these regulations. **Temporary impacts to the agricultural ditches would not be subject to permitting requirements specified in the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures; State Water Quality Control Board 2021). Pursuant to Section IV.D.2.c of State Water Quality Control Board (2021), as they meet the definition of ditches excluded from the Procedures. With incorporation of post-construction restoration, temporary impacts to agricultural ditches classified as waters of the state would be less than significant.** ~~No impacts to state or federally protected wetlands would occur.~~

Page 5.2-175 of the Staff Assessment

For work related to Swainson's hawk and burrowing owl, these qualifications shall also apply. The Designated Biologist must meet the following minimum qualifications:

1. Knowledgeable in the biology, natural history, exclusion and/or monitoring

techniques as applicable, construction and operational impact monitoring, and of the Swainson's hawk and burrowing owl as applicable and as permitted to perform duties described in ~~this condition~~ **BIO-2**; and

Page 5.2-177 of the Staff Assessment

9. Periodically inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way. Inspect soil or spoil stockpiles and dust abatement watering for compliance with Condition of Certification **BIO-7**. Inspect erosion control materials (e.g., hay bales) to confirm weed-free certification. Inspect weed infestations and monitor eradication measures to determine success. Inspect trash receptacles, monitor site personnel compliance with trash handling, pet prohibitions, and all other **Worker Environmental Awareness Program (**WEAP**)** components (**BIO-5**).

Page 5.2-179 of the Staff Assessment

14. Train the Biological Monitors as appropriate, and ensure their familiarity with the BRMIMP, Worker Environmental Awareness Program (WEAP) training, and all permits.
15. Maintain the ability to be in regular, direct communication with representatives of CDFW, USFWS, and the CPM, including notifying these agencies of dead or injured listed species and reporting special status species observations to the California Natural Diversity Database.
16. The Designated Biologist will notify the CPM of any non-compliance or special-status species injury or mortality by the end of the business day (notifications for Swainson's hawk or burrowing owl~~,~~ are addressed per **BIO-10** and **BIO-12**).

Verification: The Designated Biologist shall submit in the MCRs to the CPM copies of all written reports and summaries that document construction activities that have the potential to affect biological resources. The Designated Biologist's written records will be made available for the CPM's inspection on request at any time during normal business hours. During project operation, the Designated Biologist~~(s)~~ shall submit record summaries in the ACR unless their duties cease, as approved by the CPM.

Page 5.2-180 of the Staff Assessment

BIO-4 Designated Biologist and Biological Monitor Authority. The project owner's construction/operation manager shall act on the advice of the Designated Biologist and Biological Monitor~~(s)~~ to ensure conformance with the biological resource conditions of certification.

If required by the Designated Biologist or Biological Monitor~~(s)~~, the project owner's construction/operation manager shall halt all site mobilization, ground

disturbance, grading, construction, and operation activities in areas specified by the Designated Biologist.

Page 5.2-181 to 5.2-183 of the Staff Assessment

BIO-5 Worker Environmental Awareness Program (WEAP). The project owner shall develop and implement a project-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from the CPM. The WEAP shall be administered to all onsite personnel who will enter the project site including but not limited to surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, and subcontractors (but excluding delivery personnel). An abbreviated WEAP (WEAP Light) can be provided to vendors who periodically enter the project site and are limited to areas such as existing access roads and or lay down areas. The WEAP Light shall also be submitted for approval from the CPM. The WEAP **/ WEAP Light** shall be implemented during site mobilization, vegetation clearing, construction, commissioning, operation, non-operation, and decommissioning.

....

Identify the roles of environmental staff and define communication protocols and chain of command between environmental and construction staff. Define what actions monitors can approve such as stopping work under specific circumstances, providing guidance to comply with conditions, conducting surveys, and what actions monitors cannot approve such as directing work, expanding work areas from approved limits, changing conditions of certification requirements, or approving variances to ~~permit~~ conditions **of certification**. Identify key field contacts and ensure that this information is posted in all break areas.

4. Provide examples of environmental signage and flagging that would be used to delineate work limits (such as for nesting bird or American badger buffers); **,** areas for avoidance, or other protected areas, evacuation routes, and approved staging areas.
5. Discuss the locations and types of sensitive biological resources on the project site and adjacent areas, and explain the reasons for protecting these resources; **,** **and** provide information to participants that no snakes or other wildlife shall be intentionally harmed (unless posing a reasonable and immediate threat to humans).
6. Describe standard environmental commitments and best management practices that apply to the project including but not limited to: storing trash in closed receptables and removing weekly to prevent attracting animals; **;** capping pipes and other cavities that could be used by birds and small mammals; collecting and removing the carcasses of dead animals; limiting work to daytime hours; **;** limiting work during periods of high rainfall; **;** restricting smoking to designated areas; storing chemicals and fuel in designated areas; spill prevention measures; and

reporting requirements.

....

The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist and documented within the ~~Monthly Compliance Reports~~ **MCRs**.

Verification: At least 45 days prior to start of site mobilization the project owner shall provide to the CPM for review and approval, the draft WEAP**/WEAP Light** and all supporting written materials and electronic media prepared or reviewed by the Designated Biologist and a resume of the person(s) administering the program. The CPM must approve the WEAP**/WEAP Light** materials prior to their use. At least 10 days prior to site and related facilities mobilization, the project owner shall provide the CPM a copy of the CPM-approved final WEAP**/WEAP Light**.

The project owner shall provide in the Monthly Compliance Report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date. At least 10 days prior to site mobilization the project owner shall submit the approved final WEAP**/WEAP Light** and implement the training for all workers.

The WEAP**/WEAP Light** shall be routinely administered within 1 week of arrival to any new construction personnel, foremen, contractors, subcontractors, and other personnel working at the project site. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be maintained by the project owner and shall be made available to the CPM upon request. Workers shall receive and be required to visibly display a hardhat sticker or certificate that they have completed the training. Training acknowledgement forms signed during construction shall be kept on file by the project owner for at least 6 months after the start of commercial operation.

Throughout the life of the project, the WEAP**/WEAP Light** shall be repeated annually for permanent employees, and shall be routinely administered within 1 week of arrival to any new construction personnel, foremen, contractors, subcontractors, and other personnel potentially working within the project area. During P**p**roject operation, signed statements for operational personnel shall be kept on file for 6 months following the termination of an individual's employment.

Page 5.2-188 of the Staff Assessment

Conform to APLIC Guidelines. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) *Suggested Practices for Avian Protection on Power Lines* (APLIC

2006)**,** ~~and~~ *Reducing Avian Collisions with Power Lines* (APLIC 2012)**, or updated guidance,** to reduce the likelihood of large bird electrocutions and collisions;

Page 5.2-189 of the Staff Assessment

Minimize Noise Impacts. Loud construction activities (e.g., pile driving or other high-impact noise sources exceeding 60 dB(A) at active nest sites) shall be avoided during nesting season from February 1 to August 31 to the extent possible. The Designated Biologist(s) or Biological Monitor(s) shall monitor active nests within the range of construction-related noise in accordance with **BIO-8**. ~~If noise levels exceed 60 dB(A) at an active nest, additional mitigation measures (e.g., noise barriers, modified work hours) shall be implemented to minimize disturbance, per **BIO-8**.~~

Page 5.2-193 of the Staff Assessment

a. If construction activities take place during the tricolored blackbird breeding season (~~February~~ **March 15** through **August**~~September~~ **31**), the Designated Biologist, or Biological Monitor, shall conduct focused surveys for nesting tricolored blackbird within the project site and within 500 feet of the project boundary, where legally or safely accessible.

Page 5.2-209 to 5.2-217 of the Staff Assessment

….

A potential burrowing owl burrow **includes the presence of additional burrowing owl-preferred habitat elements (e.g., topography, vegetation height, and proximity to foraging resources/prey) in the vicinity of** any subterranean hole three inches or larger for which no evidence is present to conclude that the burrow is being used or any past use by a burrowing owl;

….

10. Burrowing Owl Observations and Notification. All workers shall inform the Designated Biologist if burrowing owl is seen within or near the project area during implementation of any project activity. All work in the vicinity of the burrowing owl which could harm the individual, shall cease until the individual moves from the project site of its own accord or the Designated Biologist passively encourages the individual to move out of harm's way, in compliance with the timing and methods identified in the Burrowing Owl Mortality Reduction Plan (**Item** 3).

….

Verification: The Designated Biologist shall provide to the CPM preconstruction survey results to the CPM within 10 days of the completion of the survey. If surveys detect burrowing owls within 500 feet of proposed construction activities, the Designated Biologist shall provide to the CPM documentation indicating that non-

disturbance buffer fencing has been installed no less than 10 days prior to the start of any project-related site disturbance activities. The documentation shall include information as specified in Items 4 and 5, or as otherwise requested by the CPM.

If pre-construction surveys detect burrowing owls or active burrowing owl burrows within the project disturbance area, the project owner shall provide to the CPM a Burrowing Owl Mortality Reduction Plan prior to the start of activities (the measures described in the plan shall be incorporated into the BRMIMP and implemented.) The plan shall be for review and comment by the CPM and shall be finalized no less than 30 days prior to commencing ~~pre-construction site mobilization~~ **activities which may disturb or take burrowing owls. During operations, the project owner shall provide a written report with Burrow Map (Item 5) to the CPM 10 days prior to starting Burrowing Owl Exclusion Activities on the site or in each distinct work areas(s).**

The project owner shall submit a Burrowing Owl Artificial Burrow Replacement Plan to the CPM for review and comment at least 30 days prior to initiation of pre-construction site mobilization. **The final approved Burrowing Owl Artificial Burrow Replacement Plan shall be submitted prior to activities which may disturb or take burrowing owls.** At the conclusion of the construction period, the Project Owner shall submit a final Burrowing Owl Mitigation Implementation Report detailing location of all burrowing owl observed, take measures implemented, and their effectiveness.

During operations, the project owner shall include in the Annual Compliance Report an accounting of all burrowing owl documented on site, including copies of the Designated Biologist or Biological Monitor's field notes, any buffers zones erected, maps, additional avoidance and minimization measures implemented, and their perceived effectiveness.

Page 5.2-228 and 5.2-229 of the Staff Assessment

BIO-16 Crotch's Bumble Bee Avoidance and Minimization Measures.

Part A: To avoid impacts to Crotch's bumble bee, the Designated Biologist(s) and/or Biological Monitor(s) shall conduct a habitat assessment to determine if the project site and the immediate surrounding vicinity (up to 50 feet) contain habitat suitable to support foraging…

…

Part B:

If, at the time of construction, Crotch's bumble bee is no longer a candidate species under the California Endangered Species Act, but retains special status (e.g. State Rank S2 or other), and suitable

habitat remains within the project site or 50 feet immediately offsite, the project owner shall implement the following avoidance and minimization measures to reduce potential impacts:

1. Pre-construction surveys shall be performed during the species' active season (typically March through September) in areas with suitable flowering plant and nesting/burrowing habitat (including 50 feet offsite as feasible), conducted by a qualified entomologist or biologist familiar with Crotch's bumble bee ecology. The surveyor shall be approved by the CPM per BIO-1 and/or BIO-3.

2. Mapping of suitable habitat within the project footprint and establishment of 50-foot avoidance buffers or phased work zones where feasible, which may be reduced with approval from the CPM.

3. If Crotch's bumble bee individuals are observed, work in the immediate area shall pause until the individual voluntarily relocates, or the CPM approves relocation measures, in coordination with CDFW.

4. Where avoidance is not feasible, implement measures such as limiting work during peak foraging hours, maintaining floral resources in adjacent habitat, enforcing speed limits, and educating workers through WEAP training on species identification and reporting procedures.

5. All avoidance and minimization measures, maps, and reports will be included in the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP BIO-6) and implemented. Implementation will be reported in the Monthly Compliance Reports.

Page 5.2-238 and 5.2-339 of the Staff Assessment

MM BIO-11 Special-Status Plants. Prior to the start of ground disturbance activities, a qualified biologist knowledgeable on the identification of rare plant species shall conduct a pre-construction plant survey of areas proposed disturbance and 100-foot buffer (where legally accessible) timed during the appropriate blooming period of the survey season immediately prior to construction to determine if any special-status plant species are present. If special-status plants are identified on-site, their locations shall be mapped and PG&E shall confer with CDFW or USFWS as required by applicable law to avoid take ~~**of state or federally listed species**~~ **and/ or** ~~**to facilitate salvage or seed collection.**~~

Page 5.2-230 of the Staff Assessment

The project owner shall submit copies of all written or electronic communications from USFWS regarding the status of the SPUT or any related requirements to the CPM within 30 days of receipt. This includes any follow-up actions required by the project owner as specified by USFWS.

SWITCH BIO-1 Blunt-Nosed Leopard Lizard.

To avoid impacts to blunt-nosed leopard lizard impacts in and adjacent to suitable habitat, specifically for the new BAAH 500 kV, preconstruction surveys shall be conducted. All avoidance and minimization measures shall be included in the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and implemented.

1. **The Designated Biologist and/or Biological Monitor shall conduct surveys in suitable habitat for blunt-nosed leopard lizard (BNLL). Protocol level surveys shall be conducted in accordance with the 2019 CDFW Approved Survey Methodology for the Blunt-Nosed Leopard Lizard no more than one year prior to pre-construction site mobilization, including tree removal, or construction to determine the potential for occupancy by BNLL. The survey methods applied shall be commensurate with the anticipated level of disturbance to BNLL habitat.**
2. **Within work areas identified as suitable BNLL habitat as described above, temporary work areas which do not require ground disturbance that would result in habitat modification would follow the protocol "Survey for Disturbances for Maintenance Activities" which requires a total of 8-days of BNLL surveys over the course of the adult active period between April 15 and July 15. A minimum of 3 survey days will be conducted consecutively, with a maximum of 6 survey days completed within any 30-day time period. Fall hatchling surveys will not be required unless conditions or anticipated construction methods change. Examples of work activities include grading existing roads or previously disturbed areas, mowing, overland travel, and equipment staging that does not require improvements to existing conditions (pullsites, landing zones, staging areas).**
3. **Within work areas identified as suitable BNLL habitat as described above, a longer multi-season survey effort, "Surveys for Disturbances Leading to Habitat Removal," which includes both spring adult surveys and fall hatchling surveys, will be required for ground disturbing activities anticipated to result in permanent impacts to BNLL habitat. Examples of work activities include establishment of new roads or structures, conversion of land use,**

and excavations such as those required for underground infrastructure (trenching or boring of underground fiber). Adult BNLL surveys shall be conducted for 12 days over the course of the 90- day adult optimal survey period (April 15 to July 15), with a maximum of 4 survey days per week and 8 survey days within any 30-day time period. At least one survey session should be conducted for 4 consecutive days. In addition to the 12 days of BNLL surveys required for activities in this category, 5 additional survey days are required during the hatchling optimal survey period, with at least 2 survey days conducted between August 15-30 and at least 2 survey days between September 15-30, for a total of 17 survey days overall within the same survey season/calendar year.

4. **If BNLL are found within the survey areas during surveys or incidental observations, prior to any activities starting or resuming (whichever applies) within 50 feet distance of the detection, in that measures to ensure complete avoidance of any project related impacts to BNLL must be implemented. These measures must at a minimum include installation of appropriate signage, on site monitoring by approved qualified biologists during all ground disturbing activities within 50 feet of the detection, and consultation with the CPM, USFWS, and the CDFW to develop a BNLL avoidance plan, which must then be implemented.**
5. **If BNLL are found within the survey areas, measures to protect the species shall include appropriate signage, monitoring by approved qualified biologists and consultation with the CPM, USFWS and the CDFW to develop a BNLL avoidance plan. If burrows are found to be occupied, measures for avoidance and minimization of impact to BNLL shall be written in compliance with recommendations provided during agency consultations with the CPM in coordination with CDFW and/or USFWS and shall contain project specific details. Project actions in areas where BNLL are located shall be restricted to the species' active period (April to early November) to ensure that no aestivating BNLL in burrows are impacted while in their burrows. In conjunction with the CPM, in coordination with CDFW and/or USFWS, sensitive areas shall be established and protected with appropriate signage.**

Verification: The project owner shall submit a report to the CPM, CDFW and USFWS within 30 days of completion of surveys performed within work areas identified as suitable BNLL habitat. The report shall include the names of the surveyors and qualifications as well as describe survey methods, results, impact avoidance and minimization measures to be implemented. The project owner shall summarize the survey findings and describe any implemented avoidance or minimization measures in

the Monthly Compliance Report (MCR), pursuant to Condition of Certification BIO-6.

Page 5.2-235 of the Staff Assessment

SWITCH BIO-2 Western Red Bat Tree Removal Measures. To avoid and minimize impacts to western red bat (*Lasiurus blossevillii*) during tree removal, the following measures shall be implemented:

1. **A qualified bat biologist shall conduct pre-construction surveys for roosting bats within 200 feet of the project area at least 15 days prior to tree removal, unless a later date is approved by the CPM. The qualified bat biologist shall be approved by the CPM prior to conducting surveys. The biologist shall assess all trees for occupancy of western rat bat, or any other special status bat species, including presence of individuals or their sign ~~foliage roosts and crevices~~. Surveys shall include acoustic monitoring using appropriate bat detectors (e.g., AnaBat, SonoBat, or equivalent) conducted during dusk and dawn over at least two consecutive nights to detect bat activity. If no sign of occupancy (e.g., guano, staining, or vocalizations) is identified, tree removal may proceed without further measures for bats. If bats or their sign are present, additional measures shall be required, as detailed below.**
2. **If Western red bat are present to minimize disruption, tree removal should be scheduled outside of the bat maternity season (March 1 – August 31) and peak torpor period (December – February) whenever possible. If tree removal must occur during the maternity season, a qualified bat biologist shall confirm the absence of active maternity roosts before proceeding. If tree removal must occur in winter, a hibernation survey shall be conducted to assess bat occupancy and determine appropriate mitigation measures.**
3. **If bats or their sign are present, tree removal shall occur in a controlled manner. To ensure the optimum warning for any roosting bats that may still be present, the trees or structures shall be nudged lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. Trees or structures may then be pushed to the ground slowly under the supervision of a qualified bat biologist. Trees shall not be sawed up or mulched immediately. A period of at least 48 hours shall elapse prior to such operations to allow bats to escape. Felled trees shall remain in place until they are inspected by the qualified bat biologist.**
4. **To prevent winter roosting, leaf litter removal shall be conducted before the cold months to discourage bats from using it as a hibernation site. If trees must be removed between December and**

February, a qualified bat biologist will assess occupancy and recommend exclusion measures if needed. A qualified bat biologist shall monitor tree removal activities and document any observed bat presence.

5. **A post-removal survey report shall be submitted to the CPM. The survey report shall include the names of the surveyors and qualifications, detailed description of the survey methods, survey results, including observed bat activity, and the impact avoidance and minimization measures to be implemented.**

Verification: The project owner shall submit the resume of the qualified bat biologist at least 15 days prior to initiating bat surveys. The project owner and/or DB shall submit an email to the CPM prior to tree removal notify the CPM if bats are present. The project owner shall submit a final survey report to the CPM within 30 days after tree removal. The project owner shall summarize the survey findings and describe any implemented avoidance or minimization measures in the Monthly Compliance Report (MCR), pursuant to Condition of Certification BIO-6.

Page 5.2-254 of the Staff Assessment

Stanford University 2024 – California Tiger Salamander. Stanford Conservation Program, Field Conservation Facility. Stanford, CA. Accessed on August 12, 2024. Accessed online at: https://conservation.stanford.edu/science-management-0/species-risk/california-tiger-salamander

State Water Resources Control Board 2021. State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Adopted April, 2019 and Revised April, 2021. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf

The Wildlife Professional 2010 – The Wildlife Society. Harnessing Fire for Wildlife. Available at: https://northlab.faculty.ucdavis.edu/wp-content/uploads/sites/195/2016/11/Harnessing-Fire-for-Wildlife-Wildlife-Professional-article.pdf

Section 5.3 Climate Change and Greenhouse Gas Emissions

Page 5.3-12 of the Staff Assessment

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard

The ~~PG&E utility~~ **new BAAH 500 kV** switchyard's short-term construction GHG emissions would not generate substantial greenhouse gas emissions, either directly or indirectly, and would not have a significant impact on the environment. Over the 18-

month and 36-month scenario durations of construction, total GHG emissions associated with the ~~PG&E Utility~~ **new BAAH 500 kV** Switchyard would amount to approximately 6,665 $MTCO_2e$ and 5,112 $MTCO_2e$, respectively including all equipment and vehicle use, associated with the utility switchyard (RCI 2023ll). Construction vehicles and the supplies of transportation fuels used during construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard are required to comply with the applicable GHG reduction programs for mobile sources and suppliers of transportation fuels. Staff recommends **Condition of Certification (COC) SWITCH GHG-1** ~~Mitigation Measure (**MM**) **GHG-1**~~, which includes **generalized procedures** ~~PG&E construction measures for GHG as described in Section 5.3.6 of this analysis,~~ to further reduce GHG emissions from construction. Construction activities of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard would conform to relevant programs and recommended actions detailed in CARB's Scoping Plan.

Page 5.3-17 of the Staff Assessment

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard

The ~~PG&E utility~~ **new BAAH 500 kV** switchyard's short-term construction GHG emissions would not interfere with the state's ability to achieve long-term GHG emissions reduction goals. Construction vehicles and the supplies of transportation fuels used during construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard are required to comply with the applicable GHG reduction programs for mobile sources and suppliers of transportation fuels. Construction activities of the ~~PG&E utility switchyard~~ **new BAAH 500 kV** would conform to relevant programs and recommended actions detailed in CARB's Scoping Plan. ~~The PG&E Construction Measures for GHGs identify measures to reduce emissions during construction. Staff has concluded that these measures are sufficient to reduce emissions from construction activities.~~ Staff recommends COC **SWITCH GHG-1** ~~**MM GHG-1**~~, which includes **generalized procedures** ~~PG&E Construction Measures~~ to further reduce construction emissions.

Pages 5.3-22 and 5.3-23 of the Staff Assessment

GHG emissions associated with project components outside of CEC's jurisdiction, such as the ~~PG&E Utility Switchyard and~~ PG&E Downstream Network Upgrades to be considered for permitting by CPUC, would be further reduced with the inclusion of MMs.

...

SWITCH GHG-1

- **Encourage construction workers to carpool to the job site to the extent feasible. The ability to develop an effective carpool program for the project will depend upon the proximity of carpool facilities to the area, the geographical commute departure points of construction workers, and the extent to which carpooling will not adversely affect worker arrival time and the project's construction schedule.**

- **Minimize unnecessary construction vehicle idling time for on-road and off-road vehicles. The ability to limit construction vehicle idling time will depend on the sequence of construction activities and when and where vehicles are needed or staged. Certain vehicles, such as large diesel-powered vehicles, have extended warm-up times following start-up that limit their availability for use following start-up. Where such diesel-powered vehicles are required for repetitive construction tasks, these vehicles may require more idling time. The project will apply a "common sense" approach to vehicle use, so that idling is reduced as far as possible below the maximum of 5 consecutive minutes allowed by California law; if a vehicle is not required for use immediately or continuously for construction activities, its engine will be shut off. Construction foremen will include briefings to crews on vehicle use as part of preconstruction conferences. Those briefings will include discussion of a "common sense" approach to vehicle use.**
- **Maintain construction equipment in proper working conditions in accordance with PG&E standards.**
- **Minimize construction equipment exhaust by using low-emission or electric construction equipment, where feasible. Portable diesel fueled construction equipment with engines 50 horsepower or larger and manufactured in 2000 or later will be registered under the CARB Statewide Portable Equipment Registration Program.**
- **Minimize welding and cutting by using compression of mechanical applications where practical and within standards.**
- **Encourage use of natural gas-powered vehicles for passenger cars and light-duty trucks where feasible and available.**
- **Encourage recycling construction waste where feasible.**

Verification: The Air Quality Construction Mitigation Manager (AQCMM) in Condition of Certification AQ-SC1 shall provide the CPM a Monthly Compliance Report to demonstrate compliance with this condition.

Section 5.4 Cultural and Tribal Cultural Resources

Page 5.4-11 of the Staff Assessment

No previously recorded resources are documented within the solar facility or the ~~utility~~ **new breaker-and-a-half (BAAH) kV** switchyard.

Page 5.4-19 of the Staff Assessment

Incorporation of Conditions of Certification (COCs) **CUL-1** through **CUL-6 and recommended MMs CUL-1 through CUL-3** would reduce any impacts to less than significant.

Page 5.4-21 and 5.4-22 of the Staff Assessment

~~PG&E Utility~~New BAAH 500 kV Switchyard

No built environment historical resources were identified within the ~~utility~~ **new BAAH 500 kV** switchyard location. Therefore, no construction impacts to the built environment historical resources would occur as a result of this project component. The ~~utility~~**new BAAH 500 kV** switchyard location exhibits moderate to high sensitivity for buried archaeological resources. Historical agricultural activities in the project area have disturbed roughly the first 18 inches below the current ground surface. The applicant's response to Data Request DR PD-10 indicates excavation at the proposed ~~utility~~ **new BAAH 500 kV** switchyard will be 10–22 feet deep. (RCI 2024k, p. 20.) Ground-disturbing activities for the ~~utility~~ **new BAAH 500 kV** switchyard location project component within soils not previously disturbed could result in significant impacts to archaeological resources due to the depth of proposed ground-disturbing activities and location within moderate to high-sensitivity areas. **Staff proposes COCs SWITCH CUL-1 through CUL-6. The monitoring program contained is a comprehensive program that would prevent or reduce impacts on inadvertently found historical resources through early discovery, documentation, and other mitigative actions.**

~~The PG&E Construction Measures for cultural and tribal cultural resources identify professional qualifications for specialists and monitors who will observe project implementation, train the construction workforce in basic identification of historical resources, prepare and implement a monitoring plan, implement stop-work procedures (if required), and reporting to the California Public Utilities Commission (CPUC) on all activities. These measures would prevent or reduce impacts on inadvertently found historical resources through early discovery, documentation, and other mitigative actions. Staff has concluded that these measures are sufficient to reduce. Staff recommends Mitigation Measures (**MMs**) **CUL-1** through **CUL-3**. These measures would form a comprehensive monitoring program for inadvertent discoveries of historical resources during project implementation.~~

Page 5.4-23 of the Staff Assessment

Incorporation of COCs **CUL-1** through **CUL-6 and recommended MMs CUL-1 through CUL-3** would reduce any impacts to less than significant.

Page 5.4-24 and 5.4-25 of the Staff Assessment

~~PG&E Utility~~New BAAH 500 kV Switchyard

No unique archaeological resources are known to exist within the ~~PG&E utility~~**new BAAH 500 kV** switchyard component location. Given the high to moderate sensitivity for buried archaeological resources, however, there is a potential that a previously unidentified unique archaeological resource might be unearthed during construction. The ~~PG&E Construction Measures for cultural and tribal cultural resources~~ **COCs SWITCH CUL-1 through CUL-6** identify professional qualifications for specialists and

monitors who will observe project implementation, train the construction workforce in basic identification of historical resources, prepare and implement a monitoring plan, implement stop-work procedures (if required), and reporting ~~to the CPUC~~ on all activities. measure would prevent or reduce impacts on inadvertently found historical resources through early discovery, documentation, and other mitigative actions. Staff has concluded that these ~~measures~~ **COCs** are sufficient to reduce impacts. ~~Staff recommends **MMs CUL-1** through **CUL-3**. These measures would form a comprehensive monitoring program for inadvertent discoveries of historical resources during project implementation.~~

Page 5.4-26 and 5.4-27 of the Staff Assessment

~~PG&E Utility~~New BAAH 500 kV Switchyard

No formal cemeteries or human remains interred outside of formal cemeteries are known to exist within the ~~utility~~ **new BAAH 500kV** switchyard component location. Given the high to moderate sensitivity for buried archaeological resources, however, there is a potential that a previously unidentified human remains might be unearthed during construction. **Staff proposes COC SWITCH CUL-3. This measure would prevent or reduce impacts on inadvertently found human remains through early discovery, documentation, and other mitigative actions.** ~~The PG&E Construction Measure **MM CUL-3** identifies stop-work procedures and reporting requirements to the CPUC in the event human remains are discovered. Staff has concluded that this measure is sufficient to reduce impacts. Staff recommends **MM CUL-3**. This measure would prevent or reduce impacts on inadvertently found human remains through early discovery, documentation, and other mitigative actions.~~

Page 5.4-29 of the Staff Assessment

~~PG&E Utility~~New BAAH 500 kV Switchyard

To date no tribal cultural resources that are listed or are eligible for listing on the CRHR have been identified within the ~~PG&E utility~~**new BAAH 500 kV** switchyard. There is a possibility, however, that ground disturbance associated with the proposed project could result in the destruction of buried, as-yet unknown precontact archaeological resources that might qualify as tribal cultural resources. If these resources were to be destroyed, it would be a significant impact. The ~~PG&E Construction Measures for cultural and tribal cultural resources~~**COCs SWITCH CUL-1 through CUL-6** identify professional qualifications for specialists and monitors who will observe project implementation, train the construction workforce in basic identification of historical resources, prepare and implement a monitoring plan, implement stop-work procedures (if required), and reporting ~~to the CPUC~~ on all activities. measure would prevent or reduce impacts on inadvertently found historical resources through early discovery, documentation, and other mitigative actions. Staff has concluded that these measures are sufficient to reduce impacts. ~~Staff recommends **MMs CUL-1** through **CUL-3**. These measures would form a comprehensive monitoring program for inadvertent discoveries of historical resources during project implementation.~~

Page 5.4-31 and 5.4-32 of the Staff Assessment

~~PG&E Utility~~New BAAH 500 kV Switchyard

To date no tribal cultural resources have been identified within the ~~PG&E utility~~ **new BAAH 500 kV** switchyard. There is a possibility, however, that ground disturbance associated with the proposed project could result in the destruction of buried, as-yet unknown precontact archaeological resources that might qualify as tribal cultural resources. If these resources were to be destroyed, it would be a significant impact. The ~~PG&E Construction Measures for cultural and tribal cultural resources~~**COCs SWITCH CUL-1 through CUL-6** identify professional qualifications for specialists and monitors who will observe project implementation, train the construction workforce in basic identification of historical resources, prepare and implement a monitoring plan, implement stop-work procedures (if required), and reporting ~~to the CPUC~~ on all activities. ~~measure~~**The COCs** would prevent or reduce impacts on inadvertently found historical resources through early discovery, documentation, and other mitigative actions. ~~Staff has concluded that these measures are sufficient to reduce impacts. Staff recommends **MMs CUL-1** through **CUL-3**. These measures would form a comprehensive monitoring program for inadvertent discoveries of historical resources during project implementation.~~

Page 5.4-33 of the Staff Assessment

Solar Facility, Battery Storage System, Step-Up Substation, O&M Facility, and Generation-Intertie Line, and New BAAH 500 kV Switchyard

...

~~PG&E Utility and~~ Downstream Network Upgrades

Page 5.4-38 to 5.4-42 of the Staff Assessment

SWITCH CUL-1 Designated Cultural Resources Specialist. The project owner shall retain a designated Cultural Resources Specialist (CRS) who will be available to carry out mitigation measures related to cultural and tribal cultural resources for the project. The CRS shall meet or exceed the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983). The CRS shall be qualified in site detection, evaluation of deposit significance, consultation with regulatory agencies, and plan site evaluation and mitigation activities.

Verification: Within 30 days of selection of a CRS, the project owner shall provide a copy of any resume(s) to CEC for review and approval that the CRS meets the Standards.

SWITCH CUL-2 Cultural and Tribal Cultural Resources Mitigation and Monitoring Plan. Prior to the start of permitted ground disturbing activities, the CRS shall prepare a Cultural and Tribal Cultural

Resources Mitigation and Monitoring Plan (CTCRMMP). The CTCRMMP shall be consistent with state law and shall include a description of monitoring personnel (such as archaeological monitors and California Native American monitors, if requested by one or more affiliated tribes), the monitoring methods, including when monitoring will be required, the authority of the monitor to halt construction should a discovery be made, contact information should a discovery be made, definition of site types typically present within the area, define the types of resources that would require that work be halted or redirected, provide the protocols for unanticipated discoveries (e.g., who to call and next steps for documentation and coordination), methods for establishing an Environmentally Sensitive Area (ESA) should one be required, review and approval protocols (e.g., define review periods for agencies and stakeholders), documentation and reporting requirements, and dispute resolution.

Verification: At least 90 days prior to the start of construction, the project owner shall provide a draft CTCRMMP to CEC for review and approval.

SWITCH CUL-3 Worker Environmental Awareness Program (WEAP). Prior to the start of ground disturbance, the construction crew shall participate in on-site training on the proper procedures to follow if cultural or tribal cultural resources are uncovered during the project excavations, site preparation, or other related activities. This WEAP shall include a comprehensive discussion of applicable laws and penalties under the law, samples or visuals of artifacts that might be found in the vicinity of the project site, a discussion of what such artifacts may look like when partially buried or wholly buried and then freshly exposed, a discussion of what precontact and historic-period archaeological deposits look like at the surface and when exposed during construction, instruction that employees are to halt work in the vicinity of a discovery (within 100 feet) and requirements for working within 50 feet of an ESA. This information shall be provided in an informational brochure that outlines reporting procedures in the event of a discovery and shall be provided to all individuals working on-site.

Verification: At least 20 days prior to the start of construction, the project owner shall notify CEC that the WEAP has been scheduled and allow for participation of any tribal participants should they have requested so during CEC's ongoing tribal consultation for the undertaking.

SWITCH CUL-4 Archaeological Monitoring. Archaeological monitor(s) working under the direction of the CRS shall be on-site during permitted ground disturbing activities described herein that occur within locations identified as having moderate to high sensitivity for buried archaeological deposits. Activities that shall require an

archaeological monitor include mass grading that exposes previously undisturbed soils (approximately 18 inches below ground surface based on previous agricultural practices), and open trench excavation with mechanical equipment. Activities that do not expose soil profiles, such as pile driving, ditch witch trenching, and the use of hand tools, will not require monitoring unless they occur within 50 feet of an ESA.

During monitoring, the monitors shall examine the work areas for the presence of precontact artifacts (e.g., chipped stone tools and production debris, stone milling tools, ceramics), historic-period debris (e.g., metal, glass, ceramics), and/or soil discoloration that might indicate the presence of a cultural midden. Each monitor shall maintain a daily log documenting ground disturbing activity, work locations, description, and provenience of any archaeological discoveries (if any), and any necessary action items for monitoring.

The archaeological monitor shall have the authority to halt and redirect work in the event of a discovery. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and/or redirected, and the find evaluated for listing in the California Register of Historical Resources. Should an unanticipated resource be found as eligible for the California Register of Historical Resources and avoidance is infeasible, additional analysis (e.g., testing) may be necessary to determine if project impacts would be significant.

Archaeological monitoring may be reduced or terminated at the discretion of the CRS in consultation with CEC, as warranted by conditions such as encountering bedrock, the presence of fill soil, or negative findings during initial ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location or when ground disturbance will extend to depths not previously excavated (unless those depths are within bedrock).

Verification: Within 60 days of completion of ground disturbing activities requiring monitoring, the CRS shall provide a monitoring report to the CEC for review and approval, consistent with the CTCRMMP prepared under COC SWITCH CUL-2.

SWITCH CUL-5 Unanticipated Discovery of Cultural or Tribal Cultural Resources. In the event that cultural or tribal cultural resources are unexpectedly encountered during ground-disturbing activities, work within 100 feet of the find shall halt and the CRS be contacted immediately to evaluate the resource. If the resource is determined by the CRS to be precontact, then a Native American representative shall

also be contacted to participate in the evaluation of the resource. If the CRS and/or Native American representative determines it to be appropriate, archaeological testing for California Register of Historical Resources eligibility shall be completed. If the resource proves to be eligible for the California Register of Historical Resources and significant impacts to the resource cannot be avoided via project redesign, the CRS shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the California Code of Regulations, title 14, section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the CRS and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The CEC shall review and approve the data recovery plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System (CHRIS), per the California Code of Regulations, title 14, section 15126.4(b)(3)(C).

Verification: Should there be an unanticipated discovery of cultural or tribal cultural resources, the CRS shall comply with state law and any provisions described in the CTCRMMP. The CRS shall notify CEC within 24 hours of the discovery and invite CEC's participation in the resolution of the find.

SWITCH CUL-6 Human Remains. If human remains are found, the California Health and Safety Code, section 7050.5 states that no further disturbance shall occur until the Coroner has made a determination of origin and disposition pursuant to the Public Resources Code, section 5097.98. In the event of an unanticipated discovery of human remains, the Coroner must be notified immediately. If the human remains are determined to be of Native American origin, the Coroner will notify the Native American Heritage Commission, which will identify and notify a most likely descendant who has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the most likely descendant does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance.

Verification: Should human remains be discovered, the CRS shall comply with state law and any provisions described in the AMDP. The CRS shall notify CEC within 24 hours of the discovery and invite CEC's participation in the resolution of the find.

Section 5.6 Geology, Paleontology, and Minerals

Page 5.6-9 of the Staff Assessment

Fresno County Code of Ordinances. The Fresno County Code of Ordinances (COO) largely adopts the CBC with specific edits. Title 15 – Building and Construction and Title 17 – Divisions of Land include**s** building and construction requirements to reduce hazard potential that are applicable to all new construction, including the project (Fresno County 2024b).

These requirements include, but are not limited to:

- Grading and Excavation – Chapter 15.28. Adopts Chapter 18, Chapter 33, and Appendix J of the 2022 CBC ~~and Section R300 of the 2022 California Residential Code~~ except as noted in Chapter 15.28.020 of the COO. (CBC 2022; ~~CCR 2022;~~ Fresno County 2024b)
- ~~Preliminary Soils Report – Chapter 17.32.030. Requires a Preliminary Soils Report to be prepared by a registered civil engineer. (Fresno County 2024b)~~

Pages 5.6-14 to 5.6-18 of the Staff Assessment

ii. Strong seismic ground shaking?

Construction– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, impacts associated with strong seismic ground shaking on project construction would be less than significant with the implementation of COCs **GEO-1, SWITCH GEO-1, ~~and GEO-2,~~ GEN-1, CIVIL-1,** and **STRUC-1, and MMs GEO-1** to **GEO-~~3~~2, GEN-1,** and **CIVIL-1.** See S**ection 4.1, Facility Design** for a description of COCs **GEN-1**, **CIVIL-1,** and **STRUC-1**.

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500kV switchyard, and Generation-Intertie Line

...

Prior to the issuance of a building permit for the final design of the jurisdictional project components, COCs **GEO-1** and **SWITCH GEO-1 ~~GEO-2~~** require the project owner to complete and submit ~~preliminary soil and~~ geotechnical reports to the CEC for review and approval. The~~se~~ report~~s~~ shall include recommendations for mitigation to further reduce, to the extent feasible, hazards from strong seismic ground shaking. These recommendations shall be incorporated into the design of the jurisdictional components.

During design and construction of the jurisdictional project components, compliance with COC~~s~~ **GEO-1** and **SWITCH GEO-1 ~~GEO-2~~**, and Facility Design COCs **GEN-1**, **CIVIL-1**, and **STRUC-1** (see **Section 4.1, Facility Design**) would reduce strong seismic ground shaking risks to less than significant. With mitigation, the jurisdictional

project components would directly or indirectly expose people or property to less than significant impacts associated with strong seismic ground shaking.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

Based on the evaluation provided in the section above, it is recommended that design and construction of the non-jurisdictional project components comply with **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**. With mitigation, construction of the non-jurisdictional project components would directly or indirectly expose people or property to less than significant impacts associated with strong seismic ground shaking.

Operation— *Less than Significant Impact*

Based on the analysis below, impacts associated with strong seismic ground shaking on project operation would be less than significant with the implementation of COCs **GEO-1, SWITCH GEO-1** ~~and **GEO-2**~~, **GEN-1**, **CIVIL-1,** and **STRUC-1**, and **MMs GEO-1** to **GEO-2** ~~**GEO-3**~~, **GEN-1**, and **CIVIL-1**.

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500kV switchyard, and Generation-Intertie Line

During operation and maintenance of the proposed project, the jurisdictional project components could be subject to strong seismic ground shaking and associated hazards. Continued compliance with COCs **GEO-1, SWITCH GEO-1**~~and **GEO-2**~~, **GEN-1**, **CIVIL-1**, and **STRUC-1**, would not expose people or property, directly or indirectly, to significant impacts associated with strong seismic ground shaking. With mitigation, the impacts of the jurisdictional project components on the safety of people or structures from strong seismic ground-shaking during operations and maintenance would be less than significant.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

Based on the evaluation provided in the section above, it is recommended that operation and maintenance of the non-jurisdictional project components comply with **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**. With mitigation, operation and maintenance would directly or indirectly expose people or property to less than significant impacts associated with strong seismic ground shaking.

...

iii. Seismic-related ground failure, including liquefaction?

Construction– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, impacts associated with seismic-related ground failure, including liquefaction, on project construction would be less than significant with the implementation of COCs **GEO-1, SWITCH GEO-1** ~~**GEN-1**~~ and ~~**GEN-2**~~**, GEN-1**, **CIVIL-1**, and **STRUC-1** and **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**.

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500kV switchyard, and Generation-Intertie Line

...

Liquefaction analyses for the project site was performed in general accordance with the CGS Special Publication 117 and 117A (CDOC 2008). The analysis was based on the soil data from the soil borings within the step-up substation area, a site-modified PGA of 0.6 g, and a mean magnitude of 6.3. The historical high groundwater depth of 4 feet below **new BAAH 500kV switchyard** ~~PG&E Switchyard~~ the ground surface was used. (RCI 2024e)

Calculation results indicate that on-site soils within the step-up substation site are susceptible to liquefaction at approximate depths of 7½ to 12 and 35 to 39 feet below the ground surface. Seismically induced settlement of saturated and unsaturated sands was estimated to be on the order of 1.6 inches. Differential seismic settlement is anticipated to be on the order of 1-inch. (RCI 2024e)

Groundwater was not encountered at the new BAAH 500kv switchyard site. At the new BAAH 500kV switchyard site, historical groundwater levels were reported deeper than 100 feet bgs. The potential for liquefaction, and liquefaction related hazards, such as lateral spreading, is considered low. (RCI 2024h)

Prior to the issuance of a building permit for the final design of the jurisdictional project components, COCs **GEO-1 and SWITCH GEO-1** ~~and **GEO-2**~~ require the project owner to complete and submit ~~preliminary soil and~~ geotechnical report~~s~~ to the CEC for review and approval. The~~se~~ report~~s~~ shall include recommendations for mitigation, to the extent feasible, the seismic-related ground failure hazard. These recommendations shall be incorporated into the design of the jurisdictional components.

Design and construction of the jurisdictional project components would be required to comply with COC~~s~~ **GEO-1** ~~and **GEO-2**~~, **SWITCH GEO-1, GEN-1**, **CIVIL-1**, and **STRUC-1** to address seismic related ground failure concerns. With mitigation, construction of the jurisdictional project components would expose people or property to less than significant direct or indirect impacts associated with the effects of seismic related ground failure.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

~~Groundwater was not encountered at the PG&E Switchyard. At the Switchyard, historical groundwater levels were reported deeper than 100 feet bgs. The potential for liquefaction, and liquefaction related hazards, such as lateral spreading, is considered low.~~ Groundwater was not evaluated at the ~~PG&E~~ Downstream Network Upgrades. (RCI 2024h)

Based on the evaluation provided in this section and the section above, it is

recommended the non-jurisdictional project components are designed and constructed in compliance with **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**, to address the effects of seismic related ground failure.

Operation– *Less Than Significant Impact*

Based on the analysis below, impacts associated with seismic-related ground failure, including liquefaction, on project operation would be less than significant with the implementation of COC~~s~~ **GEO-1 and SWITCH GEO-1** ~~and **GEO-2**~~, **GEN-1, CIVIL-1**~~,~~ ~~and **STRUC-1**~~ and **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**.

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500kV switchyard, and Generation-Intertie Line

During the operation and maintenance of the proposed project, the facility could be subject to seismic related ground failure. For the jurisdictional project components, continued compliance with COC~~s~~ **GEO-1** ~~and **GEO-2**~~, **SWITCH GEO-1, GEN-1**, **CIVIL-1**, **and STRUC-1**, would not expose people or property, directly or indirectly, to significant impacts associated with the effects of seismic related ground failure. With mitigation, risks to people or structures from seismic related ground failure during operation and maintenance of the jurisdictional project components would continue to be less than significant.

~~**PG&E Utility Switchyard and**~ **Downstream Network Upgrades**

Based on the evaluation provided in the section above, it is recommended that operation and maintenance of the non-jurisdictional project components include continued compliance with **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**.

Continued compliance would not expose people or property, directly or indirectly, to significant impacts associated with the effects of seismic related ground failure. With mitigation, risks to people or structures from seismic related ground failure would continue to be less than significant.

Pages 5.6-18 to 5.6-22 of the Staff Assessment

b. Would the project result in substantial soil erosion or the loss of topsoil?

Construction and Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, impacts associated with substantial soil erosion or topsoil loss on project construction and operation would be less than significant with implementation of **COC WATER-2 (See Section 5.16, Water Resources COCs WATER-2),** COCs **GEO-1** ~~and **GEO-2**~~, **GEN-1**, **CIVIL-1**, and **STRUC-1,** and **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1.**

Prior to the issuance of a building permit for the final design of the jurisdictional project

components, COCs **GEO-1** ~~and **GEO-2**~~ requires the project owner to complete and submit a preliminary soil and geotechnical reports to the CEC for review and approval. These reports shall include recommendations to mitigate, to the extent feasible, substantial soil erosion and the loss of topsoil. These recommendations shall be incorporated into the design of the jurisdictional components.

Compliance with the COCs **GEO-1** ~~and **GEO-2**~~, **GEN-1**, and **CIVIL-1** would mitigate impacts of construction, operations, and maintenance activities on soil erosion and loss of topsoil to less than significant.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

Based on the evaluation in the section above, for the non-jurisdictional project components, recommended compliance with **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**, would mitigate impacts of construction, operations, and maintenance activities on soil erosion and loss of topsoil to less than significant.

...

c. Would the project be located on geologic units or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Construction– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, the impacts associated with unstable geological units on project construction would be less than significant with the implementation of COCs **GEO-1, SWITCH GEO-1** ~~and **GEO-2**~~, **GEN-1**, **CIVIL-1**, and **STRUC-1**, and **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**.

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500kv switchyard, and Generation-Intertie Line

The jurisdictional project components would be constructed in areas that have experienced land subsidence in the past (SWRCB 2023). As discussed in project application **Section 5.16~~5.13~~, Water Resources**, Westlands Water District (WWD) Groundwater Sustainability Agency (GSA) and Fresno County are currently implementing a subsidence monitoring network throughout the San Joaquin Valley – Westside subbasin, in cooperation with other agencies including the USGS, California Department of Water Resources, and United States Bureau of Reclamation.

...

The WWD GSA is responsible for implementation of the Westside Subbasin Groundwater Sustainability Plan, including continued implementation of the subsidence monitoring network.

The new BAAH 500kv switchyard is an area that has not been specifically evaluated for ground subsidence. A review of vertical displacement contours indicates the area has a similar subsidence potential compared to the jurisdictional project components. (RCI 2023m)

...

Prior to the issuance of a building permit for the final design of the jurisdictional project components, COCs **GEO-1 and SWITCH GEO-1** ~~and **GEO-2**~~ require the project owner to complete and submit ~~preliminary soil and~~ geotechnical report~~s~~ to the CEC for review and approval. The~~se~~ report~~s~~ shall include recommendations for procedures to mitigate unstable geologic units and geologic units that could become unstable. These recommendations shall be incorporated into the final design of the jurisdictional components.

With compliance with COCs **GEO-1** and **SWITCH GEO-1** ~~**GEO-2**~~, **GEN-1**, **CIVIL-1**, and **STRUC-1**, the jurisdictional project components would not be constructed on geologic units or soils that are unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. With mitigation, construction of the jurisdictional project components would result in less than significant impacts from soils that are unstable or could become unstable because of the project.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

~~The PG&E Switchyard, a non-jurisdictional Project component, is an area that has not been specifically evaluated for ground subsidence. A review of vertical displacement contours indicates the area has a similar subsidence potential compared to the jurisdictional project components.~~ The PG&E Downstream **Network** Upgrades, a non-jurisdictional component, were not evaluated for ground subsidence. (RCI 2023m)

Based on the evaluation in the section above, recommended compliance with **MMs GEO-1** and **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1** would ensure that non-jurisdictional project components are not constructed on geologic units or soils that are unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

...

Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, the impacts associated with unstable geological units on project operation would be less than significant with the implementation of COCs **GEO-1, SWITCH GEO-1** ~~and **GEO-2**~~, **GEN-1**, **CIVIL-1**, and **STRUC-1** and **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**.

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500kv switchyard, and Generation-Intertie Line

Operation and maintenance of jurisdictional project components would not change the surface runoff or geotechnical characteristics of the material beneath the project facilities. Thus, operation and maintenance activities would not introduce new soil stability hazards. Occasional minor surface disturbance may continue to be required during maintenance activities, but such disturbance would be temporary and likely small. Project operation and maintenance would not expose people or property, directly or indirectly, to unstable geologic or soil units (RCI 2023m; RCI 2023n).

Continued compliance with COCs **GEO-1** and **SWITCH GEO-1** ~~**GEO-2**~~, **GEN-1**, **CIVIL-1**, and **STRUC-1**, would result in less than significant impacts from soils that are unstable or could become unstable because of the project during operation and maintenance.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

Based on the evaluation in this section and the section above, recommended continued compliance with **MMs GEO-1**, **GEO-2**, **GEN-1**, and **CIVIL-1** would result in less than significant impacts from soils that are unstable or could become unstable because of the project during operation and maintenance.

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d. Would the project be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2022), creating substantial direct or indirect risks to life or property?

Construction and Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, the impacts associated with expansive soils on project construction and operation would be less than significant with the implementation of COCs **GEO-1, SWITCH GEO-1** ~~and **GEO-2**~~, **GEN-1**, and **CIVIL-1**, and **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**.

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Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500kv switchyard, and Generation-Intertie Line

...

Prior to the issuance of a building permit for the final design of the jurisdictional project components, COC~~s~~ **GEO-1** and **SWITCH GEO-1** ~~**GEO-2**~~ require the project owner to complete and submit ~~preliminary soil and~~ geotechnical report~~s~~ to the CEC for review and approval. The~~se~~ report~~s~~ shall include recommendations for mitigation, to the extent feasible, hazards from expansive soils. These recommendations shall be incorporated into the design of the jurisdictional components.

Compliance with COCs **GEO-1** and **SWITCH GEO-1** ~~**GEO-2**~~, **GEN-1**, and **CIVIL-1** would mitigate potential impacts from expansive soils on construction, operations, and maintenance of the jurisdictional project components to less than significant.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

Based on the evaluation in the section above, recommended continued compliance with **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**, would mitigate potential impacts from expansive soils on construction, operation, and maintenance of non-jurisdictional project components to less than significant.

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e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Construction and Operation– *Less Than Significant Impact*

Based on the analysis below, the impacts associated with wastewater disposal on soils would have a less than significant impact on project construction and operation.

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500kv switchyard, and Generation-Intertie Line

During project construction, wastewater production would be limited to temporary toilet and sanitary facilities, which would be serviced by a third-party contractor; no wastewater would be discharged within or to the project site. **As required in Water Resources COC WATER-4 (see Section 5.16, Water Resources),** ~~During~~ **during** project operation, wastewater production would be associated with permanent toilet and sanitary facilities. The sanitary facilities would either consist of portable sinks and toilets that would be regularly emptied by a permitted provider, or permanent facilities with an Onsite Wastewater Treatment System (OWTS), subject to oversight and approval by the County of Fresno Public Works and Planning Department. (RCI 2023oo)

~~With incorporation of an approved OWTS or portable sinks and toilets that would be regularly emptied by a permitted provider,~~ **Compliance with COC WATER-4 would reduce** the potential impacts related to wastewater disposal during construction and operation of the jurisdictional project components ~~would be considered~~ **to** less than significant.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

Based on the evaluation in the section above, **staff recommend compliance with relevant existing LORS to reduce** the potential impacts related to wastewater disposal during construction and operation of the non-jurisdictional project components ~~would be considered~~ **to** less than significant.

...

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Construction and Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, compliance with COCs **PAL-1** to **PAL-8** and **MMs PAL-1** to **PAL-8** would mitigate impacts of project construction and operation on unique paleontological or geologic features to less than significant.

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For the jurisdictional project components, staff propose COCs **PAL-1** to **PAL-8** to address the potential for the discovery of paleontological resources during excavation in native materials. During construction, operation, and maintenance of jurisdictional project components, compliance with COCs **PAL-1** to **PAL-8** would mitigate impacts to paleontological resources to less than significant.

~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

Based on the evaluation in the section above, during construction, operation, and maintenance of the non-jurisdictional project components, staff recommend compliance with **MMs PAL-1** to **PAL-8** to mitigate the potential impacts on paleontological resources to less than significant.

Pages 5.6-28 to 5.6-29 of the Staff Assessment

5.6.2.3 Cumulative Impacts

Construction and Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, geologic hazards would have a less than significant impact on project construction and operation with implementation of conditions of certification (COCs) **GEO-1** ~~and **GEO-2**~~, **GEN-1**, **CIVIL-1**, **STRUC-1, WATER-2**, **WATER-4** and mitigation measures (MMs) **GEO-1** to **GEO-~~3~~2**, **GEN-1**, and **CIVIL-1**. For details about COCs **GEN-1**, **CIVIL-1**, and **STRUC-1**, refer to **Section 4.1, Facility Design**. For details about COCs **WATER-2** and **WATER-4**, refer **to Section 5.16, Water Resources**. With implementation of these COCs and MMs, project construction and operation would have a less than significant impact on geologic hazards.

Project construction and operation would have a less than significant impact on geologic, mineral, and paleontological resources, with implementation of COCs **PAL-1** to **PAL-8** and **MMs PAL-1** to **PAL-8**.

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, new BAAH 500 kV switchyard, and Generation-Intertie Line

Geologic Hazards

The proposed project site would be constructed, operated, and maintained in a seismically active geologic environment. The ground shaking potential at jurisdictional project components must be mitigated through foundation and structural design as required by CBC 2022, or the most current version superseding that code, and Fresno County COO Title 15 and 17, and compliance with COCs **GEO-1** ~~and **GEO-2**~~, **SWITCH GEO-1,** **GEN-1**, **CIVIL-1**, and **STRUC-1**.

The potential for seismic induced ground failure, including liquefaction, unstable soils, expansive soils, soil erosion, would be addressed and mitigated through appropriate facility design. Soils that may be subject to settlement due to liquefaction, would be addressed and mitigated in accordance with a design-level geotechnical investigation as required by CBC 2022, Fresno County COO Title 15, and COC**s GEO-1, SWITCH GEO-1, WATER-2, and WATER-4** ~~**GEO-2**~~.

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~~PG&E Utility Switchyard and~~ Downstream Network Upgrades

Geologic Hazards

Based on the evaluation provided in the section above, it is recommended that design, construction, operation, and maintenance of the non-jurisdictional project components comply with **MMs GEO-1** to **GEO-~~3~~2**, **GEN-1**, **CIVIL-1**, and **STRUC-1** through **STRUC-3** to mitigate potential cumulative impacts from geologic hazards to less than significant.

Geologic, Mineral, and Paleontological Resources

Based on the evaluation provided in the section above, it is recommended that design, construction, operation, and maintenance of the non-jurisdictional project components comply with **MMs PAL-1** to **PAL-8-**to mitigate the potential cumulative impacts on geologic, mineral, and paleontological resources to less than significant.

Page 5.6-35 to 5.6-37 of the Staff Assessment

5.6.4 Conclusions and Recommendations

Staff recommends adopting the COCs as detailed in subsection “5.6.5 Proposed Conditions of Certification” below. As discussed above, with implementation of the staff proposed COCs, impacts from the jurisdictional project components related to geology, paleontology, and minerals, would be less than significant. The jurisdictional project components would conform with applicable LORS. The COCs below are enforceable as part of the CEC's certificate for the portions of the project constituting the site and related facilities.

Impacts associated with the ~~PG&E Utility Switchyard and~~ Downstream Network Upgrades to be considered for permitting by the California Public Utilities Commission

(CPUC) would be further reduced with the inclusion of MMs.

5.6.5 Proposed Conditions of Certification

The following conditions of certification (COC) are proposed for Geology, Minerals, and Paleontology for the jurisdictional project components. For detailed descriptions of COCs **GEN-1**, **CIVIL-1**, and **STRUC-1**, refer to **Section 4.1, Facility Design**. **For details about COCs WATER-2 and WATER-4, refer to Section 5.16, Water Resources. For purposes of these COCs, references to the California codes means the code in force at the time the project starts ground disturbing activities.**

~~GEO-1~~ ~~As described in the CBC (2022) Section 1803.1 and Fresno County Code of Ordinances Title 17 (2024), or their successors, the project owner shall complete a preliminary soil report. The report shall specifically include laboratory test data, associated geotechnical engineering analyses, and a thorough discussion of seismicity, liquefaction, dynamic compaction, compressible soils, corrosive soils, and ground rupture due to faulting. The report must also include recommendations for ground improvement and foundation systems necessary to mitigate these potential geologic hazards, if present.~~

~~As described CBC (2022) Sections 1803.2 to 1803.5, the project owner shall complete geotechnical investigations if investigative conditions exist for questionable soils, expansive soils, shallow groundwater, deep foundations, rock strata, excavations near foundations, compacted fill material, controlled low-strength material, alternate setback and clearance, and Seismic Design Categories C through F.~~

~~In accordance with the California Business and Professions Code and CBC (2022) Section 1803.1, the preliminary soils report and other geotechnical investigations must be prepared under the responsible charge of, and signed by, appropriate qualified California licensed individuals.~~

~~As described in Section 1803.7 of the California Building Code (CBC 2022), or its successor in effect at the time construction of the project commences, the project owner shall complete a geohazards report. The geohazard report shall identify geologic and seismic conditions that may require mitigation. An appropriate qualified California-certified licensed engineering geologist, in consultation with a California registered geotechnical engineer, shall prepare, sign, and seal the geohazards report.~~

~~Verification:~~ ~~As described in the CBC (2022) and Section 1803.1 and Section 1803.6, the project owner shall submit a written report of the preliminary soil report and geotechnical and geohazard investigations to the CEC's delegate chief building official (DCBO). The project owner shall provide to the compliance project manager (CPM) copies of the soils engineering report, application for grading permit, and any comments by the DCBO at least 60 days prior to grading.~~

~~**GEO-2**~~ **GEO-1** As described in the CBC (2022) Sections 1803.2 to 1803.5, the project owner shall complete geotechnical investigations if investigative conditions exist for questionable soils, expansive soils, shallow groundwater, deep foundations, rock strata, excavations near foundations, compacted fill material, controlled low-strength material, alternate setback and clearance, and Seismic Design Categories C through F.

...

SWITCH GEO-1 As described in the CBC (2022) Sections 1803.2 to 1803.5, the project owner shall complete geotechnical investigations if investigative conditions exist for questionable soils, expansive soils, shallow groundwater, deep foundations, rock strata, excavations near foundations, compacted fill material, controlled low-strength material, alternate setback and clearance, and Seismic Design Categories C through F.

In accordance with the California Business and Professions Code and CBC (2022) Section 1803.1, the geotechnical investigations must be prepared under the responsible charge of, and signed by, appropriate qualified California licensed individuals.

As described in Section 1803.7 of the California Building Code (CBC 2022), or its successor in effect at the time construction of the project commences, the project owner shall complete a geohazards report. The geohazard report shall identify geologic and seismic conditions that may require mitigation. An appropriate qualified California-certified licensed engineering geologist, in consultation with a California registered geotechnical engineer shall prepare, the geohazards portion of the geotechnical report.

Verification: As described in the CBC (2022) Section 1803.6, the project owner shall submit a written geotechnical report to the DCBO. The project owner shall provide to the CPM copies of the geotechnical investigations and geohazards report, building permit, and any comments by the DCBO at least 60 days prior to grading.

Pages 5.6-39 of the Staff Assessment

PAL-2 The project owner shall provide to the PRS and the CPM, for approval, maps and drawings showing the footprint of the power plant, construction lay-down areas, and all related facilities. Maps shall identify all areas of the project where ground disturbance is anticipated. If the PRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the PRS and CPM. The site grading plan and the plan and profile drawings for the utility lines would be acceptable for this purpose. The plan drawings must show the location, depth, and extent of all ground disturbances and be at a scale between 1 inch =

40 feet (1:480) and 1 inch = **200 feet (1:2,400)**~~100 feet (1:1,200)~~. If the footprint of the project or its linear facilities change, the project owner shall provide maps and drawings reflecting those changes to the PRS and CPM.

If construction of the project proceeds in phases, maps and drawings may be submitted prior to the start of each phase. A letter identifying the proposed schedule of each project phase shall be provided to the PRS and CPM. Before work commences on affected phases, the Project owner shall notify the PRS and CPM of any construction phase scheduling changes.

At a minimum, the project owner shall ensure that the PRS or PRM consults weekly with the project superintendent and construction field manager to confirm area(s) to be worked the following week, until ground disturbance is completed.

Pages 5.6-42 to 5.6-43 of the Staff Assessment

PAL-6 The project owner shall ensure that the PRS and PRM(s) monitor, consistent with the PRMMP, all construction-related grading and excavation in areas where potential fossil-bearing materials have been identified, both at the site and along any constructed linear facilities associated with the project. If the PRS determines full-time monitoring is not necessary in locations that were identified as potentially fossil bearing in the PRMMP, the project owner shall notify and seek the concurrence with the CPM.

...

- The project owner shall ensure that the PRM(s) keep a daily monitoring log of paleontological resource activities; copies of these logs shall be submitted with the MCR. **The CPM may choose to require a summary of the daily monitoring logs in the MCR, instead of copies of the daily monitoring logs. If significant paleontological resources are encountered, daily monitoring logs must be included in the MCR.** The name and contact information of PRM(s) and PRS who were making field observations shall be included in the daily log. The PRS may informally discuss paleontological resource monitoring and mitigation activities with the CPM at any time

Page 5.6-45 and 5.6-46 of the Staff Assessment

~~**MM GEO-1** As described in the CBC (2022) Section 1803.1 and Fresno County Code of Ordinances Title 17 (2024), or their successors, the project owner shall complete a preliminary soil report. The report shall specifically include laboratory test data, associated geotechnical engineering analyses, and a thorough discussion of seismicity, liquefaction, dynamic compaction, compressible soils, corrosive soils, and ground rupture due to faulting. The report must also include recommendations for ground improvement and foundation systems necessary to~~

~~mitigate these potential geologic hazards, if present.~~

~~As described CBC (2022) Sections 1803.2 to 1803.5, the project owner shall complete geotechnical investigations if investigative conditions exist for questionable soils, expansive soils, shallow groundwater, deep foundations, rock strata, excavations near foundations, compacted fill material, controlled low-strength material, alternate setback and clearance, and Seismic Design Categories C through F.~~

~~In accordance with the California Business and Professions Code and CBC (2022) Section 1803.1, the preliminary soils report and other geotechnical investigations must be prepared under the responsible charge of, and signed by, appropriate qualified California licensed individuals.~~

~~As described in Section 1803.7 of the California Building Code (CBC 2022), or its successor in effect at the time construction of the project commences, the project owner shall complete a geohazards report. The geohazard report shall identify geologic and seismic conditions that may require mitigation. An appropriate qualified California-certified licensed engineering geologist, in consultation with a California registered geotechnical engineer, shall prepare, sign, and seal the geohazards report.~~

MM GEO-~~2~~1 As described in the CBC (2022) Sections 1803.2 to 1803.5, the project owner shall complete geotechnical investigations if investigative conditions exist for questionable soils, expansive soils, shallow groundwater, deep foundations, rock strata, excavations near foundations, compacted fill material, controlled low-strength material, alternate setback and clearance, and Seismic Design Categories C through F.

In accordance with the California Business and Professions Code and CBC (2022) Section 1803.1, the geotechnical investigations must be prepared under the responsible charge of, and signed by, appropriate qualified California licensed individuals.

As described in Section 1803.7 of the California Building Code (CBC 2022), or its successor in effect at the time construction of the project commences, the project owner shall complete a geohazards report. The geohazard report shall identify geologic and seismic conditions that may require mitigation. An appropriate qualified California-certified licensed engineering geologist, in consultation with a California registered geotechnical engineer shall prepare, the geohazards portion of the geotechnical report.

MM GEO-~~3~~2 ~~Standard PG&E Construction Measures recommend the following actions to minimize and mitigate construction in soft or loose soils (RCI 2024cc). Where soft or loose soils are encountered during project construction, several actions are available, feasible and can be implemented to avoid, accommodate, replace,~~

~~or improve such soils. Depending on site-specific conditions and permit requirements, one or more of these actions may be implemented to eliminate impacts from soft or loose soils (RCI 2024cc):~~

- Locating construction facilities and operations away from areas of soft and loose soil.
- Over-excavating soft or loose soils and replacing them with engineered backfill materials.
- Increasing the density and strength of soft or loose soils through mechanical vibration and/or ~~compaction.~~
- Installing material, such as aggregate rock, steel plates, or timber mats, over access roads.
- Treating soft or loose soils in place with binding or cementing. (RCI 2024cc)

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~~CCR 2022 – California Residential Code (CRC), Title 24, Part 2.5 with July 2024 Supplement. 2022. Accessed on October 23, 2024. Available online at: https://codes.iccsafe.org/content/CARC2022P3~~

Section 5.7 Hazards, Hazardous Materials/Waste and Wildfire

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The nearest school to the ~~PG&E Utility~~ **new BAAH 500 kV** Switchyard is Cantua Elementary School, approximately six miles northeast on West Clarkson Avenue. As explained in the Project Description (see **Section 3, Project Description** for more discussion), there are three potential scenarios for the **Pacific Gas and Electric Company (**PG&E**)** Downstream Network Upgrades.

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To assure implementation of comprehensive hazardous materials/waste procedures, staff proposes **COC SWITCH HAZ-1 and MM HAZ-1** requiring **the switchyard contractor and** PG&E to prepare a Hazardous Materials Management Plan**s** prior to construction. With implementation of **COC SWITCH HAZ-1 and MM HAZ-1**, the ~~PG&E utility~~ **construction of the new BAAH 500 kV** switchyard and PG&E downstream upgrades would have a less than significant impact involving the routine transport, use, or disposal of hazardous materials.

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~~PG&E Utility~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

The contractors of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard and downstream network upgrades would be required to comply with PG&E construction measures and preparation and approval of ~~a~~ Hazardous Materials Management Plan**s** per **COC SWITCH HAZ-1 and MM HAZ-1**. Therefore, hazardous materials would be stored, used, and cleaned up in compliance with LORS, which would reduce the potential for foreseeable upset and accident conditions. The PG&E standard construction measures also include fire risk management protocols (RCI 2024u, p. 51) that would reduce the potential for fires during construction and reduce the potential for any upset or accident conditions to occur.

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To mitigate the potential impacts from unknown environmental contamination, staff proposes COCs **HAZ-6**~~,~~ **and HAZ-7**~~, and **HAZ-8**~~ to require a Soils Management Plan (SMP) and a professional engineer or geologist be available for consultation if contamination is discovered during ground disturbing activities.

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~~A professional engineer or professional geologist with sufficient experience in hazardous waste management would have the requisite expertise to determine whether additional investigations are needed to identify the extent of contamination and to ensure proper handling and disposal contaminated soil and groundwater. Therefore, staff proposes **HAZ-7** which would require that an experienced and qualified professional engineer or professional geologist would be available for consultation if contamination is discovered during ground disturbing activities. The resume of the professional engineer or professional geologist shall reflect experience in remedial investigations and feasibility studies. Staff proposes **HAZ-8** requiring the professional engineer or geologist to inspect the site, determine what would be required to characterize the nature and extent of contamination, and provide a report to representatives of the Fresno County HazMat Compliance Program and the CPM on findings and the recommended course of action. Related activities would specifically include soil removal, dust suppression, and worker exposure prevention by means of wearing personal protective equipment. Any contaminated soils and/or groundwater identified would be removed and disposed of according to the appropriate local, state, and federal regulations under the oversight of the agency taking lead jurisdiction.~~

Any contaminated soils and/or groundwater identified would be removed and disposed of according to the appropriate local, state, and federal regulations under the oversight of the CEC. Staff proposes COCs **HAZ-6, and HAZ-7~~, and HAZ-8~~** for construction activities to ensure that any impacts from unknown environmental contamination would be less than significant.

...

Unknown Environmental Contamination. In the case of encountering unknown environmental contamination, **the BAAH 500 kV switchyard contractor and** PG&E

would comply with the Hazardous-Substance Control and Emergency Response procedures in the PG&E Construction Measures (RCI 2024u) discussed in criterion "a".

In the event that soils suspected of being contaminated (on the basis of visual, olfactory, or other evidence) are removed during site grading activities or excavation activities, the excavated soil would be tested, and if contaminated above hazardous waste levels, would be contained and disposed of at a licensed waste facility. The presence of known or suspected contaminated soil would require testing and investigation procedures to be supervised by a qualified person, as appropriate, to meet state and federal regulations, as required by **COC SWITCH HAZ-1 and MM HAZ-1** the Hazardous Materials Management Plan**s**.

PG&E standard measures would reduce the impact of unknown contamination to a less than significant impact.

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g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Construction and Operation– *Less Than Significant Impact with Mitigation Incorporated*

Based on the analysis below, with the implementation of COCs **WORKER SAFETY-1** and **WORKER SAFETY-2**, **COC SWITCH HAZ-2,** and **MM HAZ-2**, the project construction and operation would not expose people or structures to significant risks from wildfires.

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Due to the location of the **new BAAH 500 kV** switchyard and downstream network upgrades and PG&E wildfire mitigation measures in the 2023-2025 WMP, **COC SWITCH HAZ-2** and **MM HAZ-2**, the ~~PG&E components~~ **new BAAH 500 kV switchyard and downstream network upgrades** would have a less than significant impact during construction and operation on hazards from wildfires.

...

ii. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Construction and Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, with the implementation **of COC SWITCH HAZ-2. MM**

HAZ-2 and COCs **WORKER SAFETY-1,** and **WORKER SAFETY-2** and the low potential for wildfire at the project location, the overall impact of wildfire would be less than significant.

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~~PG&E Utility~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

Project related infrastructure including the ~~PG&E utility~~ **new BAAH 500 kV** switchyard and PG&E downstream network upgrades would include the installation and/or maintenance of access roads, power lines, and other electrical utilities. This infrastructure could exacerbate fire risk during construction of these components. However, emergency water sources would be installed at the PG&E utility switchyard (RCI 2023l). The availability of emergency water sources would decrease the risk of wildfire. Staff proposed **COC SWITCH HAZ-2 and MM HAZ-2** requiring the preparation and the implementation of a Construction and O&M Fire Protection and Prevention Program that would further reduce construction- related risks of wildfire ignition by providing fire protections, identifying known fire hazards, and outlining procedures for fire safeguards for project construction activities. For operation PG&E would implement safety procedures, as appropriate, from its 2023-2025 WMP and the implementation of **COC SWITCH HAZ-2, MM HAZ-2**. The WMP includes vegetation management and defensible space inspections for transmission substations and distribution substations in alignment with guidelines (PG&E 2023). Therefore, this impact would be less than significant for the ~~PG&E utility~~ **new BAAH 500 kV** switchyard and the downstream network upgrades.

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~~PG&E Utility~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

The ~~PG&E utility~~ new BAAH 500 kV switchyard and PG&E downstream network upgrades would not be on slopes that could expose people or structures to downslope or downstream flooding, landslides, post-fire slope instability or drainage changes in the event of a wildland fire. Therefore, the ~~PG&E components~~ **new BAAH 500 kV Switchyard and Downstream Network Upgrades** would have no impact on people or structures.

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HAZ-5 The project owner shall also prepare a site-specific security plan for the commissioning and operational phases that would be available to the CPM for review and approval. The project owner shall implement site security measures that address physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below ~~(as per the latest version of the NERC Security Guideline for the Electricity Sector~~: ~~Physical Security)~~.

The Operation Security Plan for the **BESS, and step-up substation** shall include the following:

1. permanent full perimeter fence or wall, at least eight feet high and topped with barbed wire or the equivalent ~~(and with slats or other methods to restrict visibility if a fence is selected)~~ **(CCR Title 8, Section 2812.1 High Voltage Safety Order)**;
2. main entrance security gate, either hand operated or motorized;
3. evacuation procedures;
4. protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency;
5. written standard procedures for employees, contractors, and vendors when encountering suspicious objects or packages on site or off site;
   A. a statement (refer to sample, **Attachment A**), signed by the project owner certifying that background investigations have been conducted on all project personnel. Background investigations shall be restricted to determine the accuracy of employee identity and employment history and shall be conducted in accordance with state and federal laws regarding security and privacy;
   B. a statement(s) (refer to sample, **Attachment B**), signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner), that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractors who visit the project site;
6. site access controls for employees, contractors, vendors, and visitors;
7. a statement(s) (refer to sample, **Attachment C**), signed by the owners or authorized representative of hazardous materials transport vendors, certifying that they have prepared and implemented security plans in compliance with 49 CFR 172.880, and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;
8. closed circuit TV (CCTV) monitoring system, recordable, and viewable in the O&M building (or remotely) with cameras able to pan, tilt, and zoom, have low-light capability, and able to view 100 percent of the perimeter fence, and outside entrances to the site for the BESS and O&M building; and,
9. additional measures to ensure adequate perimeter security consisting of either:
   A. perimeter breach detection or onsite motion detector capabilities; and

B. security guard(s) present 24 hours per day, seven days per week; or

C. facility personnel on site 24 hours per day, seven days per week.

The project owner shall fully implement the security plans and obtain CPM approval of any substantive modifications to those security plans. The CPM may authorize modifications to these measures, or may require additional measures such as protective barriers for critical facility components, or additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or the North American Electrical Reliability Corporation (NERC), after consultation with both appropriate law enforcement agencies and the project owner.

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HAZ-6 The project owner shall prepare and submit to the CPM a Soils Management Plan (SMP) prior to any ground disturbing activities. The SMP shall be prepared/approved by **an environmental professional,** a California Registered Civil Engineer or a California Registered Geologist, with sufficient experience in hazardous waste management.

...

Topics covered by the SMP shall include, but not be limited to:

1. Land use history including description and locations of any known contamination.
2. The nature and extent of any previous investigations and remediation at the site.
3. The nature and extent of any unremediated contamination at the proposed site.
4. A listing and description of institutional controls such as the county's excavation ordinance and other local, state, and federal regulations and laws that would apply to the project.
5. Names and positions of individuals involved with site management and their specific roles.
6. An earthwork schedule.
7. A description of protocols for the investigation and evaluation of any previously unidentified contamination that may be encountered in time. The protocol shall be for temporary and permanent controls that may be required to reduce exposure to onsite workers, visitors, and the public.
8. A site-specific Health and Safety Plan (HSP) to be implemented by all contractors and subcontractors at the site. The HSPs shall be specific to each of the contractors' or subcontractors' scopes of work. The HSPs shall be prepared by **an environmental professional with suitable experience**

in implementing OSHA standards and cognizant of safety and health threats to workers ~~a Certified Industrial Hygienist~~ and would protect onsite workers by including engineering controls, personal protective equipment, monitoring, and security to prevent unauthorized entry and to reduce construction related hazards.

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~~**HAZ-8** If seemingly contaminated soil and/or groundwater is identified during site characterization, demolition, excavation, or grading at either the proposed site or linear facilities (as evidenced by discoloration, odor, detection by handheld instruments, or other signs), the professional engineer or professional geologist shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and provide a written report to the project owner, Fresno County CUPA, and the CPM stating the recommended course of action.~~

~~Depending on the nature and extent of contamination, the professional engineer or professional geologist shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If, in the opinion of the professional engineer or professional geologist, significant remediation may be required, the project owner shall contact the CPM and representatives of the Fresno County CUPA for guidance and possible oversight.~~

~~**Verification:** The project owner shall submit any final reports filed by the professional engineer or professional geologist to the CPM within 5 days of their receipt. The project owner shall notify the CPM within 24 hours of any orders issued to halt construction.~~

Page 5.7-55 to 5.7-58 of the Staff Assessment

SWITCH HAZ-1 Prior to construction, a Hazardous Materials Management Plan shall be prepared, which shall be implemented during construction to prevent the release of hazardous materials and hazardous waste.

The plan shall include the following requirements and procedures:

1. **Training requirements for construction workers in appropriate work practices, including spill prevention and response measures. Additional training requirements for those performing excavation activities shall be required and shall include training on types of contamination and contaminants (e.g., petroleum hydrocarbons, asbestos, lead based paint and hazardous materials [as defined by the California Health and Safety Code (HSC)]) and identifying potentially hazardous contamination (e.g., stained or discolored soil and odor).**

2. **Contain all hazardous materials at work sites and properly handle, store, or dispose of all such materials.**

   a. **Hazardous materials shall be stored on pallets within fenced and secured areas and protected from exposure to weather and further contamination.**

   b. **Fuels and lubricants shall be stored only at designated staging areas.**

3. **Maintain hazardous material spill kits with appropriate materials for small spills at all active work sites and staging areas. Thoroughly clean up all spills as soon as they occur.**

4. **Store sorbent and barrier materials at all construction staging areas, including staging areas used during activities for decommissioning. Sorbent and barrier materials will be used to contain runoff from contaminated areas and from accidental releases of oil or other potentially hazardous materials.**

5. **Perform all routine equipment maintenance at a shop or at the staging area and recover and dispose of wastes in an appropriate manner.**

6. **Monitor and remove vehicles used for construction-related activities with chronic or continuous leaks from use and complete repairs before returning them to operation.**

7. **Store shovels and drums at the staging areas. If small quantities of soil become contaminated, use shovels to collect the soil and store in properly labeled drums before proper offsite disposal. Large quantities of contaminated soil may be collected using heavy equipment and stored in drums or other suitable containers prior to disposal.**

   Should contamination occur adjacent to staging areas because of runoff, shovels and/or heavy equipment shall be used to collect the contaminated material. Only trained construction workers shall handle hazardous, and potentially hazardous, materials.

8. **Transporting, shipping, and disposal procedures for hazardous waste.**

9. **Procedures for notifying PG&E and agency personnel in the event of the discovery of contaminated soil and/or groundwater. Contact information for federal, regional, and local agencies, the PG&E's environmental coordinator(s) responsible for the cleanup of contaminated soil or groundwater, and licensed disposal facilities and haulers.**

Switch HAZ-2 Prior to construction, the Construction and O&M Fire

Protection and Prevention Programs shall be prepared. The program specifications are provided below:

Construction Fire Protection and Prevention Program. **In accordance with 8 CCR, § 1920, a Fire Protection and Prevention Program shall be developed and implemented during Project construction. The Construction Fire Protection and Prevention Program shall include the following elements:**

- **A list of applicable standards and publications**
- **A map showing the project site, including layout, ingress, egress, drainage and grading, potential ignition sources during various phases of construction, and evacuation areas and/or muster locations**
- **A description of fire protections that would be implemented during construction activities, including water systems, gaseous agent systems, and fire extinguishers**
- **A description of detection and alarm systems that would be implemented during construction activities**
- **A list of all major fire hazards**
- **An outline of procedures to control accumulation of flammable and combustible waste materials**
- **An outline of procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent or control sources of ignition or fires**
- **Identification of Project personnel responsible for the control of fuel source hazards**

O&M Fire Protection and Prevention Program. **A Fire Protection and Prevention Program shall be developed and implemented during Project O&M activities. The O&M Fire Prevention Program shall include the following elements:**

- **A list of applicable standards and publications**
- **A map showing the Project site, facilities, ingress, egress, potential ignition sources, and evacuation areas and/or muster locations**
- **A description of fire protections that would be implemented during O&M activities, including permanent water systems, gaseous agent systems, and fire extinguishers**
- **A description of detection and alarm systems that would be implemented during O&M activities**
- **A list of all major fire hazards**

- **An outline of procedures to control accumulation of flammable and combustible waste materials**
- **An outline of procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent or control sources of ignition or fires**
- **Identification of project personnel responsible for the control of fuel source hazards**
- **An outline of procedures to respond to wildland and grass fires within the project vicinity or project site.**

Verification: At least 90 days prior to the start of construction, the project owner shall provide to the CPM a copy of letters from the FCFPD detailing resolved comments on the Construction Fire Prevention Plan, the Emergency Action Plan, and Emergency Response Plan.

At least 30 days prior to the start of commissioning, the project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy to the CPM of letters from the FCFPD detailing the resolved comments on the Operations Fire Prevention Plan, Fire Protection System Impairment Program, and Emergency Action Plan.

Section 5.8 Land Use, Agriculture, and Forestry

Page 5.8-11 of the Staff Assessment

Under CPUC General Order 131-~~D~~**E** section XI~~V~~, local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the CPUC's jurisdiction.

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As noted, under CPUC General Order 131-~~D~~**E** local jurisdictions are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the Commission's jurisdiction. This includes conflicting zoning designations.

Section 5.9 Noise and Vibration

Page 5.9-8 of the Staff Assessment

Therefore, to reduce noise disturbance for sensitive receptors, staff proposes Condition of Certification (COC) ~~**NOISE-6**~~ **NOISE-5** to further limit construction hours for construction work within 1,000 feet of any residences.

...

COC ~~**NOISE-6**~~ **NOISE-5** limits helicopter operation to Monday through Friday from 6:00 A.M. to 7:00 P.M.

Page 5.9-9 of the Staff Assessment

Staff proposes COC ~~**NOISE-7**~~ **NOISE-6** to ensure noise from pile driving would not substantially increase the existing ambient noise levels at R-8. As outlined in ~~**NOISE-7**~~ **NOISE-6**, this can be achieved by implementing several best management methods that are available for reducing noise and vibration generated by traditional pile driving. These methods include: (1) the use of pads or impact cushions of plywood; (2) dampened driving, which involves some form of blanket or enclosure around the hammer; and (3) the use of vibratory drivers or hydraulic pile pushers instead of impact drivers.

Furthermore, to address additional noise impacts that might be perceived noisy by the community, staff proposes COCs **COM-11 (Reporting of Complaints, Notices, and Citations) in Section 9 Compliance Conditions and Compliance Monitoring Plan, NOISE-1,** ~~through **NOISE-3**~~ **NOISE-2**, ~~**NOISE-5**~~ **NOISE-4**, and ~~**NOISE-6**~~ **NOISE-5**. These conditions would provide the public with notification of construction, and noise complaint and redress process (**COM-11 and NOISE-1** ~~and **NOISE-2**~~), would require construction workers and employees noise protection (~~**NOISE-3**~~ **NOISE-2** and ~~**NOISE-5**~~ **NOISE-4**), and would place restrictions on construction activities (~~**NOISE-6**~~ **NOISE-5**).

With implementation of COCs **COM-11**, **NOISE-1,** ~~through **NOISE-3**~~ **NOISE-2**, **and** ~~**NOISE-5**~~ **NOISE-4** through ~~**NOISE-7**~~ **NOISE-6**, project construction activities would not result in generation of a substantial increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies and would not create a significant adverse noise impact.

Page 5.9-11 of the Staff Assessment

Therefore, staff proposes COC ~~**NOISE-4**~~ **NOISE-3** to ensure project operation during both daytime and nighttime hours would not distinctly increase the ambient noise level at R-13 and would comply with the county's noise thresholds. ~~**NOISE-4**~~ **NOISE-3** would ensure measurement and verification that operational noise performance criteria are met at the project's noise sensitive receptors.

With implementation of COC ~~**NOISE-4**~~ **NOISE-3** project operations would not result in generation of a substantial increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies and would not create a significant adverse noise impact.

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TABLE 5.9-2 CONFORMANCE WITH APPLICABLE LORS	
Applicable LORS	**Conformance and Basis For Determination**
Federal	
Occupational Health and Safety Act (OSHA) Title 8, California Code of Regulations, Sections 5095-5099, and Title 29, Code of Federal Regulations, Section 1910.95	**Yes**. With incorporation of COC ~~**NOISE-3**~~ **NOISE-2** and ~~**NOISE-5**~~ **NOISE-4** requiring a employee noise control program and occupational noise survey.
State	
Cal-OSHA Title 8, California Code of Regulations, Sections 5095-5099, and Title 29, Code of Federal Regulations, Section 1910.95	**Yes**. With incorporation of COC ~~**NOISE-3**~~ **NOISE-2** and ~~**NOISE-5**~~ **NOISE-4** requiring an employee noise control program and occupational noise survey.
Local	
Fresno County General Plan Noise Element, Land Use Compatibility for Community Noise Environments	**Yes**. With incorporation of COC **COM-11 and NOISE-1** through ~~**NOISE-7**~~ **NOISE-6** requiring a noise complaint process, employee noise control program, operational noise restrictions, occupational noise survey, construction noise restrictions, and pile driving control
Fresno County Noise Ordinance Chapter 8.40, Section 8.40.040 of the Noise Ordinance Noise Regulations	**Yes**. With incorporation of COC **COM-11 and NOISE-1** through ~~**NOISE-7**~~ **NOISE-6** requiring a noise complaint process, employee noise control program, operational noise restrictions, occupational noise survey, construction noise restrictions, and pile driving control

Page 5.9-14 and 5.9-15 of the Staff Assessment

~~**NOISE-1.** Prior to the start of ground disturbance, the project owner shall notify residences in the vicinity of the project site, by mail, or by other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction, and operation of the project. If the telephone is not staffed 24 hours a day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This or a similarly effective telephone number shall be posted at the project site during construction where it is visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.~~

~~**Verification:** At least 15 days prior to ground disturbance, the project owner shall transmit to the compliance project manager (CPM) a statement, signed by the project owner's project manager, stating that the above notification has been performed, and describing the method of that notification. This communication shall also verify that the telephone number has been established and posted at the site and shall provide that telephone number.~~

~~**NOISE-2**~~ **NOISE-1 Noise Complaint Process.** Throughout the construction and

operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all project-related noise complaints. **All notifications under COC COM-11, the Noise Complaint Resolution Form, and communications related to noise complaints shall be provided in both English and Spanish to ensure effective communication with Spanish-speaking residents.**

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~~NOISE-3~~ NOISE-2 Employee Noise Control Program.

...

~~NOISE-4~~NOISE-3 Operational Noise Restrictions.

Pages 5.9-17 and 5.9-18 of the Staff Assessment

~~NOISE-5~~NOISE-4 Occupational Noise Survey.

...

~~NOISE-6~~NOISE-5 Construction Noise Restrictions.

...

Helicopter operation shall be restricted to only the times delineated below:

Mondays through Fridays: 6:00 A.M. to 7:00 P.M.

Helicopter operation required for installation of the gen-tie across I-5 may occur outside these times if approved by CalTrans. Construction work, including helicopter overflight and pile driving activity, shall be performed in a manner to ensure excessive noise (noise that draws a project-related complaint) is prohibited and the potential for noise complaints is reduced as much as practicable. Haul trucks and other engine-powered equipment shall be equipped with adequate mufflers and other state-required noise attenuation devices. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use (jake braking) shall be limited to emergencies.

...

1 "Noisy" means noise that has the potential to cause project-related noise complaints (for the definition of "project-related noise complaint", see the footnote in condition of certification **NOISE-1 ~~NOISE-2~~**)

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~~NOISE-7~~NOISE-6 Pile Driving Control. The project owner shall perform pile driving **within 1,000 feet of any residence** in a manner to reduce the potential for

any project-related noise and vibration complaints.

...

Examples of noise-reducing techniques include: (1) the use of pads or impact cushions of plywood; (2) dampened driving, which involves some form of blanket or enclosure around the hammer; ~~and~~ (3) the use of vibratory drivers or hydraulic pile pushers instead of impact drivers**; or (4) installation of a temporary barriers such as a mobile sound screen near the pile driver or other effective mitigation measures that reduce the noise and vibration impacts of pile driving.**

Section 5.10 Public Health

Page 5.10-1 of the Staff Assessment

In addition to the facility and linears, the project also consists of offsite components that fall outside the CEC's jurisdiction but are part of the overall project. These components include the (1) ~~construction of PG&E's switchyard, (2)~~ the construction of a transmission line between the ~~PG&E~~ **new breaker-and-a-half (BAAH) 500 kilovolt (kV)** switchyard and the existing Los Banos-Midway 500 kV line, and (~~3~~**2**) the construction of a fiber optic communication line from the ~~PG&E~~ **new BAAH 500 kV** switchyard north to an existing splice point to the Panoche substation or south to the existing Gates substation. In addition to these actions, the California Independent System Operator (California ISO) identified upstream upgrades to three existing substations, Los Banos, Midway and Gates or Manning as well as the addition of two transposition structures. These offsite components are considered as part of this analysis.

Page 5.10-12 and 5.10-13 of the Staff Assessment

It should be noted that the Health Risk Assessment discussed above focuses on emissions at the project site, where concentrations of TAC pollutants directly impact local receptors. Offsite vehicle/truck emissions would only pass by any single sensitive receptor along the routes for a momentary duration where emissions would disperse rapidly and over large areas. This makes them harder to quantify and less likely to cause concentrated exposure in a single location. In addition, the Health Risk Assessment focuses on health risks to sensitive receptors from DPM, which has no acute reference exposure level. Therefore, acute health risk associated with DPM, such as those from trucks passing by communities, is not evaluated. Instead, staff evaluates the health risks to sensitive receptors associated with onsite DPM emissions from long term repeated exposure over the course of the entire construction period and shows that the health risks associated with DPM would be less than significant.

In addition, Section 5.14, Transportation shows that the construction vehicles/trucks would travel on the already high-traffic routes, such as SR-

145, SR-269, Mt. Whitney Avenue, and I-5. Page 5.14-5 of Section 5.14, Transportation shows that the SR-145, which goes through Five Points, had a 2023 daily traffic volume of 4,100 vehicles. Page 5.14-11 of Section 5.14, Transportation shows the forecasted road segment traffic volume for SR-145 during construction would be 4,219 vehicles per day, which is only a 2.9% increase from existing conditions. In addition, the applicant's traffic study (RCI 2023aa, Figures 3-1a and 3-1b on pages 33 and 34 of 48) shows that it is less likely that the construction employee vehicles/trucks would pass the Westside Elementary School, the Cantua Elementary School, Cantua Creek, or El Porvenir. Therefore, as explained in Section 5.14, Transportation of the Staff Assessment, it is unlikely that the construction employee vehicles/truck trips would have any significant transportation or traffic impacts to these schools and communities.

Page 5.10-15 of the Staff Assessment

Since the fungal spores at issue are disseminated while attached to dust, and it is not possible to prevent all risks of infection in the project area or other parts of the U.S. where the fungus occurs naturally, staff recommends dust control measures to mitigate the risk. This infection risk is minimized through measures that require soil disturbance and dust generation work to be performed in a manner that limits and avoids dust generation to the extent reasonably possible. **Section 5.1, Air Quality** separately seeks to minimize unnecessary airborne dust through recommended COCs **AQ-SC1** through **AQ-SC4**, which would minimize dust generation in the construction phase. In addition, staff recommend Condition**s** of Certification ~~**PH-1**~~ **WORKER SAFETY-11 in Section 4.4, Worker Safety and Fire Protection and AQ-SC3 in Section 5.1, Air Quality** to ensure that exposure to Valley Fever among personnel and the public would be reduced to the greatest extent feasible. The recommended Air Quality and Public Health conditions of certification would adequately minimize Valley Fever risk in the project and other areas where the *Coccidioides* fungus occurs naturally.

Pages 5.10-15 and 5.10-16 of the Staff Assessment

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard

The projected maximum impacts from the ~~PG&E utility~~ **new BAAH 500 kV** switchyard's construction for both 18-month and 36-month schedules are shown in **Tables 5.10-1** and **Table 5.10-2**. These projections indicate that the impacts from construction of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard would not exceed any threshold for cancer risk or chronic non-cancer health risk. CEC is also recommending construction ~~Mitigation Measure (**MM**) **AQ-1**~~ **Condition of Certification SWITCH AQ-1** described in **Section 5.1.5~~6~~** in **Section 5.1, Air Quality**, which would require ~~PG&E~~ **the applicant** to implement generalized procedures to reduce construction emissions. These measures would further reduce impacts from construction activities. In addition, staff recommend ~~**MM PH-1**~~ **COC WORKER SAFETY-11 in Section 4.4, Worker Safety and Fire Protection** to ensure that exposure to Valley Fever among personnel and the public would be reduced to the greatest extent feasible.

Page 5.10-18 of the Staff Assessment

Solar Facility, Battery Energy Storage System, Step-Up Substation, O&M Facility, and Generation-Intertie Line

The contribution of the project construction to both cancer risk and chronic non-cancer impacts would be very small even in a cumulative context including other regional sources. Additionally, construction and operation, and decommissioning-related traffic is not expected to create a CO hotspot. Construction and decommissioning activities would be short-term, and the nearest intersection is located more than one mile from any sensitive receptor. In addition, staff recommend COC**s** ~~**PH-1**~~ **WORKER SAFETY-11 in Section 4.4, Worker Safety and Fire Protection and AQ-SC3 in Section 5.1, Air Quality** to ensure that exposure to Valley fever among personnel and the public would be reduced to the greatest extent feasible.

~~**PG&E Utility Switchyard**~~ **New BAAH 500 kV Switchyard**

Construction impacts of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard are considered in the cumulative impact analysis of the overall project discussed above. In addition, staff recommend ~~**MM PH-1**~~ **COCs WORKER SAFETY-11 in Section 4.4, Worker Safety and Fire Protection and SWITCH AQ-1 in Section 5.1, Air Quality** to ensure that exposure to Valley fever among personnel and the public would be reduced to the greatest extent feasible.

Pages 5.10-20 to 5.10-22 of the Staff Assessment

5.10.4 Conclusions and Recommendations

As discussed above, with implementation of conditions of certification, the project would have a less than significant impact related to public health and would conform with applicable LORS. Staff recommends adopting the ~~c~~**C**onditions of ~~c~~**C**ertification ~~as detailed in subsection "5.10.5 Proposed Conditions of Certification" below~~ **WORKER SAFETY-11 in Section 4.4, Worker Safety and Fire Protection, AQ-SC3 and SWITCH AQ-1 in Section 5.1, Air Quality**. The conditions ~~below~~ are enforceable as part of the CEC's certificate for the portions of the project constituting the site and related facilities.

Impacts associated with the ~~PG&E Utility Switchyard and~~ Downstream Network Upgrades to be considered for permitting by CPUC would be ~~reduced to~~ less than significant ~~with the inclusion of MMs~~.

5.10.5 Proposed Conditions of Certification

No Conditions of Certification are proposed for public health.

~~**PH-1 Minimize Personnel and Public Exposure to Valley Fever.** Prior to site preparation, grading activities, or ground disturbance, the Applicant shall prepare a Fugitive Dust Control Plan for the Project. The Fugitive Dust Control Plan shall~~

include the following at a minimum:

a. Equipment, vehicles, and other items shall be cleaned thoroughly of dust before they are moved off-site to other work locations.

b. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment works well ahead or downwind of workers on the ground.

c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area.

d. If a water truck runs out of water before dust is dampened sufficiently, ground workers exposed to dust are to leave the area until a full truck resumes water spraying.

e. All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a High Efficiency Particulate Arrestance (HEPA) filtered air system.

f. N95 respirators shall be provided to onsite workers for the duration of the construction period.

g. Workers shall receive training to recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Fresno County Planning and Community Development Department within 24 hours of the training session.

h. A Valley Fever informational handout shall be provided to all on-site construction personnel. The handout shall provide, at a minimum, information regarding the symptoms, health effects, preventative measures, and treatment.

Verification: At least 30 days prior to the start of any ground disturbance, the project owner shall submit the Fugitive Dust Control Plan to the Compliance Project Manager (CPM) for approval. The CPM will notify the project owner of any necessary modifications to the plan within 15 days from the date of receipt. The project owner shall provide the CPM a Monthly Compliance Report with a summary of all actions taken to maintain compliance with this condition.

5.10.6 Recommended Mitigation Measures

No mitigation measures for non-jurisdictional project components are recommended for public health.

For the non-jurisdictional components of the project, the following mitigation measures can and should be adopted by the agency with permitting authority over those components consistent with California Code of Regulations title 14, section 15091(a)(2).

MM PH-1 Minimize Personnel and Public Exposure to Valley Fever. Prior to site preparation, grading activities, or ground disturbance, the Applicant shall prepare a Fugitive Dust Control Plan for the Project. The Fugitive Dust Control Plan shall

~~include the following at a minimum:~~

a. ~~Equipment, vehicles, and other items shall be cleaned thoroughly of dust before they are moved off-site to other work locations.~~

b. ~~Wherever possible, grading and trenching work shall be phased so that earth-moving equipment works well ahead or downwind of workers on the ground.~~

c. ~~The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area.~~

d. ~~If a water truck runs out of water before dust is dampened sufficiently, ground workers exposed to dust are to leave the area until a full truck resumes water spraying.~~

e. ~~All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a High Efficiency Particulate Arrestance (HEPA) filtered air system.~~

f. ~~N95 respirators shall be provided to onsite workers for the duration of the construction period.~~

g. ~~Workers shall receive training to recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Fresno County Planning and Community Development Department within 24 hours of the training session.~~

h. ~~A Valley Fever informational handout shall be provided to all on-site construction personnel. The handout shall provide, at a minimum, information regarding the symptoms, health effects, preventative measures, and treatment.~~

Page 5.10-23 of the Staff Assessment

RCI 2023aa – Rincon Consultants, Inc. (TN 252979). Appendix K Traffic and Transportation Analysis, dated November 6, 2023. Accessed online at: https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-02

Section 5.12 Solid Waste Management

Pages 5.12-5 to 5.12-8 of the Staff Assessment

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

The ~~PG&E utility~~**new BAAH 500kV** switchyard and network upgrades are under the jurisdiction of the California Public Utilities Commission (CPUC). Since the majority of solid waste would be generated during project construction of the solar facility, BESS and O&M facility, incidental construction waste is estimated at less than 10 tons. ~~As with the CEC jurisdictional components of the project, the~~ **The** generation of solid waste would not exceed the capacity of local facilities and with implementation of

mitigation measure **MM WASTE-1 and COC SWITCH WASTE-1** recycling of solid waste generated during construction would not be in excess of state or local standards**.**

...

An estimated 109 tons of solid waste would be generated during operation of the facility annually. This solid waste would be diverted from landfills and recycled to the extent possible to comply with AB 341 and the Green Building Code. However, solid waste that cannot be recycled would be disposed of in one of the three Class II/III landfills listed in the Environmental Setting section. According to CalRecycle, the combined remaining capacity of these three landfills is over 62 Million CY (CalRecycle 2024). By converting the estimated tonnage of materials provided in the application, approximately 894 CY of solid waste would be generated during project operations (SCDHEC 2015, USEPA 2016). Assuming all the operational solid waste could not be recycled, the estimated amount of solid waste generated during project operations would represent 0.001 percent of the available capacity of the three listed landfills. The ~~Construction~~ **Operations** Waste Management Plan proposed by in COC **WASTE-1**

...

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

~~The PG&E Utility switchyard and network upgrades are under the jurisdiction of the CPUC.~~ Since the majority of solid waste would be generated during project operation of the solar facility, BESS and O&M facility, incidental waste generated at the ~~PG&E utility~~**new BAAH 500kV** switchyard is estimated at less than 5 tons annually. ~~As with the CEC jurisdictional components of the project, the~~ **The** generation of solid waste would not exceed the capacity of local facilities and with ~~**MM**~~ **COC WASTE-1**, recycling of solid waste generated during construction would not be in excess of state or local standards**.**

...

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

~~The PG&E utility switchyard is and network upgrades are under the jurisdiction of the CPUC. As with the CEC jurisdictional components, t~~The project would comply with federal, state, and local statutes and regulations related to solid waste. Implementation of **MM WASTE-1 and COC SWITCH WASTE-1**, would ensure the recycling of solid waste generated during project construction to the greatest extent possible. There would be no change in compliance with federal, state, or local statutes and regulations related to solid waste management and reduction.

...

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

~~The PG&E utility switchyard and network upgrades are under the jurisdiction of the CPUC.~~ As with the CEC jurisdictional components, the project would comply with federal, state, and local statutes and regulations related to solid waste. Implementation of **MM WASTE-1 and COC SWITCH WASTE-1** would ensure the recycling of solid waste generated during project operation to the greatest extent possible. There would be no change in compliance with federal, state, or local statutes and regulations related to solid waste management and reduction.

Page 5.12-9 of the Staff Assessment

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

~~The PG&E utility switchyard and network upgrades are under the jurisdiction of the CPUC.~~ Solid waste accumulated on the **new BAAH 500 kV switchyard and downstream network upgrades (including transmission loop in line)** ~~CPUC-jurisdictional project components~~ would be included in the waste streams described in CEC-jurisdictional components.

Page 5.12-10 of the Staff Assessment

5.12.4 Conclusions and Recommendations

Staff recommends adopting the conditions of certification as detailed in subsection "5.12.5 Proposed Conditions of Certification" below. The conditions below are enforceable as part of the CEC's certificate for the portions of the project constituting the site and related facilities.

As discussed above, with implementation of the proposed conditions of certification ~~and mitigation measures~~, the project would have a less than significant impact related to solid waste management and would conform with applicable LORS.

Additional impacts associated with non-jurisdictional project components outside of CEC's jurisdiction, such as the ~~PG&E utility Switchyard and~~ PG&E Downstream Network Upgrades to be permitted by CPUC, which will be considered for permitting by CPUC, would require mitigation. Staff recommends the mitigation measures as detailed in subsection "5.12.6 Recommended Mitigation Measures" below.

Page 5.12-11 to 5.12-12 of the Staff Assessment

Verification: No less than 30 days prior to the start of site mobilization, the project owner shall submit the Construction Waste Management Plan to the CPM **for approval**.

The Operation Waste Management Plan shall be submitted to the CPM no less than 30 days prior to the start of project operation **for approval**. The project

owner shall submit any required revisions within 20 days of notification by the CPM.

In the Annual Compliance Reports, the project owner shall document the actual waste management methods used during the year compared to the planned management methods.

SWITCH WASTE-1 The project owner shall prepare a Construction Waste Management Plan and an Operation Waste Management Plan for all wastes generated during construction and operation of the facility, respectively, and shall submit both plans to the Compliance Project Manager (CPM) for review and approval. The plans shall contain, at a minimum, the following:

- **A description of all waste streams, including projections of frequency, amounts generated and hazard classifications; and**
- **Methods of managing each waste, including treatment methods and companies contracted with for treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans.**

Verification: No less than 30 days prior to the start of site mobilization, the project owner shall submit the Construction Waste Management Plan to the CPM for approval.

The Operation Waste Management Plan shall be submitted to the CPM no less than 30 days prior to the start of project operation for approval. The project owner shall submit any required revisions within 20 days of notification by the CPM.

In the Annual Compliance Reports, the project owner shall document the actual waste management methods used during the year compared to the planned management methods.

Section 5.13 Transmission Line Safety and Nuisance

Page 5.13-2 of the Staff Assessment

General Order-131-~~D~~E," Rules for Planning and Construction of Electric Generation, Line, and Substation Facilities in California". Specifies application and notices requirements for new line construction, including EMF reduction.

Page 5.13-6 of the Staff Assessment

COC **TLSN-5** requires the applicant to construct the transmission facilities consistent with CPUC and PG&E construction standards, such as G.O 95, 128 and 131-~~D~~**E**.

...

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

Construction and operation of the utility switchyard, loop in and loop out line, and downstream network upgrades to transmission facilities would be required to satisfy CPUC and PG&E construction standards such as G.O 95, 128 and 131-~~D~~**E**. Additionally, PG&E should get approval from the FAA if the transmission structures reach a height of 200 feet or above and must consider installing flashing lights as recommended in **MM TLSN-1 and COC SWITCH TLSN-1**. Therefore, with adherence to these construction standards, the transmission line would not physically or electrically affect aviation safety.

Page 5.13-7 of the Staff Assessment

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

Construction and operation of the ~~PG&E utility~~ **new BAAH 500 kV** switchyard, looping in and out line, and downstream network upgrades to transmission facilities would be required to be constructed to satisfy CPUC and PG&E standards such as G.O 95,128,131-~~D~~**E** and NESC. Due to the unbuilt bare land around the downstream transmission facilities, which are being built with the proper right-of-way, PG&E downstream facilities are unlikely to affect radio or television reception. G.O 95 provides the clearance requirement for high voltage lines and minimize the EMF effects. Staff does not expect any corona-related radio-frequency interference or complaints due to PG&E utility switchyard and downstream network upgrades and does not recommend any related mitigation.

Page 5.13-9 of the Staff Assessment

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

Operation of the ~~PG&E~~ **new BAAH 500 kV** switchyard, looping in and out line, and PG&E downstream network upgrades to transmission facilities would be required to be constructed to satisfy CPUC and PG&E construction and design standards, such as G.O 95,128,131-~~D~~**E** and NESC. Due to the unbuilt bare land around the downstream transmission facilities and these transmission facilities being built with the proper right-of-way, the PG&E downstream facilities are unlikely to affect audible noise. Staff does not recommend any related mitigation.

Page 5.13-9 and 5.13-10 of the Staff Assessment

~~PG&E Utility Switchyard~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

Operation of the ~~PG&E~~ **new BAAH 500 kV** switchyard, looping in and out line, and PG&E downstream network upgrades to transmission facilities would be required to be constructed according to CPUC PG&E and NESC construction and design standards, such as G.O 95,128,131-~~D~~**E**. The PG&E would comply with Title 14, California Code of Regulations, Section 1250, Article 4, establishing fire prevention standards for electric power generation facilities. Also, CPUC GO-95 establishes rules and guidelines for transmission line construction, including clearances from other manmade and natural structures and tree-trimming requirements to mitigate fire hazards. Therefore, staff recommends **MM TLSN-1** to implement these mitigation measures.

Page 5.13-10 and 5.13-11 of the Staff Assessment

~~PG&E Switchyard~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

Operation of the PG&E switchyard, looping in and out line, and PG&E downstream network upgrades to transmission facilities would be required to be constructed to satisfy CPUC, PG&E, and NESC construction and design standards, such as G.O 95,128,131-~~D~~**E**. The PG&E downstream facilities will be designed, constructed, and operated according to the standards and applicable LORS. Implementing the GO-95-related measures in constructing transmission facilities, including proper grounding methods, transmission line clearance with the ground, right-of-way requirements, and the IEEE Guide for Fence Safety Clearances in Electric-Supply Stations against direct contact with the energized line and substation components, would minimize the risk of hazardous shocks. Because the lines would be constructed in conformance with the requirements of CPUC GO-95 and Title 8 California Code of Regulations (CCR) 2700, hazardous shocks are highly unlikely to occur.

Page 5.13-11 and 5.13-12 of the Staff Assessment

PG&E Utility Switchyard ~~New BAAH 500 kV Switchyard and Downstream~~ Network Upgrades

The ~~PG&E~~ **new BAAH 500 kV** switchyard, looping in and out line, and PG&E downstream network upgrades to transmission facilities would be required to be constructed to satisfy CPUC, PG&E, and NESC construction and design standards, such as G.O 95,128,131-~~D~~**E**. The PG&E downstream facilities will be designed, constructed, and operated according to the standards and applicable LORS. PG&E would utilize proper grounding methods and conduct soil resistivity tests to minimize the potential nuisance shocks**.**

Page 5.13-13 of the Staff Assessment

~~PG&E Switchyard,~~ New BAAH 500 kV Switchyard and Downstream Network Upgrades

The P~~G&E~~ **new BAAH 500 kV** switchyard, looping in and out line, and PG&E downstream network upgrades to transmission facilities would be required to be constructed to satisfy CPUC, PG&E, and NESC construction and design standards, such as G.O 95,128,131-~~D~~**E**. The PG&E downstream facilities will be designed, built, and operated according to the standards and applicable LORS. Site access is restricted to station workers, incidental construction and maintenance personnel, other company personnel, regulatory inspectors, and approved guests. Because access would not be available to the public, public exposure to EMF is not expected from downstream transmission facilities to be constructed as part of the project.

Page 5.13-15 of the Staff Assessment

TABLE 5.13-1 CONFORMANCE WITH APPLICABLE LORS

Applicable LORS	Conformance and Basis for Determination
State	
GO-131-~~D~~**E**, CPUC" Rules for Planning and Construction of Electric Generation, Line, and Substation Facilities in California." Specifies application and notices requirements for new line construction, including EMF reduction.	**Yes.** The project would be built with proper transmission line clearance with the ground and satisfy G.O.95 Transmission paths Right-of-way requirements. Underground circuits would utilize duct banks to minimize the EMF and de-rated ampacity of conductors. Applicable COC **TLSN-1**, **TLSN-3** and **TLSN-4**

Page 5.13-16 of the Staff Assessment

TLSN-1 The project owner shall construct the proposed 230-kV transmission lines according to the requirements of California PUC's GO- 95, GO-52, GO-131-~~D~~**E**, Title 8, and Group 2, High Voltage Electrical Safety Orders, sections 2700 through 2974 of the California Code of Regulations, and PG&E's EMF reduction guidelines.

Page 5.13-17 and 5.13-18 of the Staff Assessment

TLSN-5 Gen-Tie line and other transmission related structures: Transmission facilities are constructed to satisfy CPUC and PG&E construction standards such as G.O 95,128 and 131-~~D~~**E**. Additionally, PG&E should get approval from the FAA if the transmission structures reach a height of 200 feet or above.

Verification: At least 30 days before the construction of structures above 200 feet tall, the project owner shall transmit to the CPM a letter confirming compliance with this condition.

SWITCH TLSN-1 The BAAH 500 kV switchyard are constructed to satisfy CPUC and PG&E construction standards such as G.O 95, 128 and 131 E. Additionally, PG&E should get approval from the FAA if the downstream transmission structures reach a height of 200 feet or above.

Verification: At least 30 days before the construction of structures above 200 feet tall, the project owner shall transmit to the CPM a letter confirming compliance with this condition.

5.13.6 Recommended Mitigation Measures for Non jurisdictional Project Components

For the non-jurisdictional components of the project, the following mitigation measures can and should be adopted by the agency with permitting authority over those components consistent with California Code of Regulations title 14, section 15091(a)(2).

MM TLSN-1 ~~PG&E Switchyard and~~ Downstream Network Upgrades belong to non-jurisdictional components: Downstream Transmission facilities are constructed to satisfy CPUC and PG&E construction standards such as G.O 95,128 and 131 ~~D~~**E**. Additionally, PG&E should get approval from the FAA if the downstream transmission structures reach a height of 200 feet or above.

Section 5.15 Visual Resources

Page 5.15-58 of the Staff Assessment

To reduce potential significant impacts associated with contrast and glare for components of the ~~utility~~ **new BAAH 500 kV** switchyard, staff recommends a ~~Utility~~ Switchyard Surface Treatment Plan is prepared and implemented as required by Mitigation Measure **(MM) VIS-1 for the downstream network upgrades and COC SWITCH VIS-1 for the new BAAH 500 kV switchyard**. The ~~Utility~~ Switchyard Surface Treatment Plan would require that the finishes on all new transmission and other structures with metal surfaces shall be non-reflective, new conductors shall be non-specular, and the plan would be prepared consistent with PG&E's surface treatment standards.

Page 5.15-60 of the Staff Assessment

Mitigation measures would require a light pollution control plan or equivalent to ensure new outdoor light and glare emitted from the project site and construction laydown area does not result in light pollution as ~~required~~ **recommended** by **MM VIS-1 for the downstream network upgrades and COC SWITCH VIS-1 for the new BAAH 500 kV switchyard**.

Page 5.15-62 of the Staff Assessment

These finish specifications would be included in the ~~Utility~~ Switchyard Surface Treatment Plan as **recommended** ~~required~~ by **MM VIS-1 for the downstream network upgrades and COC SWITCH VIS-1 for the new BAAH 500 kV switchyard**.

Page 5.15-65 of the Staff Assessment

The project owner shall not purchase product or service from a vendor for the project exterior surface coatings, colors, finishes, materials prior to CPM approval of the exterior surface coating, color, finish, and materials plan.

Verification:

a. The project owner shall submit an exterior surface coating, color, finish and materials plan to the CPM for approval and simultaneously to the Director of Planning and Development Services for the County of Fresno for review and comment ~~ninety (90)~~ **sixty (60)** days prior to executing a contract to purchase coating, color, finish and materials with a vendor. The CPM shall provide the Director of Planning and Development Services at least 30 days to review the plan and provide comments to the applicant and the CPM.

Page 5.15-66 of the Staff Assessment

Verification:

a. The project owner shall submit a light pollution control plan to the CPM for approval and simultaneously to the Director of Planning and Development Services for the County of Fresno for review and comment ~~ninety (90)~~ **sixty (60)** days prior to executing a contract to purchase permanent outdoor luminaires for the project. The CPM shall provide the Director of Planning and Development Services at least 30 days to review the plan and provide comments to the applicant and the CPM.

Page 5.15-67 of the Staff Assessment

a. The project owner shall submit a plan locating the support structures adjacent to I-5 for approval to the CPM, Director of Planning and Development Services for the County of Fresno for review and comment ~~ninety (90)~~ **sixty (60)** days prior to siting the structures.

b. The project owner shall submit an exterior surface coating, color, finish and materials plan for the utility structures crossing I-5 for approval to the CPM, Director of Planning and Development Services for the County of Fresno for review and comment ~~ninety (90)~~ **sixty (60)** days prior to executing a contract to purchase coating, color, finish and materials with a vendor. The CPM shall provide the Director of Planning and Development Services at least 30 days to review the plan and provide comments to the applicant and the CPM.

e. Exterior surface coatings, colors, finishes, and materials shall be installed/applied (completed) on the exterior surfaces of the structures prior to the start of commercial operation.

SWITCH VIS-1 ~~PG&E Utility Switchyard and Downstream Network Upgrades~~ BAAH 500 kV Switchyard Surface Treatment Plan. To reduce potential significant impacts associated with contrast and glare for components of the ~~utility~~ BAAH 500 kV switchyard ~~and~~ downstream network upgrades, the applicant shall~~will~~ prepare and implement a ~~Utility Switchyard and~~ BAAH 500 kV Switchyard ~~Downstream Network Upgrades~~ Surface Treatment Plan. The ~~Utility Switchyard and Downstream Network Upgrades~~ BAAH 500 kV Switchyard Surface Treatment Plan shall~~will~~ require that the finishes on all new transmission and other structures with metal surfaces shall be non-reflective, new conductors shall be non-specular, and the plan shall~~will~~ be prepared consistent with PG&E's surface treatment standards.

Verification:

a. **The project owner shall submit an exterior surface coating, color, finish and materials plan to the CPM for approval and simultaneously to the Director of Planning and Development Services for the County of Fresno for review and comment ~~ninety (90)~~ sixty (60) days prior to executing a contract to purchase coating, color, finish and materials with a vendor. The CPM shall provide the Director of Planning and Development Services at least 30 days to review the plan and provide comments to the applicant and the CPM.**

b. **If the CPM determines that the exterior surface coating, color, finish, and materials plan requires a revision, the project owner shall provide to the CPM a plan with the specified revision(s) for approval by the CPM before any action or activity with the vendor is executed. Any revision to the plan must be approved by the CPM.**

c. **The project owner shall notify the CPM that exterior surface coatings, colors, and finishes of all listed buildings, equipment, and structures that has been completed are ready for inspection. With this notification, the applicant shall supply to the CPM one set of color photographs showing the project from the Key Views evaluated for the project certification, and individual color photographs showing the completed exterior surface coatings, colors, finishes, and materials for the following: the clarifiers, control room, cooling tower, maintenance building, thickener, and any other building, equipment, and structure as requested by the CPM. Color photographs may be electronically filed or manually filed on electronic media.**

d. Exterior surface coatings, colors, finishes, and materials shall be installed/applied (completed) on the exterior surfaces of the large/major buildings, equipment, and structures prior to the start of commercial operation.

e. The project owner shall supply a description of the condition (status) of the exterior surface coatings, colors, finishes, and materials for the large/major buildings, equipment, structures, and others as needed for the reporting year in the Annual Compliance Report. The report shall include:

1. **The condition of the exterior surfaces of buildings, equipment, and structures at the end of the reporting year.**
2. **A listing of maintenance activities performed during the reporting year.**
3. **A tentative time schedule for maintenance activities for the upcoming year.**

Page 5.15-68 of the Staff Assessment

MM VIS-1 PG&E ~~Utility Switchyard and~~ Downstream Network Upgrades Surface Treatment Plan. To reduce potential significant impacts associated with contrast and glare for components of the ~~utility switchyard and~~ downstream network upgrades, ~~the applicant~~ **PG&E shall**~~will~~ prepare and implement a ~~Utility Switchyard and~~ Downstream Network Upgrades Surface Treatment Plan. The ~~Utility Switchyard and~~ Downstream Network Upgrades Surface Treatment Plan **shall** ~~will~~ require that the finishes on all new transmission and other structures with metal surfaces shall be non-reflective, new conductors shall be non-specular, and the plan **shall** ~~will~~ be prepared consistent with PG&E's surface treatment standards.

Section 5.16 Water Resources

Page 5.16-9 of the Staff Assessment

Based on the analysis below, with the implementation of condition of certification (COC) **WATER-1, SWITCH WATER-1** and **MM WATER-1**, project construction would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Page 5.16-10 of the Staff Assessment

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

Construction of ~~T~~**t**he ~~PG&E utility switchyard and~~ network upgrades that include the transmission line to the Los Banos-Midway 500kv line, the fiber optic communication line to the Panoche and Gates substations, and improvements to the Los Banos, Midway

and Gates substation, are under the jurisdiction of the California Public Utilities Commission (CPUC). **Construction of the new BAAH 500 kV switchyard would be under the jurisdiction of the CEC as the project owner would be constructing this facility.** Construction of the ~~PG&E utility~~**new BAAH 500kV** switchyard and the network upgrades would still be subject to the requirements of the CGP and implementation of ~~recommended~~ **COC SWITCH WATER-1 and MM WATER-1** ~~is advised~~ **applies**.

Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, with the implementation of **COCs WATER-2** and **WATER-4** and **MM WATER-2**, the project's operation would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

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~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

The ~~PG&E utility~~**new BAAH 500kV** switchyard and network upgrades that include the transmission line to the Los Banos-Midway 500kv line, the fiber optic communication line to the Panoche and Gates substations, and improvements to the Los Banos, Midway and Gates substation, are under the jurisdiction of the CPUC. Stormwater control and to minimize impact to runoff water quality during operation of the ~~PG&E utility~~**new BAAH 500kV** switchyard would still be required. ~~It is recommended that a~~ **The** DESCP **would** be prepared to control the effects of stormwater runoff during operation of the ~~PG&E utility~~**new BAAH 500kV** switchyard per staff's recommended **MM WATER-2.**

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Water supply for the project would be groundwater provided by virtue of an option agreement between WWD and the applicant to purchase the property underlying the project area. As part of the ~~purchase~~ option agreement **to purchase**, the buyer may extract 130 acre-feet per year (AFY) for project construction, and 2-acre feet (AF) for every 320 acres purchased by the buyer during project operation. As a condition of the agreement, the buyer would be subject to applicable regulations promulgated by the GSAs (including WWD) under the SGMA (RCI 2024ww).

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Thus, the applicant would be entitled to approximately ~~3,697~~ **3,859** AFY, given the proposed purchase of ~~9,100~~ **9,500** acres, for construction-related activities such as dust suppression, soil compaction and grading. This amount of water far exceeds the proposed construction water demand of 1,100 AF over a maximum 36-month period, or about 367 AFY. During project operations, the applicant would be entitled to approximately ~~57~~ **59** AFY given the proposed property purchase amount, exceeding the proposed operational water demand of 35 AFY. Construction and operations water

demand will be recorded, and the ~~purchase~~ option agreement **to purchase** between the applicant and WWD verified, per COC **WATER-6.**

...

As noted in Section 5.16.1, the project is located within a region that has experienced land subsidence in the past due to groundwater overdraft in support of local agriculture. However, the land associated with the project is being repurposed as a part of the 2015 USDOJ/WWD settlement. How much water will be saved by converting land use from agriculture to solar power production can be estimated by comparing the current average agricultural water usage within WWD with the proposed usage for solar power production during operation. The amount of irrigable land within WWD is 568,000 acres (WWD 2023) and historical WWD use of groundwater has averaged 282,784 AFY from 1988 through 2024 (WWD 2025). That would yield an agricultural water usage rate of 0.50 AFY/acre. If this rate were applied to the project area of ~~9,100~~ **9,500** acres, an agricultural water usage of 4,550 AFY would result. Both the proposed project construction water demand of 1,100 AF and the operational water demand of 35 AFY are diminutive compared to this figure.

Moreover, the purpose of the Sustainable Groundwater Management Act (SGMA) was to establish a framework to manage groundwater resources in a sustainable manner. The applicant's compliance with Fresno County and WWD implementing SGMA as the local GSAs would be a condition of the ~~purchase~~ option agreement **to purchase**.

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Based on the analysis below, with the implementation of COCs **WATER-1, SWITCH WATER-1,** ~~and~~ **WATER-2** and **MM WATER-1** and **MM WATER-2**, the project's operation and construction would not substantially alter the existing drainage pattern of the site or area. The potential impact is less than significant with mitigation incorporated.

Solar Facility, Battery Energy Storage System, O&M Facility, Step-Up Substation, and Generation-Intertie Line

As discussed in criterion "a", the impact of erosion during project construction would be addressed by the SWPPP prepared as part of the CGP requirement described in **COC WATER-1.** During operations, stormwater runoff from the project facilities would be addressed by the project operations DESCP prepared per **COC WATER-2**.

...

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

As described in Criteria "a", the project would not be expected to cause substantial erosion during construction, if the requirements of the CGP are followed per staff's recommended **MM WATER-1 and proposed COC SWITCH WATER-1.** During

operations, erosion would be controlled if the recommended DESCP is prepared per **MM WATER-2**.

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ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

Construction and Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, with the implementation of COCs **WATER-1, SWITCH WATER-1,** ~~and~~ **WATER-2,** ~~and~~ **MM WATER-1** and **MM WATER-2**, the project's operation and construction would not substantially increase the rate or amount of surface water runoff in a manner that would result in flooding. The potential impact is less than significant with mitigation.

...

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

As described in Criteria "a", the project would not be expected to increase on or off-site flood**ing** during construction, **with implementation of** ~~if the requirements of the~~ **COC SWITCH WATER-1 and MM WATER-1.** During operations, erosion would be controlled ~~if the recommended~~ **with implementation of the** DESCP ~~is~~ prepared per staff's recommended **MM WATER-2**.

...

Based on the analysis below, with the implementation of COCs **WATER-1,** ~~and~~ **WATER-2,** ~~and~~ ~~**MM**~~ **SWITCH WATER-1** and **MM WATER-2**, the project's operation and construction would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. The potential impact is less than significant with mitigation.

Solar Facility, Battery Energy Storage System, O&M Facility, Step-Up Substation, and Generation-Intertie Line

Currently, a system of ditches is in place as part of the agricultural infrastructure to drain tailwater. However, as discussed in criterion "a" above, stormwater runoff during construction would be minimized by the practices employed per the CGP SWPPP (per COC **WATER-1**). During operation, stormwater runoff from project facilities would be addressed by the operation DESCP prepared per COC **WATER-2**.

With mitigation, this project component would not be expected to create surface water runoff that would exceed stormwater drainage capacity either during construction or operation.

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

As described in Criterion "a", the project would not be expected to exceed the capacity of nearby agricultural drainage during construction, if the requirements of ~~staff's recommended~~ **~~MM~~ COC SWITCH WATER-1 are implemented.** During operations, erosion would be controlled ~~if the recommended~~ **by implementing the** DESCP ~~is~~ prepared per staff's recommended **MM WATER-2**.

...

Based on the analysis below, with the implementation of COCs **WATER-1,** ~~and~~ **WATER-2,** ~~and~~ **~~MM~~ SWITCH WATER-1** and **MM WATER-2**, the project's operation and construction would not impede or redirect flood flows. The potential impact is less than significant with mitigation incorporated.

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~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades.

As described in Criterion "a", the project would not be expected to exceed the capacity of nearby agricultural drainage during construction, ~~with~~ **per the** requirements of staff's **proposed** ~~recommended~~ **~~MM~~ COC SWITCH WATER-1.** During operations, erosion would be controlled ~~if the recommended~~ **with the implementation** of the DESCP is prepared per staff's recommended **MM WATER-2**.

iv. Impede or redirect flood flows?

Construction and Operation– *Less Than Significant with Mitigation Incorporated*

Based on the analysis below, with the implementation of COCs **WATER-1, SWITCH WATER-1** and **WATER-2,** ~~and~~ **MM WATER-1** and **MM WATER-2**, the project's operation and construction would not impede or redirect flood flows. The potential impact is less than significant with mitigation incorporated.

~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

The ~~PG&E utility~~**new BAAH 500kV** switchyard is located in FEMA FIRM Zone X outside of a special flood hazard area and is not near the coast or a large body of water, therefore there is no danger of a tsunami, seiche, or vulnerability to sea level rise.

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~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

The ~~PG&E utility~~**new BAAH 500kV** switchyard is located in FEMA FIRM Zone X outside of a special flood hazard area and is not near the coast or a large body of water, therefore there is no danger of a tsunami, seiche, or vulnerability to sea level rise.

...

As discussed in criterion "b", project construction water demand of 1,100 AF and the operational water demand of 35 AFY would be groundwater provided through a ~~purchase~~ option agreement **to purchase** with WWD. The ~~purchase~~ **option** agreement **to purchase** with WWD, as well as tracking construction/operations water demand would be addressed under COC **WATER-6**. Groundwater production well(s) would be installed within the O&M building compound in accordance with State water well standards (DWR 1981, DWR 1991) and Fresno County ordinance to comply with COC **WATER-5**. SGMA establishes a framework to manage groundwater resources in a sustainable manner and the applicant's compliance with the local GSAs (Fresno County and WWD) implementation of SGMA as a condition of the ~~purchase~~ option agreement **to purchase**. In addition, DWR has been continuously monitoring land subsidence using InSAR to support implementation of SGMA since 2015 (DWR 2025b).

Pages 5.16-18 and 5.16-19 of the Staff Assessment

Solar Facility, Battery Energy Storage System, O&M Facility, Step-Up Substation, and Generation-Intertie Line

As discussed in criteria "b" and "e", water for project construction and would be groundwater extracted from the project property by means of a ~~purchase~~ option agreement **to purchase** with WWD. The ~~purchase~~ **option** agreement **to purchase** with WWD, as well as tracking construction/operations water demand would be addressed under COC **WATER-6.** Groundwater production well(s) would be installed in accordance with State water well standards (DWR 1981, DWR 1991) and Fresno County ordinance to comply with COC **WATER-5**. The Water Supply Assessment prepared for the project concluded that the proposed water supply would be resilient during normal, single dry, and multiple dry years (RCI 2024gg). In addition, the transition of land use from agriculture to solar power production will reduce the demand on the local aquifer. Moreover, the purpose of SGMA is to promote sustainable groundwater resources through management practices.

With incorporation of the conditions of COC **WATER-5** and **WATER-6**, as well as compliance with SGMA, the proposed water supply would adequately serve the project component.

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~~PG&E Utility~~ New BAAH 500kV Switchyard and Downstream Network Upgrades

There are no sanitary facilities proposed for ~~PG&E utility~~**new BAAH 500kV** switchyard

that would require wastewater treatment; therefore, project operation would not affect wastewater capacity or violate water quality standards.

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TABLE 5.16-1 CONFORMANCE WITH APPLICABLE LORS	
Applicable LORS	**Conformance and Basis for Determination**
Federal	
CWA, U.S. Code § 1342 (b) allows states to establish programs to issue NPDES permits.	**Yes.** During construction of the project, a storm water permit would be obtained under the General Construction NPDES program administered by the SWCRB and Colorado River Basin RWQCB as described in COC **WATER-1** per authority granted under U.S. Code § 1342 (b).
Federal Emergency Management Agency Flood Insurance Program	**Yes.** The portion of the proposed project area located within special flood hazard Zone A does not include any permanent structures. Wiring to PV panels within the solar facility would be installed to comply with COC **WATER 3**.
State	
Sustainable Groundwater Management Act (Assembly Bill (AB) 1739, Senate Bill (SB) 1168 & SB 1319)	**Yes**. The water supply for construction and operation is groundwater produced from the project property per a ~~purchase~~ option agreement **to purchase** with WWD. A condition on this agreement is the project owner would comply with applicable regulations promulgated by the GSAs (Fresno County & WWD) under SGMA. The ~~purchase~~ option agreement **to purchase** would be verified per COC **WATER-6.**

...

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5.16.4 Conclusions and Recommendations

As discussed above, with implementation of the proposed conditions of certification, the project would have a less than significant impact related to water resources**. The Solar Facility, Battery Energy Storage System, O&M Facility, Step-Up Substation, and Generation-Intertie Line** ~~and~~ would conform with applicable LORS. Staff recommends adopting the conditions of certification as detailed in subsection "5.16.5 Proposed Conditions of Certification" below. The conditions below are enforceable as part of the CEC's certificate for the portions of the project constituting the site and related facilities.

Impacts associated with project components outside of CEC's jurisdiction, such as the ~~PG&E utility Switchyard and~~ PG&E Downstream Network Upgrades to be considered for permitting by CPUC, require mitigation to reduce impacts to less than significant.

5.16.5 Proposed Conditions of Certification

~~The following proposed Conditions of Certifications include measures to ensure~~

~~conformance with applicable LORS.~~

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WATER-5 Water for project operational use shall be groundwater produced from well(s) to be installed adjacent to the proposed O&M facility. ~~The project owner shall apply for a well installation permit from the FCPWPD~~. The groundwater production well(s) shall be installed and constructed per applicable California Water Code section, as well as DWR standards presented in bulletins 74-81 and 74-90, as well as applicable **Fresno County Department of Public Health (FCDPH)** ~~FCPWPD~~ well installation requirements.

Verification: At a frequency determined by the CPM, the project owner shall keep the CPM apprised of all aspects of production well installation. The project owner shall provide the CPM with **all information required for to obtain a FCDPH** ~~a copy of the~~ well installation permit. The project owner shall file a well completion report to DWR for the extraction well. Any testing results or correspondence exchanged between the project owner and the California Department of Health Services or the ~~FCPWPD~~ **FCDPH** during operations shall be provided to the CPM in the annual compliance report. All results and diagrams associated with groundwater production well installation shall be included in the annual compliance report.

WATER-6 Water supply for project construction and operation shall be groundwater beneath the project property by benefit of the ~~purchase~~ option agreement **to purchase** with the WWD. The project owner shall provide the CPM with a copy of the WWD ~~purchase~~ option agreement **to purchase** after conclusion. Water use during construction shall not exceed 1,200 AF and operational water use shall be limited to a maximum of 40 AFY. The project owner shall record daily water use for the project construction and operation.

Verification: During project construction, the monthly compliance report shall include a summary of monthly water use. The project's annual compliance report shall include a monthly and annual summary of water use identifying construction or operations and water source.

SWITCH WATER-1 The project owner must manage stormwater pollution from project construction activities by fulfilling the requirements contained in State Water Resources Control Board's NPDES CGP for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002) and all subsequent revisions and amendments. Among the requirements of the CGP, the project owner shall submit an NOI and file permit registration documents electronically using SMARTS, and develop and implement a construction SWPPP for the construction of the project (Construction SWPPP). The SWPPP shall include all applicable BMPs for the project construction activities conducted in the

local environment.

Verification: At least thirty (30) days prior to site mobilization, the project owner shall submit to the Compliance Project Manager (CPM) proof that the construction permit was granted and that a waste discharge identification number (WDID) was issued by the SWRCB. Within ten (10) days of its mailing or receipt, the project owner shall submit to the CPM any correspondence between the project owner and the SWRCB or the Central Valley Regional Water Quality Control Board (CVRWQCB) concerning the CGP. This information shall include the NOI, any updates to the construction SWPPP, and the notice of termination. The project owner shall notify the CPM in writing of any reported non-compliance and include these in the annual compliance report. Any monitoring documentation associated with the SWPPP shall be included in the annual compliance report.

SWITCH WATER-2 Prior to commencing project operations, the project owner must prepare a site-specific operations DESCP that addresses all project elements of stormwater management during project operations. The DESCP shall include the following:

- **Discussion, site maps, plans and applicable BMPs demonstrating how stormwater and sediment erosion shall be managed during project operation.**
- **Final design and rational of detention basins proposed for the 16 drainages areas.**
- **Discussion of BMPs deployment and materials management practices at the project site.**
- **Discussion and schedule of BMP inspections, storm event monitoring, and stormwater management structure maintenance.**

Verification: At least thirty (30) days prior to commencement of project operation, the project owner shall submit a copy of the Operation DESCP to the CPM for review and approval. The project owner shall notify the CPM in writing of any reported non-compliance instances and include these in the annual compliance report. Any monitoring documentation associated with the DESCP shall be included in the annual compliance report.

Section 9 Compliance Conditions and Compliance Monitoring Plan

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COM-11 Reporting of Complaints, Notices, and Citations. Prior to the start of construction or closure, the project owner shall send a letter to property owners **and residences** within one mile of the project **boundaries**, notifying them of a telephone

number to contact project representatives with questions, complaints or concerns. **All notifications and complaint forms shall be provided in both English and Spanish to ensure effective communication with Spanish-speaking residents.** If the telephone is not staffed 24 hours per day, it must include automatic answering with date and time stamp recording.

The project owner shall respond to all recorded complaints within 24 hours or the next business day. The project owner shall post the telephone number onsite and make it easily visible to passersby during construction**, and first year of project** operation, and closure. The project owner shall provide the contact information to the CPM and promptly report any disruption to the contact system or telephone number change to the CPM, who will provide it to any persons contacting him or her with a complaint.

Within five business days of receipt, the project owner shall report, and provide copies to the CPM, all complaints, including, but not limited to, noise and lighting complaints, notices of violation, notices of fines, official warnings, and citations. Complaints shall be logged and numbered. Noise complaints shall be recorded on the form provided in the Noise and Vibration conditions of certification. All other complaints shall be recorded on the complaint form at the end of this compliance plan. Additionally, the project owner must include in the next MCR, ACR or PCR, copies of all complaints, notices, warnings, citations and fines, a description of how the issues were resolved, and the status of any unresolved or ongoing matters.

Section 10 Mandatory Opt-In Requirements

Page 10-9 of the Staff Assessment

Subtracting the gross benefits of building and operating DCEP from those of leaving the land undeveloped results in estimated positive net economic benefits of about $169,300,000 over the life of the project (net for building versus not building the project, not net as in subtracting costs to Fresno County from the DCEP). LCA also considered a more conservative scenario where DCEP does not earn any revenue from selling power back to the grid. In this scenario DCEP still produces large economic benefits over its lifetime ($153,000,000). **LCA also considered a scenario where DCEP qualifies for a solar exclusion over the first three years of operation. In this scenario, the project produces $167.8 million of net positive economic benefits.**

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9. The proposed solar project component of DCEP ~~is~~ **may be** 100 percent tax exempt, this correlates to zero dollars of revenue for fire protection services. To mitigate potential fiscal impacts to the FCFPD, staff proposes COC **WORKER SAFETY-12** which requires the DCEP project owner to reach an agreement with the FCFPD regarding funding to offset direct and cumulative project-related impacts. **COC WORKER SAFETY-12 also addresses that this solar property tax exclusion may not be available for new active solar projects after January 1, 2027.**

Appendix C Report of Findings: Net Positive Economic Impacts of Darden Clean Energy Project

Page 2 in Appendix C of the Staff Assessment

Model Inputs

To estimate the local net economic benefit of the DCEP project, the following modeling input assumptions are presented in **Table 1**, which are inputs to the RE Model.

Table 1. Energy Technology Input Assumptions for Darden Clean Energy Project

Technologies	PV Solar & BESS
PV Solar	$1,558,625,500
BESS	$835,010,600
Step-up Substation	$79,372,800
Gen-tie	$61,650,000
~~Utility~~ **New BAAH 500 kV** Switchyard	$111,000,000
Hardware Purchase	$669,439,440
Interconnect & Installation	$117,150,000
Total Installed Cost	$786,589,440
O&M, Y1	$2,900,000
O&M escalation	2.5%
Discount Factor	5%
BESS Installed Capacity, MW	1,150
Solar Installed Capacity, MW	1,150
Round-trip efficiency	93.7%
Y1 Available Capacity, MW BESS	1,078
Capacity Factor, BESS	17%
Capacity Factor, Solar	28.4%
Annual Hours	8,760

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Net Economic Benefits

The economic benefit of the developed project is $171.7 million compared to the undeveloped project economic benefit of $2.4 million. Based on the output of the RE Model, the Darden Clean Energy Project generates $169.3 million of positive net economic value to Fresno County over its lifetime on a net present value basis.

Two alternative scenarios were examined over the project lifetime on a net

present value basis. In ~~an~~ **the first** alternative scenario, where plant earnings are excluded from the analysis, the developed scenario continues to meet the net economic benefit requirement. When plant earnings are set to zero in the RE Model, the net economic benefit of the project is $153 million. **In a separate alternative scenario, net economic benefits were assessed with the facility qualifying for a solar exemption for the first three years of operation as described in the Appendix. In this scenario, the net positive economic benefit of the project is $167.8 million.** Providing thi~~s~~**ese alternative scenario** comparison**s** further supports the analysis from the data provided by the project developer, that this project creates a net positive economic benefit to Fresno County.

Page 14 to 15 in Appendix C of the Staff Assessment

Local Property Tax

Local property tax is the local tax applied to the installation component of the project. The installation value is supplied by the applicant and the local tax share is the difference from the local tax rate and the state tax rate. It is an annual value, subject to the NPV multiplier as the project installation increases property value. **Inputs for an example calculation for a facility that qualifies for the Active Solar Energy Exclusion are shown in the Table 6 below:**

Table 6. Inputs for Calculation of Local Property Tax

Category	Source	Example
Developed Property Value	Applicant and estimate	$2600M
Property Tax Rate	Varies by County	1%
Local Share	Local rule or estimated by population	1% of PT
Baseline Property Value	Applicant or estimate	$1M
Assessment Deferral	Board of Equalization	3 Years
Analysis Period	Estimate	35 years
Discount Rate	Typical Value	5%

For solar projects, an assessment deferral is included in the calculation for an alternative scenario based on the Active Solar Energy Exclusion[1]. The November 2012 Guidelines stipulate that an Active Solar Energy System is a "system that uses solar devices, …, to provide for the collection, storage, or distribution of solar energy"[2], thereby the calculation includes a BESS system and other on-site distribution components during the exemption period. While the current regulation is scheduled to sunset in January 2027, it has been extended in the past and may be extended in the future. Depending on

1 https://www.boe.ca.gov/proptaxes/active-solar-energy-system.htm#Description

2 https://www.boe.ca.gov/proptaxes/pdf/lta12053.pdf

the start and completion date of construction, the property tax value assessment may be locked in at the exemption rate if there is no change in property ownership[3], minimizing local property tax payments. Based on the inputs from the previous table, the impact of the Exclusion over the first three years of the project yields a NPV of the local property tax benefit of $5.3 million.

...

Table ~~6~~7 includes the economic multipliers applied to the local impact of the project from the previous section. These multipliers are based on previous CEC renewable energy databases and derived from the IMPLAN model. The economic multipliers generate the total output, employment, personal income, and value added from the new infrastructure project. The same multipliers are used for the undeveloped scenario.

Table ~~6~~7. Economic Multipliers for Local Economic Output, Employment, Personal Income, and Value Added.

Activities	Output ($/$)		
	Direct	Indirect	Induced
Plant Investment Hardware	1	0.35	0.38

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3 https://www.boe.ca.gov/proptaxes/pdf/lta24031.pdf

Section 4

Authors and Reviewers

4 Authors and Reviewers

Lead Agency—California Energy Commission

Section Authors

Jacquelyn Record and Yifan Ding (Air Quality, Climate Change and Greenhouse Gas Emissions, Public Health, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Carol Watson and Ann Crisp (Biological Resources, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Kenneth Salyphone (Facility Reliability, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Ardalan Sofi (Noise and Vibration, Facility Design, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Kevin Delano (Geology, Paleontology, and Minerals, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

James Ackerman (Water Resources, Solid Waste Management, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Sudath Edirisuriya (Transmission System Engineering, Transmission Line Safety and Nuisance)

Joseph Douglas (Compliance Conditions and Compliance Monitoring Plan)

Paul Deaver (Public Benefits, Mandatory Opt In Requirements: Net Economic Benefits)

Anmarie Medin - Pacific Legacy, Inc. (Cultural and Tribal Cultural Resources, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Alvin Greenberg, Ph.D.- Risk Sciences Associates (Worker Safety and Fire Protection)

Chuck Huffine - Mead & Hunt (Transportation Section 2, Response to Comments Received on the Staff Assessment)

Krista Wellnitz and Lisa Harmon- Mead & Hunt (Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Jennifer Taia - Tatsumi and Partners (Visual Resources, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Paul Miller - RCH Group (Alternatives, Hazards, Hazardous Materials/Waste and Wildfire)

Brian Healy and Stefan Unnasch- Life Cycle (Appendix C Report of Findings: Net Positive Economic Impacts of Darden Clean Energy Project)

Nate Berls - RCH Group (Alternatives, Mandatory Opt In Requirements, Appendix A Cumulative Scenario, Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Dan Jones - RCH Group (Alternatives Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Luis Rosas – RCH Group (Alternatives, Hazardous Materials/Waste and Wildfire Section 2, Response to Comments Received on the Staff Assessment, Section 3, Revisions to Staff Assessment)

Supervision and Management

Wenjun Qian, Air Quality Unit Supervisor
Ann Crisp, Biological Resources Unit Supervisor
Steve Kerr, Land Use and Public Services Unit Supervisor
Gabriel Roark, Cultural Resources Unit Supervisor/Assistant Tribal Liaison
Shahab Khoshmashrab, Facility Design Unit Supervisor
Brett Fooks, Safety & Reliability Branch Manager
Abdel-Karim Abulaban, Geosciences Unit Supervisor
Joseph Hughes, Engineering Branch Manager
Kaycee Chang, CEQA Project Management Unit Supervisor
Eric Knight, Siting and Environmental Branch Manager
Dian Vorters, Deputy Director - Siting, Transmission, and Environmental Protection Division
Elizabeth Huber, Director - Siting, Transmission, and Environmental Protection Division

Project Assistant

Marichka Haws

Project Management/Legal

Lisa Worrall, Project Manager
Alex Mayer, Staff Counsel
Crystal Cabrera, Staff Counsel