

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298



Pacific Gas & Electric Company
ELC (Corp ID 39)
Status of Advice Letter 5843E
As of August 3, 2020

Subject: Central 40 LLC Solar Underground Electric Wire Crossing PG&E's 500Kv Exclusive Electric Easement Request for Approval Under Public Utilities Code Section 851, pursuant to General Order 173

Division Assigned: Energy

Date Filed: 06-10-2020

Date to Calendar: 06-15-2020

Authorizing Documents: None

Disposition:	Accepted
Effective Date:	07-30-2020

Resolution Required: No

Resolution Number: None

Commission Meeting Date: None

CPUC Contact Information:

edtariffunit@cpuc.ca.gov

AL Certificate Contact Information:

Annie Ho

415-973-8794

PGETariffs@pge.com

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298



To: Energy Company Filing Advice Letter

From: Energy Division PAL Coordinator

Subject: Your Advice Letter Filing

The Energy Division of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records.

The AL status certificate indicates:

- Advice Letter Number
- Name of Filer
- CPUC Corporate ID number of Filer
- Subject of Filing
- Date Filed
- Disposition of Filing (Accepted, Rejected, Withdrawn, etc.)
- Effective Date of Filing
- Other Miscellaneous Information (e.g., Resolution, if applicable, etc.)

The Energy Division has made no changes to your copy of the Advice Letter Filing; please review your Advice Letter Filing with the information contained in the AL status certificate, and update your Advice Letter and tariff records accordingly.

All inquiries to the California Public Utilities Commission on the status of your Advice Letter Filing will be answered by Energy Division staff based on the information contained in the Energy Division's PAL database from which the AL status certificate is generated. If you have any questions on this matter please contact the:

Energy Division's Tariff Unit by e-mail to
edtariffunit@cpuc.ca.gov



June 10, 2020

Advice 5843-E

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Central 40 LLC Solar Underground Electric Wire Crossing PG&E's 500Kv Exclusive Electric Easement – Request for Approval Under Public Utilities Code Section 851, pursuant to General Order 173

Purpose

Pacific Gas and Electric Company (PG&E) requests California Public Utilities Commission (CPUC or Commission) approval under Public Utilities Code Section 851 (Section 851) and General Order (GO) 173 for PG&E to execute a Consent to Common Use Agreement (Attachment 1, Consent to Common Use Agreement) with Central 40, LLC (Applicant). The Consent to Common Use Agreement (CCU) would grant PG&E's consent for Applicant to cross PG&E's (i) exclusive easement for its overhead 500 kilovolt (Kv) electric transmission line (Exclusive Easement) and (ii) two non-exclusive overhead transmission lines easements for its 230 Kv and 110 Kv overhead electric transmission lines (Nonexclusive Easements). PG&E's owns the Exclusive Easement and Nonexclusive Easements on a parcel (Property) owned by Robert Houret Construction Company (Property Owner) unincorporated Stanislaus County, California, approximately 1.5 miles west of the intersection of the Interstate 5 and Sullivan Road. The total acreage of the Applicant's crossing within PG&E's Exclusive Easement will be approximately 26,471 square feet, or 0.608 acres, as shown and described in Attachment 2, Legal Description.

PG&E has reviewed the proposed crossings and, since no above-ground facilities will be installed as a result of this project, PG&E has determined that the operation of the Applicant's underground electric lines and access road does not interfere with PG&E's operations or PG&E's ability to provide safe and reliable utility service to its customers. In addition, this Solar Project will not be adverse to the public interest.

Background

PG&E acquired the Exclusive Easement and Nonexclusive Easements on the Property in Stanislaus County in 1964. PG&E owns and operates a 500 Kv above-ground electric transmission line in the Exclusive Easement area, which is 342.5 feet wide and 4930.04 feet long. The Nonexclusive Easements are parallel and adjacent to the east of the Exclusive Easement. The Nonexclusive Easements and are each 75 feet wide for a total width of 150 feet. The width of all three easements is 492.5 feet. The terms of the Exclusive Easement prevents the Property Owner from granting any easement on, under, or over PG&E's Exclusive Easement without the written consent of PG&E. PG&E owns and operates a 230 Kv and a 110 Kv overhead electric transmission lines in the Nonexclusive Easement parallel and adjacent to the Exclusive Easement area. The Exclusive Easement and Nonexclusive Easements (collectively, the "Easements") are included in this Advice Letter as Attachment 3, Easements.

In January 2019 the Applicant contacted PG&E and requested to install underground collection lines¹ and a gravel access road related to its planned solar project (Solar Project). The Solar Project will be a 219-acre, 40-megawatt solar farm project. The Easements bisect the Solar Project, making it necessary for the gravel road and collection lines to cross the Easements to connect the solar arrays on each side.

Both PG&E's Electric Transmission Line Engineering Services and Electric Transmission Line Maintenance and Construction departments reviewed the proposed crossing and concluded that it doesn't interfere with the operation and maintenance of its existing overhead facilities. PG&E therefore agreed to develop a CCU to permit the crossing within PG&E's Easements. On February 11, 2020, PG&E and Applicant finalized the CCU, included herein as Attachment 1, which is conditioned on CPUC approval under Section 851. Applicant agrees to pay PG&E a nominal fee of \$744 for the use of the 0.676-acre portion of PG&E's exclusive easement. PG&E now seeks approval from the CPUC for the CCU, as it is permitting a third-party use in its Exclusive Easement area.

Tribal Land Transfer Policy

On December 5, 2019, the Commission adopted a policy titled, "Investor-Owned Utility Real Property – Land Disposition - First Right of Refusal for Disposition of Real Property Within the Ancestral Territories of California Native American Tribes" (Policy). While the Policy notes that guidelines for its implementation are not yet in place, it directs investor-owned utilities to (1) notify the appropriate local Native American Tribes of any proposed dispositions of utility-owned real property that are subject to Section 851 and (2) to allow 90 days for the Tribes to respond as to their interest in purchasing the subject real property.

PG&E has agreed to this CCU to facilitate activity by the Applicant on the Property Owner's fee-owned property. PG&E's rights under the Exclusive Easement are limited to the construction, operation, maintenance, repair, reconstruction, replacement and removal of its electric transmission facilities. Therefore, PG&E can only assign those rights therein. Because PG&E understands the intent of the Policy to be the return the Tribal sacred places and cultural resources to the appropriate Tribes, PG&E is serving this advice letter on the North Valley Yokuts Tribe and Southern Sierra Miwuk Nation to notify them of the proposed disposal.

PG&E has reviewed the terms and conditions of CCU and has determined that it is in the public interest does not affect PG&E's provision of safe and reliable utility service to its customers. For all the above reasons, the Commission should approve this Section 851 request.

In accordance with General Order 173, Rule 4, PG&E provides the following information related to the proposed transaction:

(a) Identity and Addresses of All Parties to the Proposed Transaction:

¹ Collection lines are underground electrical conduits that transfer electricity produced by the solar arrays to the substation that will tie into PG&E's electric transmission lines.

Pacific Gas and Electric Company
Molly Zimney
Law Department
P.O. Box 7442
San Francisco, CA 94120
Telephone: (415) 973-6840
Facsimile: (415) 973-5520
Email: MEZ3@pge.com

Solar Frontier Americas Development
Sam Holing
Project Development Manager
50 California St., Suite 820
San Francisco, CA 94111
Cell: (925) 998-7510
Email: Sam.Holing@Solar-Frontier.com

(b) Complete Description of the Property Including Present Location, Condition and Use:

The Property is located on Assessor's Parcel Number 028-007-020 in the southwestern portion of unincorporated Stanislaus County, California, approximately 1.5 miles west of the intersection of the Interstate 5 and Sullivan Road. The property is undeveloped, zoned as agriculture, and it is currently vacant land used for grazing.

PG&E's Exclusive Easement is 342.5 feet wide and 4930.04 feet long and cross the Property from the northwest to the southeast. The Nonexclusive Easements are parallel and adjacent to the east of the Exclusive Easement. Both of the Nonexclusive Easements are 75 feet wide, for a total width of 150 feet. The collective width of the three easements is 492.5 feet.

(c) Intended Use of the Property:

Applicant proposes to install underground collection lines and a gravel access road in the Easement areas.

(d) Complete Description of Financial Terms of the Proposed Transaction:

Applicant agrees to pay a nominal fee of \$744 for the CCU.

(e) Description of How Financial Proceeds of the Transaction Will Be Distributed:

PG&E will account for the one-time fee of \$744 as Electric Other Operating Revenue.

(f) Statement on the Impact of the Transaction on Ratebase and Any Effect on the Ability of the Utility to Serve Customers and the Public:

This transaction will not impact PG&E's rate base or affect PG&E's ability to provide reliable service to its customers and the public.

(g) The Original Cost, Present Book Value, and Present Fair Market Value for Sales of Real Property and Depreciable Assets, and a Detailed Description of How the Fair Market Value Was Determined (e.g., Appraisal):

Not Applicable.

(h) The Fair Market Rental Value for Leases of Real Property, and a Detailed Description of How the Fair Market Rental Value Was Determined:

Not Applicable.

(i) The Fair Market Value of the Easement or Right-of-Way, and a Detailed Description of How the Fair Market Value Was Determined:

PG&E will receive a nominal fee of \$744 for the CCU.

(j) A Complete Description of any Recent Past (Within the Prior Two Years) or Anticipated Future Transactions that May Appear to Be Related to the Present Transaction:

There are no recent past or anticipated future transactions anticipated by PG&E that are related to the present transactions.

(k) Sufficient Information and Documentation (Including Environmental Information) to Show that All of Eligibility Criteria Set Forth in Rule 3 of General Order 173 are Satisfied:

PG&E has provided information in this Advice Letter to satisfy the eligibility criteria under General Order 173 in that:

- The activity proposed in the transaction will not require environmental review by the CPUC as a Lead Agency;
- The transaction will not have an adverse effect on the public interest or on the ability of PG&E to provide safe and reliable service to its customers at reasonable rates;
- The transaction will not materially impact the rate base of PG&E; and

- The transaction does not warrant a more comprehensive review that would be provided through a formal Section 851 application.

(l) Additional Information to Assist in the Review of the Advice Letter:

No information is readily available other than what has already been included within this advice letter submittal.

(m) Environmental Information

Pursuant to General Order 173, the Advice Letter program applies to proposed transactions that will not require environmental review by the CPUC as a lead agency under the California Environmental Quality Act ("CEQA") either because: (a) a statutory or categorical exemption applies (the applicant must provide a Notice of Exemption from the Lead Agency or explain why an exemption applies), or (b) because the transaction is not a project under CEQA (the applicant must explain the reasons why it believes that the transaction is not a project), or (c) because another public agency, acting as the Lead Agency under CEQA, has completed environmental review of the project, and the Commission is required to perform environmental review of the project only as a Responsible Agency under CEQA.

For this advice letter, the Stanislaus County has completed environmental review as a Lead Agency, and the Commission can serve as a Responsible Agency.

c. CPUC as a Responsible Agency under CEQA

If another public agency, acting as the Lead Agency under CEQA, has completed an environmental review of the project and has approved the final CEQA documents, and the Commission is a Responsible Agency under CEQA, the applicant shall provide the following.

- a. The name, address, and phone number of the Lead Agency, the type of CEQA document that was prepared (Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration), the date on the which the Lead Agency approved the CEQA document, the date on which a Notice of Determination was filed.

Lead Agency	Stanislaus County 1010 10th Street, Suite 3400 Modesto, CA 95354 Attn: Rachel Wyse, Senior Planner Telephone: (209) 525-6330 Email: wyser@stancounty.com
Type of CEQA Document Prepared	Mitigated Negative Declaration (MND, Attachment 4) and MND Addendum (Attachment 5)
Date Mitigated Negative Declaration Adopted	April 16, 2019 Resolution No. 2019-0238 (Attachment 6)

Date Notice of Determination Filed	April 17, 2019 Sullivan Road Solar Use Permit Notice of Determination (Attachment 7) CDFW Notice of Determination (Attachment 8)
---	--

- b. A copy of all CEQA documents prepared by or for the Lead Agency regarding the project and the Lead Agency's resolution or other document approving the CEQA documents.

See Attachments 4 through 7.

- c. A list of section and page numbers for the environmental impacts, mitigation measures, and findings in the prior CEQA documents that relate to the approval sought from the Commission.

- See Attachment 9, Conditions of Approval and Mitigation Measures (Attachment D to the Project Use Permit)
- See Attachment 4, Mitigated Negative Declaration Addendum, Introduction, Page 2

- d. An explanation of any aspect of the project or its environmental setting which has changed since the issuance of the prior CEQA document.

Not applicable.

- e. A statement of whether the project will require approval by additional public agencies other than the Commission and the Lead Agency, and, if so, the name and address of each agency and the type of approval required.

The County of Stanislaus received a letter from the State Clearinghouse and Planning Unit (SCH) dated January 22, 2019 (included herein as Attachment 10), stating the Mitigated Negative Declaration (MND) was submitted to State agencies for review and "the review period closed on January 18, 2019, and comments from the responding agency(ies) is (are) enclosed." In order to accommodate the construction of a proposed customer-owned photovoltaic solar project in Stanislaus County, Applicant proposes to construct three (3) 34.5-kV single core cables, one fiber optic cable, and one bare copper ground wire within a trench that would have a maximum depth of 4-feet, maximum width of 5-feet, approximately 592-feet long within PG&E's transmission line Exclusive Easement area. To allow for access within the proposed customer-owned photovoltaic solar project, Applicant proposes to construct a gravel road adjacent to the underground collection lines that will be a maximum of 20-feet and approximately 592-feet long consisting of 2-inch to 3-inch drain rock. No above-ground electric facilities are proposed to be installed within PG&E's Exclusive Easement area.

According to Applicant, proposed work within PG&E's easement area will require approval from the following public agencies:

Public Agency	Approval Required
Central Valley Regional Water	Construction Storm Water General

Quality Control Board (CVRWQCB) 364 Knollcrest Drive, Suite 205 Redding, CA 96002	Permit Industrial Stormwater General Permit National Pollutant Discharge Elimination System (NPDES) Permit
San Joaquin Valley Air Pollution Control District (SJVAPCD) 1990 Gettysburg Avenue Fresno, CA 93726	Air Impact Assessment (AIA) approval
California Department of Fish and Wildlife (CDFW) 1234 East Shaw Avenue Fresno, CA 93710	Incidental Take Permit (ITP)
United States Fish and Wildlife (USFWS) 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825	Biological Opinion (BO)

Protests

*****Due to the COVID-19 pandemic and the shelter at home orders, PG&E is currently unable to receive protests or comments to this advice letter via U.S. mail or fax. Please submit protests or comments to this advice letter to EDTariffUnit@cpuc.ca.gov and PGETariffs@pge.com*****

Anyone wishing to protest this submittal may do so by letter sent via U.S. mail, facsimile or E-mail, no later than June 30, 2020, which is 20 days after the date of this submittal. Protests must be submitted to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest shall also be sent to PG&E either via E-mail or U.S. mail (and by facsimile, if possible) at the address shown below on the same date it is mailed or delivered to the Commission:

Erik Jacobson
Director, Regulatory Relations
c/o Megan Lawson
Pacific Gas and Electric Company
77 Beale Street, Mail Code B13U
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-3582
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Section 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

Effective Date

Pursuant to the review process outlined in General Order 173, PG&E requests that this Tier 3 advice letter become effective upon Commission approval

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and/or via U.S. mail to parties shown on the attached list. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission's Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter submittal can also be accessed electronically at: <http://www.pge.com/tariffs>.

_____/S/

Erik Jacobson
Director, Regulatory Relations

Attachment 1 – Consent to Common Use
Attachment 2 – Legal Description
Attachment 3 – PG&E Easements
Attachment 4 – Mitigated Negative Declaration
Attachment 5 – Mitigated Negative Declaration Addendum
Attachment 6 - Resolution No. 2019-0238
Attachment 7 - Sullivan Road Solar Use Permit Notice of Determination
Attachment 8 - CDFW Notice of Determination
Attachment 9 - Conditions of Approval and Mitigation Measures (Attachment D to the Project Use Permit)
Attachment 10 - State Clearinghouse and Planning Unit Letter

***** SERVICE LIST for Advice 5843-E *****
APPENDIX A

Jonathan Reiger
Legal Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 355-5596
jzr@cpuc.ca.gov

Mary Jo Borak
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-1333
bor@cpuc.ca.gov

Robert (Mark) Pocta
Division of Ratepayer Advocates
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703- 2871
robert.pocta@cpuc.ca.gov

Andrew Barnsdale
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-3221
bca@cpuc.ca.gov

Solar Frontier Americas Development
Sam Holing
Project Development Manager
50 California St., Suite 820
San Francisco, CA 94111
Cell: (925) 998-7510
Email: Sam.Holing@Solar-Frontier.com

*****Tribes*****

North Valley Yokuts Tribe
Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net
Northern Valley
Yokut

Southern Sierra Miwuk Nation
William Leonard, Chairperson
P.O. Box 186
Mariposa, CA, 95338
Phone: (209) 628 - 8603



ADVICE LETTER SUMMARY

ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Pacific Gas and Electric Company (ID U39 E)

Utility type:

☒ ELC ☐ GAS ☐ WATER
☐ PLC ☐ HEAT

Contact Person: Annie Ho

Phone #: (415) 973-8794

E-mail: PGETariffs@pge.com

E-mail Disposition Notice to: AMHP@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas WATER = Water
PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 5843-E

Tier Designation: 3

Subject of AL: Central 40 LLC Solar Underground Electric Wire Crossing PG&E's 500Kv Exclusive Electric Easement – Request for Approval Under Public Utilities Code Section 851, pursuant to General Order 173

Keywords (choose from CPUC listing): Compliance, Section 851

AL Type: ☐ Monthly ☐ Quarterly ☐ Annual ☒ One-Time ☐ Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #:

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested? ☐ Yes ☒ No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? ☒ Yes ☐ No

Requested effective date:

No. of tariff sheets: N/A

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: N/A

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102
Email: EDTariffUnit@cpuc.ca.gov

Name: Erik Jacobson, c/o Megan Lawson
Title: Director, Regulatory Relations
Utility Name: Pacific Gas and Electric Company
Address: 77 Beale Street, Mail Code B13U
City: San Francisco, CA 94177
State: California Zip: 94177
Telephone (xxx) xxx-xxxx: (415)973-2093
Facsimile (xxx) xxx-xxxx: (415)973-3582
Email: PGETariffs@pge.com

Name:
Title:
Utility Name:
Address:
City:
State: District of Columbia Zip:
Telephone (xxx) xxx-xxxx:
Facsimile (xxx) xxx-xxxx:
Email:

Clear Form

Attachment 1

Consent to Common Use

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, NIOA, Room 1015
P. O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

- ☐ This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
☐ Computed on Full Value of Property Conveyed, or
☐ Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
☐ Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

Signature of declarant or agent determining tax

LD#

AGREEMENT

CONSENT TO COMMON USE AGREEMENT

THIS CONSENT TO COMMON USE AGREEMENT, hereinafter called "Agreement", entered into this 11th day of February, 2020, by and between PACIFIC GAS AND ELECTRIC COMPANY, hereinafter, called "PG&E", and the CENTRAL 40, LLC, hereinafter called "Tenant".

RECITALS

1. PG&E is the owner in possession of certain rights of way and easements, hereinafter referred to as "PG&E's easement", described as follows:

That certain right of way and easement granted by Simon Newman Company to Pacific Gas & Electric Company by deed dated June 3, 1964 and recorded in Volume 1956 of Official Records at page 179, Stanislaus County Records.

2. Tenant has acquired a certain leased premise for the construction of a 40 megawatt solar facility in the vicinity of 4951 Sullivan Road, City of Newman, County of Stanislaus, hereinafter referred to as "Tenant leased premise", described as follows:

That certain lease granted by Robert Houret Construction Co. Inc. to Lincoln Solar Millennium LLC referred to as "Site Lease" dated January 30, 2015 and as amended on December 17, 2017.

3. The Tenant leased premise occupies a portion of PG&E's easement and is subject to PG&E's easement, which said portion is hereinafter referred to as "Area of Common Use" and is described as follows:

The cross-hatched area designated "Area of Common Use" upon the print of Drawing labeled Exhibit "B", attached hereto and made a part hereof.

NOW, THEREFORE, PG&E and Tenant hereby mutually agree as follows:

1. PG&E hereby consents to the construction, reconstruction, maintenance or use by Tenant of trench containing underground cables and a gravel access road over, along and upon PG&E's easement in the Area of Common Use subject to PG&E's easement and right to use said Area of Common Use for all of the purposes for which PG&E's easement was acquired and to the terms and conditions herein contained. PG&E does not by this consent and shall not be deemed to subordinate its rights in the Area of Common Use to and use which Tenant shall make of said area. This consent will be effective so long as the lease referred to as the "Site Lease" dated January 30, 2015 between Robert Houret Construction Co. Inc. and Lincoln Solar Millennium LLC and as amended on December 17, 2017, and as subsequently may be amended, remains in full force and effect.

2. Tenant acknowledges PG&E's title to PG&E's easement in said Area of Common Use and the priority of PG&E's title over the title of Tenant therein. PG&E has and reserves the right and easement to use, in common with Tenant leased premise, said Area of Common Use for all of the purposes for which PG&E's easement was acquired, without need for any further permit or permission from Tenant. Except in emergencies, PG&E shall give reasonable notice to Tenant before performing any work on PG&E's facilities in said Area of Common Use where such work will be performed in, on or over the traveled way or improved shoulders of said Tenant leased premise or obstruct traffic. **PG&E shall make adequate provisions for the protection of the traveling public.**

3. Except as expressly set forth herein, this Agreement shall not in any way alter, modify or terminate any provision of PG&E's easement or the priority thereof over the title of Tenant in said Area of Common Use. Both Tenant and PG&E shall use said Area of Common Use in such manner as not to interfere unreasonably with the rights of the other. Nothing herein contained shall be construed as a release or waiver of any claim for compensation or damages which PG&E or Tenant may now have or may hereafter acquire resulting from the construction of additional facilities or the alteration of existing facilities by either Tenant or PG&E in such a manner as to cause an unreasonable interference with the use of said Area of Common Use by the other party.

4. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of both parties.

The parties have caused this Agreement to be executed by their respective duly authorized officials.

PACIFIC GAS AND ELECTRIC COMPANY

By _____

Name _____

Its _____

CENTRAL 40, LLC

By 

Name CARY VANDENBERG

Its MANAGING DIRECTOR

Attachment 2

Legal Description

Exhibit "A"

LEGAL DESCRIPTION

A strip of land located in Section 08, Township 08 South, Range 08 East, M.D.B. & M., Stanislaus County, State of California, 75 feet wide, lying 37.5 feet on each side of the following described line:

COMMENCING at the southwest corner of Section 08 at a fence intersection, said intersection having grid coordinates N 1,912,728.07, E 6,380,558.91 of Zone 3 of the California State Plane Coordinate System (CCS83), thence South $89^{\circ}38'53''$ East 1,129.59 feet along the south line of said Section to a point on the west line of the PG&E easement recorded in Volume 1956, Page 179, Official Records, County of Stanislaus, said point having grid coordinates of N 1,912,721.13, E 6,381,688.47 of said Zone; thence along said west line North $14^{\circ}37'08''$ West 448.44 feet to the **POINT OF BEGINNING** having grid coordinates of N 1,913,155.05, E 6,381,575.29; thence leaving said west line North $89^{\circ}20'04''$ East 352.89 feet to the east line of said easement and the **POINT OF TERMINATION** having grid coordinates of N 1,913,159.15, E 6,381,928.18 of said Zone.

The sidelines of the above described strip of land are to be lengthened or shortened to terminate with said west line and said east line of Volume 1956, Page 179, Official Records, County of Stanislaus.

Containing 26,471 square feet (0.608 acres), more or less.

The basis of bearings for this description is the California Coordinate System, Zone III, North American Datum of 1983 (Epoch 2011), U.S. Survey feet. Distances are grid distance. Divide grid distance by 0.9999591 to obtain ground distance. Area is ground area.

Attached hereto is a plat labeled "Exhibit B" and by this reference made a part hereof.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.


Christopher B. Curtis, PLS No. 7579 Date 02 July 2019



PG&E EASEMENT PER
VOL. 1956, OR PAGE 179

Robert Houret
Construction Company,
a corporation
APN 028-007-020

N89°20'04"E 352.89

POINT OF BEGINNING

POINT OF COMMENCEMENT

8

17

S89°38'53"E 1129.59

7

18

37.5'

448.44
N14°37'08"W

75' PG&E EASEMENT PER
VOL. 1130, OR PAGE 568

75' PG&E EASEMENT PER
VOL. 901, OR PAGE 396



Legend

Proposed location for collection lines
26,471± Sq. Ft. / 0.608± Ac.

Existing Transmission Tower Location



Exhibit 'B'

Collection Line Location for
Central 40, LLC

Scale:	1"=300'	Drawn:	CBC	Job No.:	19005.00
Date:	02 JUL 2019	Checked:	JKP	Sheet	1 of 1

cbc geospatial

1300 Ethan Way, Suite 300
Sacramento, CA 95825
Tel: 916.921.9033

Attachment 3

PG&E Easements

TESLA-LOS BANOS 500 KV
TL

VOL 1856 PAGE 179

824-6'C"

AFTER RECORDING, RETURN TO:

CONV. \$27,300⁰⁰

2207-07-0029

FOR RECORDER'S USE ONLY
CROSS-INDEXED

346-2K

829-2G

WESTERN TITLE GUARANTY COMPANY,
Stanislaus County Division

131187

RECORDED BY MERCED COUNTY

TITLE COMPANY JUN 23, 1964 at 2:20 P.M.

VOL 1655 PAGE 124

OFF'L RECORDS OF MERCED COUNTY, CALIFORNIA

J. L. MALLORY

Ellen Latom Recorder Deputy

\$5.20 Pd.

RECORDED AT 2:30 BY
WESTERN TITLE GUARANTY CO.
STANISLAUS COUNTY DIVISION

24367 JUN 22 '64

OFF'L RECORDS STAN-
ISLAUS CO., CALIF.

R. E. Waring Recorder

INCLUDING CERTIFICATION

5.75

30.25

SIMON NEWMAN COMPANY, a California corporation, hereinafter called first

COPY SENT
TO DIVISION

party, in consideration of value paid by PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called second party, the receipt whereof is hereby acknowledged, hereby grants to second party those perpetual and exclusive easements and rights of way to construct, operate, maintain, repair, reconstruct, replace, and remove, at any time and from time to time, electric transmission lines, consisting of one or more lines of towers, poles, and/or other structures, wires, and cables, including ground wires, both overhead and underground, for the transmission of electric energy, and for communication purposes, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, poles and/or other structures, wires and cables, together with a right of way, on, along and in all of the hereinafter described strip of those certain lands which are situate in the County of Stanislaus and in the County of Merced, State of California, and are described as follows:

W. T.

(5) 24367 JUN 22 '64



Parcel I. Sections 1 and 12, and the north half of Section 13, Township 7 South, Range 7 East, M.D.B. & M.; excepting from said Section 1 that portion thereof described in the deed from Lelah Hayes and others to Ruth E. Dihel dated March 25, 1941 and recorded in the office of the County Recorder of said County of Stanislaus in Book 731 of Official Records at page 187.

Parcel II. The south half, and the northwest quarter, of Section 30, Township 7 South, Range 8 East, M.D.B. & M.

Parcel III. The northeast quarter of Section 6, Township 8 South, Range 8 East, M.D.B. & M.

Parcel IV. Section 8, Township 8 South, Range 8 East, M.D.B. & M.

Parcel V. The south half of Section 17, the north half, and the south-east quarter, of Section 20, the east half of Section 29, and Sections 28 and 33, Township 8 South, Range 8 East, M.D.B. & M.



2207070029

VOL 1856 PAGE 179

BEST COPY

The aforesaid strip is described as follows:

1. A strip of land of the uniform width of 342.5 feet lying contiguous to and southwesterly of the southwesterly boundary line of the strip of land described and designated 1 in the right of way and easement granted by Simon Newman Company to Pacific Gas and Electric Company by deed dated December 30, 1952 and recorded in the office of the County Recorder of said County of Stanislaus in Book 1130 of Official Records at page 568 and also recorded in the office of the County Recorder of said County of Merced in Book 1084 of Official Records at page 234, and extending from the southerly boundary line of the parcel of land, situate in Section 1, Township 7 South, Range 7 East, M.D.B. & M., described in the deed from Lelah Hayes and others to Ruth E. Dihel dated March 25, 1941 and recorded in the office of the County Recorder of said County of Stanislaus in Book 731 of Official Records at page 187, southeasterly 13200 feet, more or less, to the southerly boundary line of the north half of Section 13, Township 7 South, Range 7 East, M.D.B. & M.
2. Beginning at a point in the northerly boundary line of Section 30, Township 7 South, Range 8 East, M.D.B. & M., from which a 4 inch by 4 inch post in rocks (marking the northwest corner of said Section 30) bears north $89^{\circ} 03\frac{1}{2}'$ west 1496.6 feet distant and running thence south $89^{\circ} 03\frac{1}{2}'$ east, along the northerly boundary line of said Section 30, a distance of 356.1 feet to the most westerly corner of the strip of land described and designated 2 in said deed dated December 30, 1952; thence south $14^{\circ} 57'$ east, along the southwesterly boundary line of said strip of land designated 2, a distance of 5552.5 feet to a point in the southerly boundary line of said Section 30; thence north $89^{\circ} 19'$ west, along the southerly boundary line of said Section 30, a distance of 473.0 feet; thence north $14^{\circ} 54'$ west 171.2 feet; thence north $11^{\circ} 59'$ west 2180.6 feet; thence north $14^{\circ} 57'$ west 3173.7 feet, more or less, to the point of beginning.
3. A strip of land of the uniform width of 342.5 feet lying contiguous to and southwesterly of the southwesterly boundary line of the strip of land described and designated 3 in said deed dated December 30, 1952 and extending from the northerly boundary line of Section 6, Township 8 South, Range 8 East, M.D.B. & M., southeasterly 2685 feet, more or less, to the southerly boundary line of the northeast quarter of said Section 6.
4. Beginning at the northwest corner of Section 8, Township 8 South, Range 8 East, M.D.B. & M. (marked by an intersection of fences) and running thence south $88^{\circ} 57'$ east, along the northerly boundary line of said Section 8, a distance of 29.7 feet to the most westerly corner of the strip of land described and designated 4 in said deed dated December 30, 1952; thence along the southwesterly boundary line of said strip of land designated 4 the following two courses, namely: south $16^{\circ} 55'$ east 1088.5 feet, and south $14^{\circ} 57'$ east 4424.2 feet to a point in the southerly boundary line of said Section 8; thence south $89^{\circ} 58'$ west, along the southerly boundary line of said Section 8, a distance of 354.4 feet; thence north $14^{\circ} 57'$ west 3256.5 feet; thence north $15^{\circ} 53'$ west 1082.1 feet to a point in the westerly boundary line of said Section 8; thence north $0^{\circ} 09'$ east, along the westerly boundary line of said Section 8, a distance of 1129.5 feet, more or less, to the point of beginning.
5. Beginning at a point in the easterly boundary line of Section 33, Township 8 South, Range 8 East, M.D.B. & M., from which a 2 inch by 2 inch stake with tack (set near an intersection of fences and marking the northeast corner of said Section 33) bears north $0^{\circ} 02'$ east 3302.4 feet distant and running thence south $0^{\circ} 02'$ west, along the easterly boundary line of said Section 33, a distance of 696.8 feet; thence north $30^{\circ} 07'$ west 1059.8 feet; thence north $33^{\circ} 06\frac{1}{2}'$ west 679.0 feet; thence north $36^{\circ} 07'$ west 671.9 feet; thence north $38^{\circ} 40\frac{1}{2}'$ west 2470.1 feet; thence north $41^{\circ} 34\frac{1}{2}'$ west 1426.9 feet; thence north $44^{\circ} 29\frac{1}{2}'$ west 2005.6 feet; thence north $47^{\circ} 46'$ west 1264.1 feet; thence north $14^{\circ} 57'$ west 10116.3 feet to a point in the north-

24367 JUN 22 '64 - 2

erly boundary line of the south half of Section 17, Township 8 South, Range 8 East, M.D.B. & M.; thence south 89° 24' east, along the northerly boundary line of the south half of said Section 17, a distance of 355.5 feet to the most westerly corner of the strip of land described and designated 6 in said deed dated December 30, 1952; thence south 14° 57' east, along the southwesterly boundary line of said strip of land designated 6, a distance of 9906.3 feet; thence south 47° 46' east 1184.4 feet; thence south 44° 43½' east 1875.8 feet; thence south 41° 34½' east 1616.8 feet; thence south 38° 39' east 2464.2 feet; thence south 36° 07' east 688.8 feet; thence south 33° 06½' east 697.3 feet; thence south 30° 07' east 466.4 feet, more or less, to the point of beginning.

First party further grants to second party:

(a) the right of ingress to and egress from said strip over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to first party; provided that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said strip by any public road or highway now crossing or hereafter crossing said lands; provided, further, that if any portion of said lands is or shall be subdivided and dedicated roads or highways on such portion shall extend to said strip, said right of ingress and egress on said portion shall be confined to such dedicated roads and highways;

(b) the right from time to time to trim and to cut down and clear away or otherwise destroy any and all trees and brush now or hereafter on said strip and to trim and to cut down and clear away any trees on either side of said strip which now or hereafter in the opinion of second party may be a hazard to said towers, poles and/or other structures, wires or cables, by reason of the danger of falling thereon, or may interfere with the exercise of second party's rights hereunder; provided, however, that all trees which second party is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of first party, but all tops, lops, brush and refuse wood shall be burned or removed by second party;

(c) the right from time to time to enlarge, improve, reconstruct, relocate and replace any poles, towers or structures constructed hereunder with any other number or type of poles or towers or structures either in the original location or at any alternate location or locations within said strip;

24367 JUN 22 '64 - 1

(d) the right to install, maintain and use gates in all fences which now cross or shall hereafter cross said strip;

(e) the right to mark the location of said strip by suitable markers set in the ground; provided that said markers shall be placed in fences or other locations which will not interfere with any reasonable use first party shall make of said strip.

Second party hereby covenants and agrees:

(a) second party shall not fence said strip;

(b) second party shall promptly backfill any excavations made by it on said strip and repair any damage it shall do to first party's private roads or lanes on said lands;

(c) second party shall indemnify first party against any loss and damage which shall be caused by the exercise of said ingress and egress or by any wrongful or negligent act or omission of second party or of its agents or employees in the course of their employment.

First party reserves the right to use said strip for purposes consistent with second party's full enjoyment of the rights hereby granted; provided that first party shall not:

(a) erect or construct any building or other structure, or drill or operate any well in said strip;

(b) construct any reservoir or other obstruction, or add to the ground level in said strip, or deposit or permit or allow to be deposited, earth rubbish, debris, or any other substance or material, whether combustible or noncombustible, on said strip, or so near thereto as to constitute a hazard to said towers, poles, and/or other structures, wires or cables;

(c) grant any easement or easements on, under, or over said strip without the written consent of second party.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to

24367 JUN 22 1964 - 4

and run with the land.

IN WITNESS WHEREOF first party has executed these presents this 3rd
day of June, 1964.

SIMON NEWMAN COMPANY

By Irving S. Rosenblatt
Its President

And By Ray S. Wade
Its Secretary

62-4203 2-64 (CORPORATION)

STATE OF CALIFORNIA

County of Stanislaus

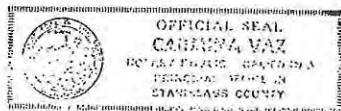
ss.

On this 3rd day of June, in the year 1964, before me, Carmina Vaz
a Notary Public in and for the said Stanislaus County, duly commissioned and sworn, personally appeared
Irving S. Rosenblatt, Jr., and Ray S. Wade
known to me to be the President and Assistant Secretary

of the corporation that executed the within instrument, and to be the person who executed the
said instrument on behalf of said corporation therein named, and acknowledged to me that such
corporation executed the within instrument pursuant to its by-laws or a resolution of its board of
directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in
the Stanislaus County of Stanislaus, the day and
year in this certificate first above written.

Carmina Vaz



My Commission Expires March 25, 1968

Notary Public in and for the Stanislaus County of Stanislaus, State of California
My Commission Expires March 25, 1968

Stockton
GM 154551
Dwgs. 203430 thru 203440 inclusive
and 213701
Sections 1, 12 & 13
T.7S., R.7E.,
Section 30,
T.7S., R.8E.,
Sections 6, 8, 17, 20, 28, 29 & 33,
T.8S., R.8E.,
M.D.B. & M.
166 ea.

Prepared At

Checked myt

FEB 13 '64

24367 JUN 22 1964

TENANT'S CONSENT

Copy to file with 824-6C
TESLA - Los Banos 320KV TL
STOCKTON & SAN JOAQUIN DIV LINE 829-29
GM 15-4551
NO CONS.

For Abstract See 4576

WHEREAS PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, herein-

after called Pacific, proposes to acquire a right of way for.....electric.....

transmission line.....on and across those certain lands of

Simon Newman Company....., situate in the County

of Stanislaus & Merced, State of California, described as follows:

The S 1/2 of Sec. 17, the N 1/2, and the SE 1/4, of Sec.
20, the E 1/2 of Sec 29, and Secs. 28 and 33, T8S, R8E,
M.D.B. & M.

and

WHEREAS the undersigned is the tenant in possession of said lands;

NOW, THEREFORE, the undersigned hereby consents to the use and enjoyment by Pacific of said right of way when acquired by it from the owner of said lands.

Pacific shall pay the undersigned for any and all damage to the crops, livestock and other property of the undersigned caused by Pacific, its agents or employees, while performing construction work on said right of way or exercising the right of ingress thereto or egress therefrom, or caused by any negligent act or omission of Pacific, its agents or employees.

Dated: 3/27/64

Wolfson Land and Cattle Co.

Executed in the presence of:

Mary P. Butta
Witness

Prepared _____
Checked _____

BEST COPY

TENANT'S CONSENT

No. Cons. 10.

Do Not Record

FILE WITH 821-6 C.

346-2K

829-2G

For Abstract See 4576

WHEREAS PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, herein

after called Pacific, proposes to acquire a right of way for.....

electric transmission

on and across those certain lands of

Simon Newman Company

, situate in the County

of Stanislaus

State of California, described as follows:

The south half, and the northwest quarter, of Sec. 30,
T7S, R8E, M.D.B. & M.

Section 8, T8S, R8E, M.D.B. & M.

COPY SENT
TO DIVISION

and

WHEREAS the undersigned is the tenant in possession of said lands;

NOW, THEREFORE, the undersigned hereby consents to the use and enjoyment by Pacific of said right of way when acquired by it from the owner of said lands.

Pacific shall pay the undersigned for any and all damage to the crops, livestock and other property of the undersigned caused by Pacific, its agents or employees, while performing construction work on said right of way or exercising the right of ingress thereto or egress therefrom, or caused by any negligent act or omission of Pacific, its agents or employees.

BEST COPY

Dated: Jan 9, 1964

George Devaney Sr.

Executed in the presence of:

Herman E. Hatt

Witness

Prepared

Checked

George Devaney Sr.
1307 W. Acacia St., Stockton

TENANT'S CONSENT

No Consid.

FILE WITH 824-6 C

829-2G

Do Not Record

For Abstract See 4576

WHEREAS PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, herein-

after called Pacific, proposes to acquire a right of way for.....

✓ electric transmission.....on and across those certain lands of

Simon Newman Company....., situate in the County

COPY SENT
TO DIVISION

JP of Stanislaus....., State of California, described as follows:

The northeast quarter of Section 6, T8S, R8E, N1D, B1M.

and

WHEREAS the undersigned is the tenant in possession of said lands;

NOW, THEREFORE, the undersigned hereby consents to the use and enjoyment by Pacific of said right of way when acquired by it from the owner of said lands.

Pacific shall pay the undersigned for any and all damage to the crops, livestock and other property of the undersigned caused by Pacific, its agents or employees, while performing construction work on said right of way or exercising the right of ingress thereto or egress therefrom, or caused by any negligent act or omission of Pacific, its agents or employees.

Dated: Jan. 9, 1964

BEST COPY

John H. Jensen

William H. Jensen

Executed in the presence of:

Herman O. Hatt
Witness

John H. Jensen

William H. Jensen

1506 North Ave.

Gustine, California

Prepared

Checked

62-6380 5-61 1M

Stanislaus County

POLICY NUMBER 6866

Your Number 651.1 (RW)

Tesla - Los Angeles 2005/1/16 GM - 154549
POLICY OF TITLE INSURANCE

RIGHT OF WAY SECTION
P.O. & E. Co. Land Dept.

175.50

1576

ISSUED BY

WESTERN TITLE INSURANCE COMPANY

ESTABLISHED 1948

WESTERN TITLE INSURANCE COMPANY, a corporation of California, hereinafter called the Company, for a valuable consideration paid for this policy, the effective date, and amount or which are shown in Schedule A, hereby insures the parties named as Insured in Schedule A, the heirs, devisees, personal representatives of such Insured, or if a corporation, its successors by dissolution, merger or consolidation, against loss or damage not exceeding the amount stated in Schedule A, together with costs, attorneys' fees and expenses which the Company may become obligated to pay as provided in the Conditions and Stipulations hereof, which the Insured shall sustain by reason of:

1. Any defect in or lien or encumbrance on the title to the estate or interest covered hereby in the land described or referred to in Schedule C, existing at the date hereof, not shown or referred to in Schedule B or excluded from coverage in Schedule B or in the Conditions and Stipulations; or
2. Unmarketability of such title; or
3. Any defect in the execution of any mortgage shown in Schedule B securing an indebtedness, the owner of which is named as an Insured in Schedule A, but only insofar as such defect affects the lien or charge of said mortgage upon the estate or interest referred to in this policy; or
4. Priority over said mortgage, at the date hereof, of any lien or encumbrance not shown or referred to in Schedule B, or excluded from coverage in the Conditions and Stipulations, said mortgage being shown in Schedule B in the order of its priority;

all subject, however, to the Conditions and Stipulations hereto annexed, which Conditions and Stipulations, together with Schedules A, B and C, are hereby made a part of this policy; all as of the day and hour shown in Schedule A, the effective date of this policy.

IN WITNESS WHEREOF, WESTERN TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers.

WESTERN TITLE INSURANCE COMPANY

Countersigned:

Vice President

By

President

By

Secretary

SCHEDULE A

Amount \$ 27,300.00

Date

June 23, 1964

at

2:20

o'clock

p. m.

Name of Insured

PACIFIC GAS AND ELECTRIC COMPANY
a corporation

1. The estate or interest in the land described or referred to in Schedule C covered by this policy is

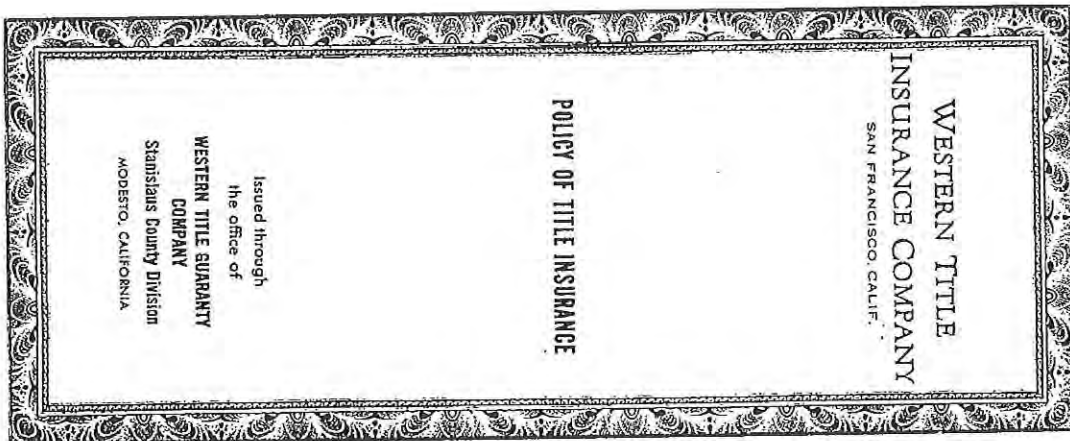
"AN EASEMENT"

2. Title to the estate or interest covered by this policy at the date hereof is vested in:

SIMON NEWMAN COMPANY
a corporation

BEST COPY

5801



BEST COPY

Reel No. 582

CONDITIONS AND STIPULATIONS (Includes those in the American Title Association-Owner's Policy-Standard Form B-1960)

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "land": the land described, specifically or by reference, in Schedule C and improvements affixed thereto which by law constitute real property;
- (b) "public records": those records which impart constructive notice of matters relating to said land;
- (c) "knowledge": actual knowledge, not constructive knowledge or notice which may be imputed to the insured by reason of any public records;
- (d) "date": the effective date;
- (e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument; and
- (f) "insured": the party or parties herein designated as insured, and if the owner of the indebtedness secured by a mortgage shown in Schedule B is named as an insured in Schedule A, the insured shall include (1) each successor in interest in ownership of such indebtedness, (2) any such owner who acquires the estate or interest referred to in this policy by foreclosure, trustee's sale, or other legal manner in satisfaction of said indebtedness, and (3) any federal agency or instrumentality acquiring said estate or interest, or any part thereof, as a consequence of an insurance contract or guaranty insuring or guaranteeing the indebtedness, or any part thereof, whether named as an insured herein or not.

2. BENEFITS AFTER ACQUISITION OF TITLE

If an insured owner of the indebtedness secured by a mortgage shown in Schedule B acquires said estate or interest, or any part thereof, by foreclosure, trustee's sale, or other legal manner in satisfaction of said indebtedness, or any part thereof, or if a federal agency or instrumentality acquires said estate or interest, or any part thereof, as a consequence of an insurance contract or guaranty insuring or guaranteeing the indebtedness, or any part thereof, by this policy, or any part thereof, this policy shall continue in force in favor of such insured, agency or instrumentality, subject to all of the conditions and stipulations hereof.

3. EXCLUSIONS FROM THE COVERAGE OF THIS POLICY

This policy does not insure against loss or damage by reason of the following:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions, or location of any improvement now or hereafter erected on said land, or prohibiting a separation in ownership or a reduction in the dimensions or area of any lot or parcel of land;
- (b) Governmental rights of police power or eminent domain unless notice of judicial action to exercise such rights appears in the public records at the date hereof;
- (c) Title to any property beyond the lines of the land expressly described in Schedule C, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein; and this policy specifically provides that such property, rights or easements are insured, except that if the land abuts upon one or more physically open streets or highways this policy insures the ordinary rights of abutting owners for access to one of such streets or highways, unless otherwise excepted or excluded herein;
- (d) Defects, liens, encumbrances, adverse claims against the title as insured or other matters (1) created, suffered, assumed or agreed to by the insured; or (2) known to the insured either at the date of this policy or at the date such insured acquired an estate or interest insured by this policy and not shown by the public records, unless disclosure thereof in writing by the insured shall have been made to the Company prior to the date of this policy; or (3) resulting in no loss to the insured; or (4) attaching or created subsequent to the date hereof;
- (e) Loss or damage which would not have been sustained if the insured were a purchaser or encumbrancer for value without knowledge.

4. DEFENSE AND PROSECUTION OF ACTIONS—NOTICE OF CLAIM TO BE GIVEN BY THE INSURED

- (a) The Company, at its own cost and without undue delay shall provide (1) for the defense of the insured in all litigation consisting of actions or proceedings commenced against the insured, or defenses, restraining orders, or injunctions interposed against a foreclosure or sale of the indebtedness secured by a mortgage covered by this policy or a sale of the estate or interest in said land; or (2) for such action as may be appropriate to establish the title of the estate or interest or the lien of the mortgage as insured, which litigation or action in any of such events is founded upon an alleged defect, lien or encumbrance insured against by this policy, and may pursue any litigation to final determination in the court of last resort;
- (b) In case any such action or proceeding shall be begun, or defense interposed, or in case knowledge shall come to the insured of any claim of title or interest which is adverse to the title of the estate or interest or lien of the mortgage as insured, or which might cause loss or damage for which the Company shall or may be liable by virtue of this policy, or if the insured shall in good faith contract to sell the indebtedness secured by a mortgage covered by this policy, or if an insured in good faith leases or contracts to sell, lease or mortgage the same, or if the successful bidder at a foreclosure sale under a mortgage covered by this policy refuses to purchase and in any such event the title to said estate or interest is rejected as unmarketable, the insured shall notify the Company thereof in writing. If such notice shall not be given to the Company within ten days of the receipt of process or pleadings or if the insured shall not, in

writing, promptly notify the Company of any defect, lien or encumbrance insured against which shall come to the knowledge of the insured, or if the insured shall not, in writing, promptly notify the Company of any such rejection by reason of claimed unmarketability of title, then all liability of the Company in regard to the subject matter of such action, proceeding or matter shall cease and terminate; provided, however, that failure to notify shall in no case prejudice the claim of any insured, unless the Company shall be actually prejudiced by such failure and then only to the extent of such prejudice.

(c) The Company shall have the right at its own cost to institute and prosecute any action or proceeding or do any other act which in its opinion may be necessary or desirable to establish the title of the estate or interest for the lien of the mortgage as insured; and the Company may take any appropriate action under the terms of this policy whether or not it shall be liable thereunder and shall not thereby concede liability or waive any provision of this policy.

(d) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured shall be entitled to the right to so prosecute or provide defense in such action or proceeding, and all appeals therein, and permit it to use, at its option, the name of the insured for such purpose. Whenever requested by the Company the insured shall give the Company all assistance in any such action or proceeding, in effecting settlement, securing evidence, obtaining witnesses or prosecuting or defending such action or proceeding, and the Company shall reimburse the insured for any expense so incurred.

5. NOTICE OF LOSS—LIMITATION OF ACTION

In addition to the notices required under paragraph 4(b), a statement in writing of any loss or damage (or which it is claimed the Company is liable under this policy) shall be furnished to the Company within sixty days after such loss or damage shall have been determined and no right of action shall accrue to the insured under this policy until thirty days after such statement shall have been furnished, and no recovery shall be had by the insured under this policy unless action shall be commenced thereon within five years after expiration of said thirty day period. Failure to furnish such statement of loss or damage, or to commence such action within the time hereinbefore specified, shall be a conclusive bar against maintenance by the insured of any action under this policy.

6. OPTION TO PAY, SETTLE OR COMPROMISE CLAIMS

The Company shall have the option to pay or settle or compromise for or in the name of the insured any claim insured against or to pay the full amount of this policy, or, in case loss is claimed under this policy by the owner of the indebtedness secured by a mortgage covered by this policy, the Company shall have the option to purchase said indebtedness; such purchase, payment or tender or compromise shall be the full amount of this policy, together with all costs, attorneys' fees and expenses which the Company is obligated hereunder to pay, shall terminate all liability of the Company hereunder. In the event, after notice of claim has been given to the Company by the insured, the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness and the mortgage securing the same to the Company upon payment of the purchase price.

7. PAYMENT OF LOSS

- (a) The liability of the Company under this policy shall in no case exceed, in all, the actual loss of the insured and costs and attorneys' fees which the Company may be obligated hereunder to pay;
- (b) The Company will pay, in addition to any loss insured against by this policy, all costs imposed upon the insured in litigation carried on by the Company for the insured, and all costs and attorneys' fees in litigation carried on by the insured with the written authorization of the Company;
- (c) No claim for damages shall arise or be maintainable under this policy (1) if the Company, after having received notice of an alleged defect, lien or encumbrance not excepted or excluded herein removes such defect, lien or encumbrance within a reasonable time after receipt of such notice, or (2) for liability voluntarily assumed by the insured in settling any claim or suit without written consent of the Company, or (3) in the event the title is rejected as unmarketable because of a defect, lien or encumbrance not excepted or excluded in this policy, until there has been a final determination by a court of competent jurisdiction sustaining such rejection;
- (d) All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto; and no payment shall be made without producing this policy for endorsement of such payment unless the policy be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company; provided, however, if the owner of an indebtedness secured by a mortgage shown in Schedule B is an insured herein then such payments shall not reduce pro tanto the amount of the insurance afforded hereunder as to such insured, except to the extent that such payments reduce the amount of the indebtedness secured by such mortgage. Payment in full by any person or voluntary satisfaction or release by the insured of a debt covered by this policy shall terminate all liability of the Company to the insured owner of the indebtedness secured by such mortgage, except as provided in paragraph 2 hereof;
- (e) When liability has been definitely fixed in accordance with the conditions of this policy the loss or damage shall be payable within thirty days thereafter.

8. LIABILITY NONCUMULATIVE

It is expressly understood that the amount of this policy is reduced by any amount the Company may pay under any policy insuring the validity or priority of any mortgage shown or referred to in Schedule B hereof or any mortgage hereafter executed by the insured which is a charge or lien on the estate or interest described or referred to in Schedule A. The provisions of this paragraph numbered 8 shall not apply to an insured owner of an indebtedness secured by a mortgage shown in Schedule B unless such insured acquires title to said estate or interest in satisfaction of said indebtedness or any part thereof.

9. COINSURANCE AND APPORTIONMENT

(a) In the event that a partial loss occurs after an alteration or improvement subsequent to the date of this policy, and only in that event, the insured becomes a co-insurer to the extent hereinafter set forth.

If the cost of the alteration or improvement exceeds twenty per centum of the amount of this policy, such proportion only of any partial loss established shall be borne by the Company as one hundred twenty per centum of the amount of this policy bears to the sum of the amount of this policy and the amount expended for the alteration or improvement. The foregoing provisions shall not apply to costs and attorneys' fees incurred by the Company in prosecuting or providing for the defense of actions or proceedings in behalf of the insured pursuant to the terms of this policy or to costs imposed on the insured in such actions or proceedings, and shall not apply to losses which do not exceed, in the aggregate, an amount equal to one per centum of the face amount of this policy.

Provided, however, that the foregoing coinsurance provisions shall not apply to any loss if, at the time of the occurrence of such loss, the then value of the premises, as so improved, does not exceed the amount of this policy, and provided further that the foregoing coinsurance provisions shall not apply to an insured owner of an indebtedness secured by a mortgage shown in Schedule B prior to acquisition of title to said estate or interest in satisfaction of said indebtedness or any part thereof.

(b) If the land described or referred to in Schedule C is divisible into separate and noncontiguous parcels, or if contiguous and such parcels are not used as one single site, and a loss is established affecting one or more of said parcels, but not all, the loss shall be computed and settled on a pro rata basis as if the face amount of the policy was divided pro rata as to the value on the date of this policy of each separate independent parcel, exclusive of any improvements made subsequent to the date of this policy, unless a liability or value has otherwise been agreed upon as to each such parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement herein or by an endorsement attached hereto.

10. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the Company shall have settled a claim under this policy, all rights of subrogation shall vest in the Company unaffected by any act of the insured, and it shall be subrogated to and be entitled to all rights and remedies which the insured would have had in any action or property in respect to such claim had this policy not been issued. If the payment does not cover the loss of the insured, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss. If loss should result from any act of the insured, such act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against hereunder which shall exceed the amount, if any, lost to the Company by reason of the impolicy of the right of subrogation. The insured, if requested by the Company, shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation, and shall permit the Company to use the name of the insured in any transaction or litigation involving such rights or remedies.

If the insured is the owner of the indebtedness secured by a mortgage covered by this policy, such insured may release or substitute the personal liability of any debtor or guarantor, or extend or otherwise modify the terms of payment, or release a portion of the estate or interest from the lien of the mortgage, or release any collateral security for the indebtedness, provided such act does not result in any loss of priority of the lien of the mortgage.

11. POLICY ENTIRE CONTRACT

Any action or actions or rights of action that the insured may have or may bring against the Company, arising out of the status of the lien of the mortgage covered by this policy or the title of the estate or interest insured herein must be based on the provisions of this policy.

This policy shall not be valid until countersigned by a Vice President of the Company. No provision or condition of this policy shall be waived or changed except by writing endorsed hereon or attached hereto signed by the President, a Vice President, the Secretary, an Assistant Secretary or other validating officer of the Company.

12. NOTICES, WHERE SENT

All notices to be given to the Company and any statement in writing required to be furnished the Company shall be addressed to it at its Main Office, 240 Van Ness Avenue, San Francisco, California.

13. The fee specified on the face of this policy is the total fee for title search and examination and for title insurance.

BEST COPY

POLICY NUMBER 6866
Your Number 651.1 (RW)

SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

PART ONE

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

PART TWO

1. General and Special Taxes of the County of Stanislaus for the fiscal year 1964/65, a lien, but not yet due or payable.
2. County roads along the South lines of Section 20 and 28 and along the North lines of Sections 29 and 33 as shown on the Official Road Map of the County of Merced.
3. Right of way for County Road (Pete Miller Road) running through Section 8, Township 9 South, Range 8 East, M. D. B. & M., as granted to the County of Stanislaus by Instrument dated October 16, 1903 and recorded November 11, 1903 in Volume 71 of Deeds, at page 95.
4. Right of way for a line of poles and electric transmission line, with rights incidental thereto, not to exceed a distance of 30 feet from the center line of said line, together with the right of ingress to and egress from said right of way by a practicable route or routes, across grantors remaining lands, as granted to Sierra and San Francisco Power Company, a corporation, as follows:

By Grant of Right of Way from Simon Newman Company, a corporation, recorded December 24, 1925 in Book 132 of Official Records, at page 147, Merced County Records, and recorded November 27, 1925 in Volume 140 of Official Records, at page 358, Stanislaus County Records, as therein provided the route of said line is described as follows:

Beginning at a point in the Southerly boundary line of the County Road which extends along the Northerly boundary line of the Southeast quarter of Section 17, Township 8 South, Range 8 East, M. D. B. & M., (said boundary line of the County Road, being marked by a fence now upon the ground) from which the Northeast corner of said Section 17 (said corner being marked by the intersections of fences now upon the ground) bears North $0^{\circ} 00\frac{1}{2}'$ East 2620.8 feet distant and running thence South $0^{\circ} 01'$ East 5993.4 feet; thence South $13^{\circ} 23\frac{1}{2}'$ East 2521.3 feet; thence South $30^{\circ} 15'$ East 3026.6 feet; thence South $16^{\circ} 57'$ West 7486.7 feet; thence South $3^{\circ} 30\frac{1}{2}'$ West 275.8 feet, more or less to a point in the Southerly boundary line of Section 33, Township 8 South, Range 8 East, M. D. B. & M., (said last mentioned boundary line being marked by a fence now

Order No. 6866
Your Number 651.1 (RW)

upon the ground.)

Beginning at a point in the Westerly boundary line of Section 30, Township 7 South, Range 8 East, M. D. B. & M. (said boundary line being marked by a fence now upon the ground) from which a stake marking the Southwest corner of the Northwest quarter of said Section 30 bears South $0^{\circ} 28'$ West 1965.1 feet distant, and running thence South $50^{\circ} 11'$ East 577.0 feet; thence South $29^{\circ} 59'$ East, 4915.8 feet, more or less to a point in the Southerly boundary line of said Section 30 (said Southerly boundary line being marked by a fence now upon the ground).

5. Right of way with the right to construct, maintain, etc., metal towers with all necessary rights incidental thereto for the transmission and distribution of electric energy and for private telephone and telegraph purposes, together with right of ingress to and egress from such facilities, as granted to Pacific Gas and Electric Company, a California corporation, by Grant from Simon Newman Company, a California corporation, recorded on May 1, 1947 in Book 859 of Official Records, at page 7, Merced County Records, and recorded on July 8, 1947 in Volume 901 of Official Records, at page 396, Stanislaus County Records,

as therein provided the routes of said Towers are described as follows:

1. Beginning at a point in the Southerly boundary line (by a fence) of that portion of Section 1, Township 7 South, Range 7 East, from which the Northeast corner (marked by a concrete monument) of said Section 1 bears North $79^{\circ} 05\frac{1}{2}'$ East 3694.6 feet distant and running thence South $14^{\circ} 57'$ East 12,960 feet, more or less to the Northerly boundary line of the Southeast quarter of said Section 13.
2. Beginning at a point in the Northerly boundary line (marked by a fence) of Section 30, Township 7 South, Range 8 East, distant thereon 1969.7 feet Easterly from the Northwest corner (marked by a post) of said Section 30 and running thence South $14^{\circ} 57'$ East 5551 feet, more or less to the Southerly boundary line of said Section 30.
3. Beginning at a point in the Northerly boundary line (marked by a fence) of Section 6, Township 8 South, Range 8 East, thereon 1160.0 feet Westerly from the Northeast corner (marked by an intersection of fences) of said Section 6 and running thence South $14^{\circ} 57'$ East 2685 feet, more or less, to the Southerly boundary line of the Northeast quarter of said Section 6.
4. Beginning at a point in the Northerly boundary line (marked by a fence) of Section 8, Township 8 South, Range 8 East, distant thereon 184.1 feet Easterly from the Northwest corner (marked by an intersection of fences) of said Section 8 and running thence South $14^{\circ} 57'$ East 5499 feet, more or less, to the Southerly boundary line of said Section 8.
5. Beginning at a point in the Southerly boundary line (marked by a fence) of Section 33, Township 8 South, Range 8 East, distant thereon 1981.5 feet Easterly from the Southwest corner (marked by a stake in a rock mount) of said Section 33 and running thence North $14^{\circ} 57'$ West 19,157 feet, more or less, to the Northerly boundary line of the South half of said Section 17.

continued

BEST COPY

Order No. 6866
Your No. 651.1 (RW)

6. Right of way with the right to erect, construct, maintain, etc., a lien of Towers with all necessary rights incidental thereto for the transmission of electric energy, and for communication purposes, together with right of ingress to and egress from such facilities as granted to Pacific Gas and Electric Company, a California corporation, by Grant from Simon Newman Company, a California corporation, recorded April 7, 1953 in Book 1084 of Official Records, at page 234, Merced County Records, and on February 3, 1953 in Volume 1130 of Official Records, at page 568, Stanislaus County Records.

PARCEL NO. I:

Sections 1 and 12, and the North half of Section 13, Township 7 South, Range 7 East, M. D. B. & M., save and excepting therefrom that portion thereof described in the Deed from Lelah Hayes and others to Ruth E. Dihel, dated March 25, 1941 and recorded in the Office of the County Recorder of said County of Stanislaus in Book 731 of Official Records, at page 187.

PARCEL NO. II:

The South half and the Northwest quarter of Section 30, Township 7 South, Range 8 East, M. D. B. & M.

PARCEL NO. III:

The Northeast half of Section 6, Township 8 South, Range 8 East, M. D. B. & M.

PARCEL NO. IV:

The East half of Section 7, and Section 8, Township 8 South, Range 8 East, M. D. B. & M.

PARCEL NO. V:

The South half of Section 17, and the North half, and the Southeast quarter of Section 20, the East half of Section 29, and the West half of Section 28 and Section 33, Township 8 South, Range 8 East, M. D. B. & M.

The aforesaid strip extends entirely across said lands and is particularly described as follows:

1. A strip of land of the uniform width of 75 feet extending entirely across the parcel of land hereinbefore described and designated Parcel I and lying equally on each side of the line which begins at a point in the Northerly boundary line of said parcel of land designated Parcel I and runs thence South $14^{\circ} 57'$ East, parallel with and distant 75 feet Southwesterly from (measured at a right angle to) the route described and designated 1 in the Deed from Simon Newman Company, to Pacific Gas and Electric Company, dated February 1, 1947 and recorded in the Office of said County Recorder in Book 901 of Official Records, at page 396, 12,960 feet, more or less, to the Southerly boundary line of said parcel of land designated Parcel I.
2. A strip of land of the uniform width of 75 feet extending entirely across the parcel of land hereinbefore described and designated Parcel II and lying equally on each side of the line which begins at a point in the Northerly boundary line of said parcel of land designated Parcel II and runs thence South $14^{\circ} 57'$ East, parallel with and distant 75 feet Southwesterly from (Measured at a right angle to) the route described and designated 2 in said Deed to Pacific Gas and Electric Company, 5550 feet, more or less, to the Southerly boundary line of said parcel of land designated Parcel II.

continued

BEST COPY

Order No. 6866
Your Number 651.1 (RW)

3. A strip of land of the uniform width of 75 feet extending across the parcel of land hereinbefore described and designated Parcel III and lying equally on each side of the line which begins at a point in the Northerly boundary line of said parcel of land designated Parcel III and runs thence South 14° 57' East, parallel with and distant 75 feet Southwesterly from (measured at a right angle to) the route described and designated 3 in said Deed to Pacific Gas and Electric Company, 2685 feet, more or less, to the Southerly boundary line of said parcel of land designated Parcel III.
4. A strip of land of the uniform width of 75 feet extending entirely across the parcel of land hereinbefore described and designated Parcel IV and lying equally on each side to the line which begins at a point in the Northerly boundary line (marked by a fence now upon the ground) of said Section 8 from which the Northwest corner (marked by an intersection of fences now upon the ground) of said Section 8 bears North 88° 57' West 69.1 feet distant and runs thence South 16° 55' East 1077.0 feet to a point herein for convenience called Point "A"; said Point "A" being distant 75 feet Southwesterly from (measured at a right angle to) the route described and designated 4 in said Deed to Pacific Gas and Electric Company; thence South 14° 57' East, parallel with said route designated 4, 4440 feet, more or less, to the Southerly boundary line (marked by a fence now upon the ground) of said Section 8.
5. A strip of land of the uniform width of 75 feet lying equally of each side of the line which begins at said Point "A" and runs thence North 14° 25½' West 1063.1 feet, more or less, to the Northerly boundary line (marked by a fence now upon the grounds) of said Section 8; the side lines of said strip of land to be lengthened or shortened so as to terminate in the Northerly boundary line of said Section 8.
6. A strip of land of the uniform width of 75 feet extending entirely across the parcel of land hereinbefore described and designated Parcel V and lying equally on each side of the line which begins at a point in the Southerly boundary line of said Section 33 and runs thence North 14° 57' West, parallel with and distant 75 feet Southwesterly from (measured at a right angle to) the route described and designated 5 in said Deed to Pacific Gas and Electric Company, 19,157 feet, more or less to the Northerly boundary line of said parcel of land designated parcel V.
7. Effect of the Agreement Pertaining to sale of excess lands, dated August 31, 1955 between the United States of America and Simon Newman Company, a corporation, recorded September 27, 1955 in Book 1226 of Official Records, at page 71, Merced County Records, and recorded September 27, 1955 in Volume 1320 of Official Records, at page 544, Stanislaus County Records.
Affects that portion of Section 17 described herein, with other property.
8. Continuing Crop and Chattel Mortgage for \$7,870.00, executed by Johnny Borba, also known as John Borba, to Modesto Production Credit Association, dated July 1, 1963 and recorded July 3, 1963 in Volume 1867 of Official Records, at page 121, as Instrument No. 25260, Stanislaus County Records (covers Crop year 1963/64 and 1965/66). Affects the South half of Section 17, Township 8 South, Range 8 East, and other property.
9. The interest of Johnny Borba, also known as John Borba, in and to the South half of Section 17, Township 8 South, Range 8 East, by reason of an unrecorded Sub-

continued

BEST COPY

Order No. 6866
Your No. 651.1 (RW)

Lease from James Franzen as referred to in Crop and Chattel Mortgage shown as Exception No. 8.
Also the interest of James Franzen by reason thereof.

10. Effect of the Agreement dated October 31, 1963 between Simon Newman Company, a corporation, and Granite Construction Company, a corporation, wherein said Granite Construction Company was granted the exclusive right at any time and from time to time, during the period of 10 years from and after the date of this Agreement or until the completion of the Westside Highway, and the California Aqueduct between the Stanislaus-San Joaquin County line to the North and Los Banos Creek to the South, which ever may come sooner, to enter upon the above described land and to excavate and thereafter to remove from said lands, rock, sand, gravel, and earthy materials for construction purposes, but not including uranium, metallic minerals, oil, gas and other hydrocarbon substances, at such time and in such manner and in such quantities as Contractor may deem necessary, and subject to the additional terms and conditions contained in said Agreement, as disclosed by Memorandum Agreement recorded November 1, 1963 in Book 1629 of Official Records, at page 835, Merced County Records, and recorded October 31, 1963 in Volume 1896 of Official Records, at page 661, Stanislaus County Records.
Affects all of the steam beds, adjacent bars and sand and gravel, bearing lands in Section 17 herein. Affects this with other property.
Consent to the right of way and easement for electric transmission facilities from Simon Newman Company, a corporation, to Pacific Gas and Electric Company, a California corporation, by Granite Construction Company, a corporation, dated January 14, 1964 and recorded June 22, 1964 as Instrument No. 24367, Stanislaus County Records, and recorded June 23, 1964 as Instrument No. 13188, Merced County Records.

BEST COPY

POLICY NUMBER 6866
Your Number 651.1 (RW)

SCHEDULE C

The land referred to in this Policy is described as:

All that certain real property situate in the Counties of Stanislaus and Merced, State of California, described as follows:

Easements and rights of way to construct, operate, maintain, repair, reconstruct, replace, and remove, at any time and from time to time, electric transmission lines, consisting of one or more lines of towers, poles, and/or other structures, wires, and cables, including ground wires, both overhead and underground, for the transmission of electric energy, and for communication purposes, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, poles and/or other structures, wires, and cables, together with a right of way, on, along and in all of the hereinafter described strip of those certain lands which are situate in the County of Stanislaus and in the County of Merced, State of California, and are described as follows:

PARCEL I:

Sections 1 and 12, and the North half of Section 13, Township 7 South, Range 7 East, M. D. B. & M.; excepting from said Section 1 that portion thereof described in the Deed from Lelah Hayes and others to Ruth E. Dihel dated March 25, 1941 and recorded in the Office of the County Recorder of said County of Stanislaus in Book 731 of Official Records, at page 187.

PARCEL II:

The South half, and the Northwest quarter of Section 30, Township 7 South, Range 8 East, M. D. B. & M.

PARCEL III:

The Northeast quarter of Section 6, Township 8 South, Range 8 East, M. D. B. & M.

PARCEL IV:

Section 8, Township 8 South, Range 8 East, M. D. B. & M.

PARCEL V:

The South half of Section 17, the North half, and the Southeast quarter of Section 20, the East half of Section 29, and Section 28 and 33, Township 8 South, Range 8 East, M. D. B. & M.

The aforesaid strip is described as follows:

1. A strip of land of the uniform width of 342.5 feet lying contiguous to and Southwesterly of the Southwesterly boundary line of the strip of land described and designated 1 in the right of way and easement granted by Simon Newman Company, to Pacific Gas and Electric Company by Deed dated December 30, 1952 and recorded in the Office of the County Recorder of said County of Stanislaus in Book 1130 of Official Records, at page 568, and also

continued

T. 8 S. R. 8 E. M.D.B.&M.

PUMP STATION 28.5 N. 11.5 E. 1/4 T. 14 S. R. 15 E. S. 12 E. 1/4
Dwg. 21555

Ken
Consent - PLAC
2205-07-0130

16

2207-07-0029

Simon Newman P 396
QR 986 824-6-6A
829-26 Company

TRANSPORTATION

Match Line Sh. 16

Dwg. 202426

Notes:
For Tower Data on Tesla - Los Bonos 500 KV T/L No.1
see Diag. 215110-11 Profile p-52/2
For Tower Data on Tesla - Los Bonos 500 KV T/L No.2
see Diag. 214308 Profile p-52/3

1800-80-8022

Consent - PLAC
2205-07-0130

STANISLAUS COUNTY

Simon Newman Company
O.R. 986 P.396

NOTE: For Tower Data on Teslo-Midway
see Dwg. # 203045
For Tower Data on Pittsburg-Pano.
see Dwg. # 206658 & Dwg. # 206659

TESLA-MIDWAY
220 K.V. TOWER LI

PACIFIC GAS AND ELECTRIC

SAN FRANCISCO, CALIFORNIA	
AUTHORIZATION BMD-05871	SUPERSLODES
CORR. PROFILE	SHEET NO. 37 / 52
P-1852	DRAWING NUMBER
P-1853	203437

TABLE OF CHANGES

TABLE OF CHANGES

30483 SEP 25 '67

2208-08-0149

BOOK 2185 PAGE 532

PUMP Station #3 115' K TSP

RECORDED AT 4:05 BY
P. D. L. E. Co.
OFF'L RECORDS STAN- ISLAUS CO. CALIF.
STEVE R. NELSON, RECORDER
BY <i>[Signature]</i> ASST. RECORDER

4 40

0
COPY SENT
TO DIVISION
Mark

TIDEWATER OIL COMPANY, a Delaware corporation,

hereinafter called first party, in consideration of value adequate therefor paid by PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called second party, the receipt whereof is hereby acknowledged, hereby grants to second party the right to erect, construct, reconstruct, replace, remove, maintain and use a line of poles with such wires as second party shall from time to time suspend therefrom for the transmission of electric energy, and for communication purposes, and all necessary and proper crossarms, guys, anchors and other appliances and fixtures for use in connection with said poles and wires, together with a right of way, on, along and in all of the hereinafter described strip of those certain lands which are situate in the.....

County of Stanislaus....., State of California, and are described as follows:

The parcel of land, situate in Section 8, Township 8 South, Range 8 East, M.D.B. & M., conveyed by Simon Newman Company to Tidewater Oil Company by deed dated March 1, 1967 and recorded in the office of the County Recorder of said County of Stanislaus in Book 2150 of Official Records at page 589.

The aforesaid strip is described as follows:

1. A strip of land of the uniform width of 50 feet extending south-westerly from the northeasterly boundary line of the parcel of land conveyed by Simon Newman Company to Tidewater Oil Company by deed dated March 1, 1967 and recorded in the office of the County Recorder of said County of Stanislaus in Book 2150 of Official Records at page 589 and lying equally on each side of the line which begins at a point in the northeasterly boundary line of the parcel of land conveyed by said deed dated March 1, 1967, from which the 5/8 inch reinforcing bar and cap (marked L.S. 3059) marking the northeast corner of the parcel of land conveyed by said deed dated March 1, 1967 bears north 14° 55.6' west 164.7 feet distant and runs thence south 85° 38.0' west 36.6 feet; to a point herein for convenience called Point "A"; thence south 75° 04.4' west 256.5 feet, to a point herein for convenience called Point "B"; thence continuing south 75° 04.4' west 25.0 feet.

First party further grants to second party the right to install, replace, maintain, and use an anchor with appurtenant guy wires within each of the strips of land described as follows:

2. A strip of land of the uniform width of 10 feet extending north-westerly from the northwesterly boundary line of the strip of land hereinbefore described and designated 1 and lying equally on each side

Consideration or value of interest conveyed
herein does not exceed \$100.00

(3) 30483 SEP 25 '67

BOOK 2185 PAGE 532

of the line which begins at a point in the northwesterly boundary line of said strip of land designated 1, from which said Point "A" bears south $9^{\circ} 38.8'$ east 25.1 feet distant and runs thence north $9^{\circ} 38.8'$ west 14.9 feet.

3. A strip of land of the uniform width of 10 feet extending northwesterly from the northwesterly boundary line of said strip of land designated 1 and lying equally on each side of the line which begins at a point in the northwesterly boundary line of said strip of land and designated 1, from which said Point "B" bears south $14^{\circ} 55.6'$ east 25.0 feet distant and runs thence north $14^{\circ} 55.6'$ west 15.0 feet.

4. A strip of land of the uniform width of 10 feet extending southwesterly from the southwesterly boundary line of said strip of land designated 1 and lying equally on each side of the line which begins at a point in the southwesterly boundary line of said strip of land designated 1, from which said Point "B" bears north $75^{\circ} 04.4'$ east 25.0 feet distant and runs thence south $75^{\circ} 04.4'$ west 15.0 feet.

30483-2

First party, for the consideration aforesaid, further grants to second party the right of ingress to and egress from said strip over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to first party, provided, that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said strip by any public road or highway, now crossing or hereafter crossing said lands.

First party shall have the right to use said strip for purposes not inconsistent with second party's full enjoyment of the rights hereby granted, provided that first party shall not erect or construct any building or other structure, or drill or operate any well, within said strip.

Second party shall have the further right to install, maintain and use gates in all fences which now cross or shall hereafter cross said strip.

Second party shall also have the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on said strip and shall have the further right from time to time to trim and to cut down and clear away any trees on either side of said strip which now or hereafter in the opinion of second party may be a hazard to said poles or wires by reason of the danger of falling thereon, provided, however, that all trees which second party is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of first party, but all tops, lops, brush and refuse wood shall be burned or removed by second party.

Second party shall also have the right to mark the location of said strip by suitable markers set in the ground or on said poles, but said markers when set in the ground shall be placed in fences or other locations which will not interfere with any reasonable use first party shall make of said strip.

Second party shall repair any damage it shall do to first party's private roads or lanes on said lands, and shall indemnify first party against any loss and damage which shall be caused by the exercise of said ingress and egress, or by any wrongful or negligent act or omission of second party or of its agents or employees in the course of their employment.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF first party has executed these presents this 2nd day of August 1967.

TIDEWATER OIL COMPANY

By [Signature]
Its VICE PRESIDENT

And By [Signature]
Its Secretary

Executed in the presence of

Witness

FOR NOTARY'S USE ONLY

Stockton
Qm 168066
Dwg. 215858
T.8S., R.8E.,
M.D.B. & M.
Section 8
S $\frac{1}{2}$ of NW $\frac{1}{4}$
N $\frac{1}{2}$ of SW $\frac{1}{4}$
pmp

Prepared [Signature]

Checked [Signature]

JUL -3 '67

50485 SEC 67-5

30483 SEP 25 '67

37

to
- 8-65

Page 4 E. Co

P.O. Box 930

San

82-4203 4-66 (CORPORATION)

STATE OF CALIFORNIA

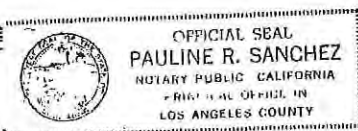
County of Los Angeles

ss.

2185 PAGE 535

On this 2nd day of August, in the year 1967, before me, Pauline R. Sanchez,
a Notary Public in and for the said Los Angeles County, duly commissioned and sworn, personally appeared
J. Earle Gray and Edward H. Hermesen
known to me to be the Vice President and Secretary

of the corporation that executed the within instrument, and to be the persons who executed the
said instrument on behalf of said corporation therein named, and acknowledged to me that such
corporation executed the within instrument pursuant to its by-laws or a resolution of its board of
directors.



2185 PAGE 535

IN WITNESS WHEREOF, I have heretofore set my hand and affixed my official seal in
the County of Los Angeles, the day and
year in this certificate first above written.

Pauline R. Sanchez

Pauline R. Sanchez

Notary Public in and for the Los Angeles County of Los Angeles, State of California
My Commission Expires October 2, 1970

2185 PAGE 535

30483 SEP 25 '67

V- 922
P- 417

829-2C
2208-68-0026

THIS INDENTURE made by and between SIMON NEWMAN COMPANY, a California corporation, hereinafter called Newman, and PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Pacific,

WITNESSETH that:

WHEREAS by deed dated February 1, 1947 and recorded in Volume 901 of Official Records at page 396, records of the County of Stanislaus, State of California, Newman granted to Pacific the right to install, maintain and use an electric transmission line across the lands described in said deed; and

WHEREAS Pacific now desires for the purpose of transposing the circuits of said transmission line to install, in lieu of the tower to have been erected under said deed at a point in the route described and designated 4 therein distant along said route approximately 1157 feet southeasterly from the northerly boundary line of section 8, township 8 south, range 8 east, M. D. B. & M., two towers, one on each side of said route and distant 24.0 feet from (measured perpendicularly to) said route.

NOW, THEREFORE, in consideration of value paid therefor by Pacific, the adequacy and receipt whereof are hereby acknowledged, Newman does hereby grant unto Pacific, its successors and assigns, the right to erect, construct, reconstruct, replace, remove, maintain and use said two towers with all necessary and proper crossarms, braces, and other appliances and fixtures for use in connection therewith and to connect the same by means of electric transmission and/or communication wires and/or cables with the adjoining towers in said route to be erected under said deed dated February 1, 1947.

Said deed dated February 1, 1947 as hereby modified is hereby confirmed.

IN WITNESS WHEREOF the parties hereto have executed these presents this

14 day of Jan. 1947.

SIMON NEWMAN COMPANY

By [Signature]
Its Pres

And By [Signature]
Its
PACIFIC GAS AND ELECTRIC COMPANY

By [Signature]
Its Vice-President and Executive Engineer
And By [Signature]
Its Secretary

APPROVED

IN CHARGE OF OPERATIONS

18297/47

FEB 25 1948

4288

55-80-8022

THIS INSTRUMENT made by and between SIMON NEWMAN COMPANY, a California corporation, hereinafter called Newman, and PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Pacific, and HERBERT W. ...

WHEREAS by deed dated February 1, 1947 and recorded in Volume 103 of Official Records of Page 305, Records of the County of Stanislaus, State of California, Newman granted to Pacific the right to install, maintain and use an electric ...

STATE OF CALIFORNIA
City and County of San Francisco

On this 3rd day of February, 1948, before me, FRANK PANTER, a Notary Public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared J. S. Moulton and Raymond Kindig, known to me to be the Vice President and Executive Engineer, and Secretary, respectively of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the City and County of San Francisco, the day and year in this certificate first above written.

Frank Pantar

MY COMMISSION EXPIRES
NOVEMBER 2, 1950
My Commission Expires November 2, 1950

Notary Public in and for the City and County of San Francisco, State of California

STATE OF CALIFORNIA
County of Stanislaus

On this 14th day of January, in the year one thousand nine hundred and forty eight, before me, Ray S. Hade, a Notary Public in and for the County of Stanislaus, State of California, residing therein, duly commissioned and sworn, personally appeared Louis J. Newman and G. B. Morton, known to me to be the President and Secretary of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal, in the County of Stanislaus, the day and year in this certificate first above written.

Ray S. Hade

Cowdry's Form No. 28 (Acknowledgment Corporation)
(C.C. Sec. 1190)

Notary Public in and for the County of Stanislaus, State of California.
My Commission Expires July 22, 1950

RECEIVED
JAN 15 1948
STANISLAUS COUNTY
NOTARY PUBLIC
RAY S. HADE
46544

Microphoto

196 2284

*Report of Chief
of Police
of New York
City
to
the
Department of Justice
on
the
Subject of
the
Riot at
the
New York
City
Police
Department
on
the
Night of
July 1, 1964*

FEDERAL BUREAU OF INVESTIGATION	
U. S. DEPARTMENT OF JUSTICE	
FEB 25 1968	
RECEIVED	
FBI - NEW YORK	
VOL 922	
PAGE 417	
STANISLAUS	

PROJECT: ...
AUTHORIZATION: ...
COST: \$200.00
DRAFT NO: ...
COPY TO: ...
Stockton Div.

T. 8 S. R. 8 E. MDB&M.

PUMP STATION NO. 3, 115 KV TAP
Dwg. 215858

Williams

Joseph

Match Line Sh. 36

Dwg. 203438

Simon Newman Company
O.R. 986
824-G, 6A

Simon Newman Company
O.R. 986
824-G, 6A
829-2C

Match Line Sh. 36

Dwg. 203436

STOCKTON DIVISION

Simon Newman Company
O.R. 986

NOTE: For Tower Data on Los Banos - Westley
see Dwg. # 203045
For Tower Data on Pittsburg-Panache
see Dwg. # 206658 & Dwg. # 206659

LOS BANOS - WESTLEY
220 KV. TOWER LINE
LINE 353
PACIFIC GAS AND ELECTRIC CO.

SAN FRANCISCO, CALIFORNIA

BY J.F. T.E.L.
SUPERSEDED BY
BUD. 5551
CORR. PROFILE
DATE 12/13/48
P. 1832
DRAWING NUMBER
203437 12

NO.	DATE	DESCRIPTION	APPROVED
11	3-26-46	CHG. T.W. 1195 10000	W.S.
10	8-17-45	CHG. T.W. 1195 10000	W.S.
9	8-17-45	CHG. T.W. 1195 10000	W.S.
8	8-17-45	CHG. T.W. 1195 10000	W.S.
7	8-17-45	CHG. T.W. 1195 10000	W.S.
6	8-17-45	CHG. T.W. 1195 10000	W.S.
5	8-17-45	CHG. T.W. 1195 10000	W.S.
4	8-17-45	CHG. T.W. 1195 10000	W.S.
3	8-17-45	CHG. T.W. 1195 10000	W.S.
2	8-17-45	CHG. T.W. 1195 10000	W.S.
1	8-17-45	CHG. T.W. 1195 10000	W.S.

(9) Field Book: 1702
(12) F.B. 725-5 P-3036 P-3039
Field Book: 578-2

Note:
For Tower Data on Tesla - Los Banos 500 KV T.L. No. 1
see Dwg. 215110-11 Profile P-5212
For Tower Data on Tesla - Los Banos 500 KV T.L. No. 2
see Dwg. 214308 Profile P-5243

John Henry Jensen & William Henry Jensen
O.R. 1394 P. 359, O.R. 1399 P. 469, O.R. 1399 P. 471
O.R. 1399 P. 473, O.R. 1399 P. 475

STANISLAUS COUNTY

353/17

SCAN 11

Attachment 4

Mitigated Negative Declaration

NOTE:

THIS NOTICE SUPERSEDES PREVIOUS NOTICES, PLEASE DISREGARD PRIOR NOTICES.

THE STANISLAUS COUNTY 30-DAY REFERRAL & INITIAL STUDY REVIEW PERIOD HAS BEEN UPDATED TO BEGIN DECEMBER 19, 2018 AND END ON JANUARY 21, 2019, FOR **WILLIAMSON ACT CANCELLATION & USE PERMIT APPLICATION NO. PLN2015-0081 – SULLIVAN ROAD SOLAR**. CHANGES TO THE DOCUMENT INCLUDE THE ADDITION OF THE WILLIAMSON ACT CANCELLATION REQUEST AND MINOR GRAMMATICAL CHANGES FOR REFERENCING THE NEAREST CITY.



CEQA Referral Initial Study And Notice of Intent to Adopt a Mitigated Negative Declaration

Date: December 19, 2018

To: Distribution List (See Attachment A)

From: Rachel Wyse, Senior Planner, Planning and Community Development

Subject: WILLIAMSON ACT CANCELLATION AND USE PERMIT APPLICATION NO. PLN2015-0081 – SULLIVAN ROAD SOLAR

Comment Period: December 19, 2018 – January 21, 2019

Respond By: January 21, 2019

Public Hearing Date: Not yet scheduled. A separate notice will be sent to you when a hearing is scheduled.

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

Applicant: Soon Kwon, Central 40, LLC (CS Solar)

Project Location: Approximately 0.5 miles west of Interstate 5 (I-5), north and west of Sullivan Road, and bisected by Peter Miller Road, in the Newman area. APNs: 028-015-001, 028-007-020, 028-007-054.

APN: 028-015-001, 028-007-020, and 028-007-054

Williamson Act Contract: 1971-0101

General Plan: Agriculture

Current Zoning: A-2-40 (General Agriculture)

Project Description: Request to construct a 40-megawatt (MW) solar facility on existing grazing lands west of I-5 in the southwestern portion of Stanislaus County. The proposed facilities would occupy approximately 214± acres of three adjacent parcels totaling 1,049± acres. Project implementation includes interconnection to the existing Miller (electrical) Substation located on a separate parcel (APN: 028-007-049) and surrounded on three sides by the northernmost parcel of the project site. The project would operate for approximately 35 years, after which the facilities would be decommissioned and removed, and the project site returned to existing conditions. A Williamson Act Cancellation is being requested for parcels 028-015-001 and 028-007-020 which

STRIVING TOGETHER TO BE THE BEST!



contain approximately 114,696 single-axis trackers, 38,232 fixed ground mount arrays, and appurtenant solar equipment. A Williamson Act Cancellation is not requested for parcel 028-007-054 since a power line from the array parcels, crossing Pete Miller Road and connecting to the Miller Substation, is the only improvement proposed for this parcel. The power line is not expected to interfere with the agricultural use of the property, nor the Williamson Act Contract. A Williamson Act Non-Renewal has been filed for parcels 028-015-001 and 028-007-020.

Full document with attachments available for viewing at:
<http://www.stancounty.com/planning/pl/act-projects.shtm>



WILLIAMSON ACT CANCELLATION AND USE PERMIT APPLICATION NO. PLN2015-0081 – SULLIVAN ROAD SOLAR

Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
X	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
X	CA STATE LANDS COMMISSION	X	STAN CO ERC
X	CEMETERY DISTRICT: Hills Ferry	X	STAN CO FARM BUREAU
X	CENTRAL CA INFORMATION CENTER	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: Newman		STAN CO PARKS & RECREATION
X	CA PUBLIC UTILITIES COMMISSION (SAC)	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
X	COUNTY OF: Merced	X	STAN CO SHERIFF
X	FIRE PROTECTION DIST: West Stanislaus	X	STAN CO SUPERVISOR DIST 5: DeMartini
X	HOSPITAL DIST: Westside Community	X	STAN COUNTY COUNSEL
	IRRIGATION DIST:		StanCOG
X	MOSQUITO DIST: Turlock	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
X	COMMUNITY SERVICES DIST: Crows Landing		STATE OF CA SWRBC – DIV OF DRINKING WATER DIST. 10
X	PACIFIC GAS & ELECTRIC	X	SURROUNDING LAND OWNERS
X	POSTMASTER:	X	TELEPHONE COMPANY: Frontier
X	SAIC ENERGY (Pipelines)	X	TRIBAL CONTACTS
X	SAN JOAQUIN VALLEY APCD	X	US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 1: Newman-Crows Landing Unified	X	US FISH & WILDLIFE
	SCHOOL DIST 2:		US MILITARY (SB 1462) (7 agencies)
X	STAN ALLIANCE	X	USDA NRCS
X	STAN CO AG COMMISSIONER	X	CA DEPT. OF WATER RESOURCES
	TUOLUMNE RIVER TRUST	X	WEST STANISLAUS RCD
X	CROP DUSTERS	X	DELTA-MENDOTA WATER AUTHORITY

STRIVING TOGETHER TO BE THE BEST!



STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: WILLIAMSON ACT CANCELLATION AND USE PERMIT APPLICATION NO.
PLN2015-0081 – SULLIVAN ROAD SOLAR

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- ☐ Will not have a significant effect on the environment.
☐ May have a significant effect on the environment.
☐ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

Name	Title	Date
------	-------	------



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

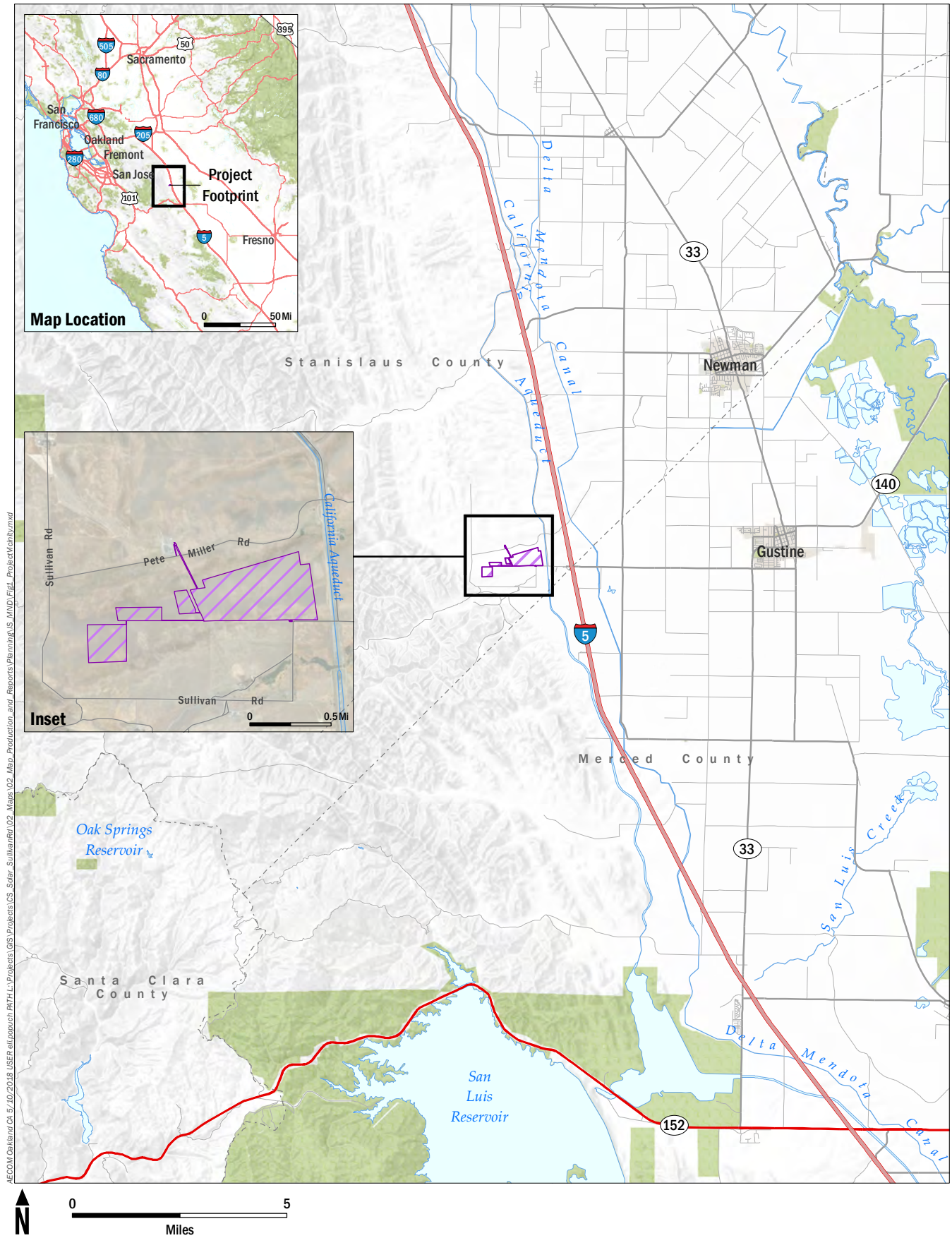
1. **Project title:** Williamson Act Cancellation and Use Permit Application No. PLN2015-0081 – Sullivan Road Solar Project
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Rachel Wyse, Senior Planner
(209) 525-6330
4. **Project location:** Approximately 0.5 miles west of Interstate 5 (I-5), north and west of Sullivan Road, and bisected by Pete Miller Road, in the Newman area. APNs: 028-015-001, 028-007-020, 028-007-054.
5. **Project sponsor's name and address:** Central 40, LLC (CS Solar)
Soon Kwon
500 Menlo Drive, No. 100
Rocklin, CA 95765
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

PROJECT OVERVIEW

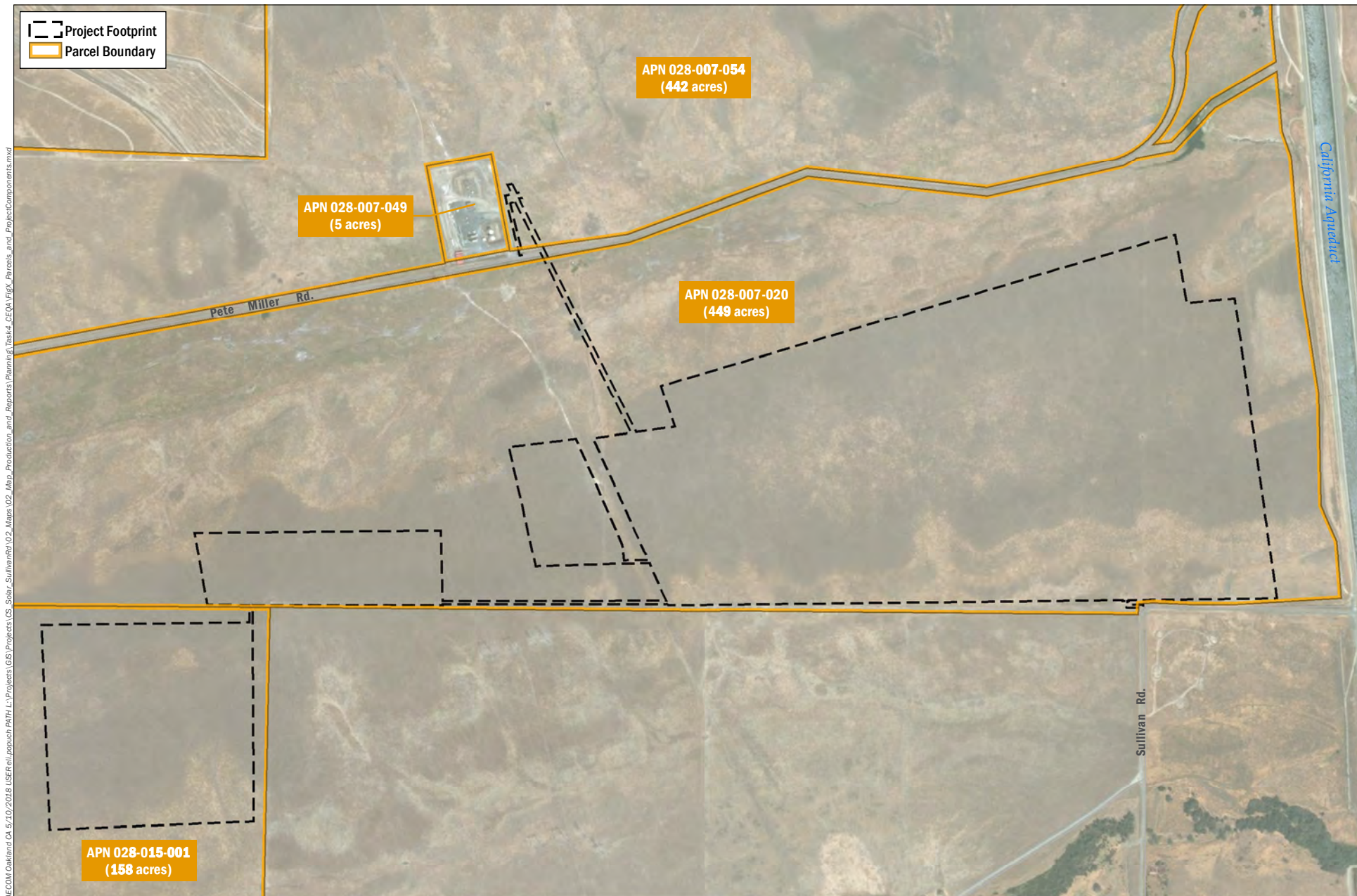
CS Solar proposes to construct a 40-megawatt (MW) alternating current (AC) solar farm on existing grazing lands west of I-5 in the southwestern portion of Stanislaus County (Figure 1). The proposed facilities would occupy approximately 214 acres within portions of three adjacent parcels totaling 1,049 acres (Figure 2). Project implementation also includes interconnection to the existing Miller (electrical) Substation located on a separate adjacent parcel in the northern portion of the project site. The project would operate for approximately 35 years, after which the facilities would be decommissioned and removed, and the project site returned to existing conditions.

PROJECT SITE

The project site is located on three parcels (Assessor Parcel Numbers [APNs] 028-015-001, 028-007-020, and 028-007-054) that are approximately 0.5 mile west of I-5. The project site is accessible from the Sullivan Road/I-5 interchange and is generally bounded by Sullivan Road to the east, south, and west (see Figure 3). The entire project development footprint would be approximately 214 acres, which includes the area that would be developed and occupied by project features for the approximately 35-year



ACOM Oakland CA 5/10/2018 USER ellipovich RTH/L: Projects (GIS) Projects CS Solar Sullivan Rd 02 Maps 02 Map Production and Reports Planning US MND File ProjectName.mxd



A:\COM Oakland CA 5/10/2018 USER\lpopuch\PATH\Projects\GIS\Projects\CS_Solar_SullivanRd\02_Maps\02_Map_Production_and_Reports\Planning\Task4_CEQA\Fig4_Parcel_and_ProjectComponents.mxd



operational period, plus additional areas that would be temporarily disturbed during construction. Primary project features would include solar arrays, equipment pads, fencing, access roads, and temporary work areas. The project footprint would also include improvements on the project site to provide an interconnection with the Miller Substation (e.g., power poles and lines, and associated access and work areas). The remaining 835 acres on the three project parcels would remain as undeveloped, grazed lands.

PROJECT SETTING

The project is in the Bennett Valley area of southwestern Stanislaus County, approximately 5 miles west of the City of Gustine and 5 miles southwest of the City Newman. The California Aqueduct¹ runs in a north-south alignment along the eastern side of the project site, with I-5 about 0.5 miles further to the east. The Shell Oil Corporation operates a subsurface oil pipeline that traverses the site from north to south, parallel to the Pacific Gas and Electric (PG&E) high-voltage corridor. The project area is sparsely populated, and there are no residential structures proximate to the proposed project facilities; the nearest residence is approximately 0.25 miles to the south.

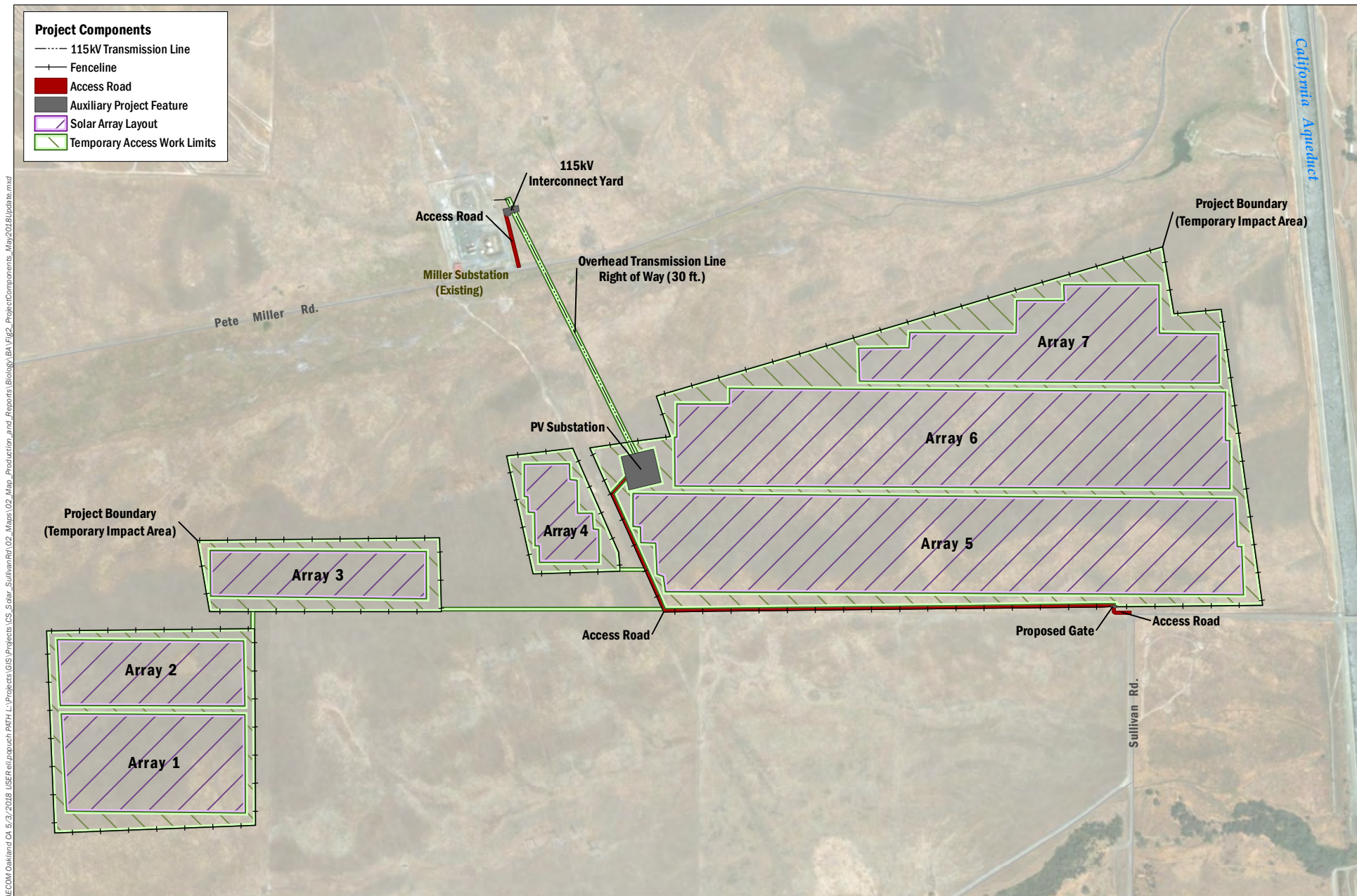
The topography of the project footprint and vicinity consists of rolling hills that border the inner foothills of the Diablo Range. Elevations in the project footprint range from 240 feet to 300 feet above sea level. The dominant vegetation community in the project footprint and vicinity is grazed annual grassland. Existing land uses at the project site and vicinity are rural in character and include agricultural grazing uses. The project site is zoned for General Agriculture (A-2-40).

DESIGN

The project would generate electricity by using approximately 114,696 (single-axis tracker) and 38,232 (fixed ground mounts) 340-watt solar photovoltaic (PV) modules. Individual PV modules would be connected together to operate as a unit to carry direct current (DC) electricity. Multiple DC strings would converge into a combiner box to merge the individual strings into a single cable. The singular cabling would convey power from the combiner boxes, to inverters spaced throughout the solar layout, to convert the DC electricity to AC. The AC power would then be conveyed to a proposed 40-MW substation in the project footprint that would convert the voltage to 115 kilovolts (kV). The 115-kV power would then tie into the existing point of interconnection utility pole on the transmission line. Approximately nine new power poles would be installed to support the proposed 115-kV overhead transmission line extending north from the project facilities to the existing Miller Substation. The inverters, transformer, and other electrical equipment would be mounted on a concrete equipment pad or skid platform.

The layout of the solar arrays and the location of ancillary facilities are shown on Figure 3. The single-axis tracker and ground mount PV modules would be mounted in rows of 18 to 36 modules in steel frames, collectively referred to as “Blocks”. Each block of panels has a central driving motor to rotate the rows of panels up to 45 degrees in each direction to follow the trajectory of the sun. Each array block would be approximately 10 feet tall, 200 feet wide, and 400 feet long. The solar panels are dark in color and non-reflective, and when horizontal, they are approximately 4 feet from the ground. The highest end of the tilted panels stands less than 10 feet above the level ground. The rows of panels would be properly spaced based on a panel tilt angle that prevents them from shading one another.

¹ The California Aqueduct is a system of canals, tunnels, and pipelines that conveys water collected from the Sierra Nevada Mountains and valleys of Northern and Central California to Southern California.



Each panel would be mounted on a footing, measuring between approximately 2.68 square inches and 4.68 square inches, and would be supported by sixteen inverter/transformer skids (each 1,600 square feet). The total area of long-term temporary ground disturbance from the inverter/transformer skids and panel footings would be 1.60 acres. As shown on Figure 3, auxiliary facilities include a 40-MW substation measuring just under 1 acre, an interconnect yard, and an access gate. These auxiliary facilities would occupy an additional 1.1 acres, resulting in a total of 2.7 acres of impermeable surface added to the project site.

Proposed development at the project site includes 20 foot wide access roads from Sullivan Road and Pete Miller Road via gravel driveway approaches. The access points would be gated and keyed to prevent unauthorized access to the project site. Development of the access roads would occupy approximately 1.9 acres of the project site. The design of the access roads would meet all applicable regulations and requirements for emergency access provided in the California Fire Code and Stanislaus County Code (Chapter 16.55). The proposed project facilities would be enclosed with 6 foot tall security fencing that meets National Electric code safety requirements for protective arrangement in electric supply stations. Emergency access would be provided through an access point secured by a Knox Box, as specified by the jurisdictional fire department.²

CONSTRUCTION

Project construction would occur over an approximate 15 month period. Prior to installation of the solar array system, vegetation in the project footprint would be mowed. The electrical collection system would be constructed in below-ground trenches; cable wires would be buried in trenches that generally run between modules/blocks and connect the output of each tracker to the inverters. Trenches, approximately 18 to 24 inches in depth and 12 to 36 inches in width, would be created and then backfilled after cable wire installation. Approximately 105,000 feet of cable would be installed within the temporary work limits shown on Figure 3. A pile driven anchoring system would be used to minimize ground disturbance. No grading or concrete casing activities are proposed. Construction of the interior access roads would require minimal grading, and no ground compaction is required.

In accordance with the anticipated resource agency requirements, the security fencing would be installed with a minimum 5 to 6 inch gap clearance at its base to allow for the movement of San Joaquin Kit Fox. All ground disturbance associated with the project would occur approximately 250 feet from any delineated wetland features, except at the transmission line intertie north of the Miller Substation and Pete Miller Road.

Many of the solar array components would be assembled on site. The number of onsite construction workers is not expected to exceed 40 workers at any one time. Typical work schedules are expected to be during daylight hours only, and onsite parking would be provided for daily workers in the proposed staging and laydown areas. Several pile drivers, forklifts, excavators, water trucks, and bulldozers would be required to install the system and create the all-weather road network. All trucks would be under the maximum weight capacity (75,000 pounds) of the access overpass of Sullivan Road. The project design

² A Knox Box is a small, wall-mounted safe that holds access keys for firefighters and other emergency personnel to retrieve in urgent situations.

does not include the construction or installation of any offsite improvements or alteration of the existing drainage of the site, except for minimal grading required for access roads.

Several construction staging and laydown areas would be used that would temporarily alter approximately 3.5 acres in the solar array areas shown on Figure 3. The staging and laydown areas would be overlaid with gravel, which would be removed following construction. All temporarily disturbed areas would be restored to approximate the pre-construction conditions.

OPERATION

Following construction, the project is anticipated to operate for a period of 35 years. Upon expiration of the solar array equipment lifespan, the equipment would be removed and the land returned to its original condition. The project would have a 20-year power purchase agreement with a municipal utility, and interconnection would be with PG&E. Upon expiration, a new or extended purchase agreement would be executed or the power would be sold on the open market. No change to project operations would occur subsequent to expiration of the initial purchase agreement term. Approval of the project would result in withdrawal of the project parcels from the Agricultural Preserve program (Williamson Act) as a separate action.

The proposed project would generate electricity 7 days per week, 365 days per year during hours of sunlight. The approximate start and stop times would generally be 6 a.m. to 6 p.m., but would vary as a function of the time or season of the year. No employees would be based at the project site, because the project operations would be remotely controlled to the extent possible, except for onsite maintenance as described below. Primary security-related monitoring would also occur remotely. Security personnel would be dispatched to the site on an as-needed basis to conduct routine unscheduled security rounds or in response to a fence breach or other issues.

Site maintenance workers would access the project site approximately one to two times per year to clean the panels and maintain the equipment project area. The public would not have access to the facility. The proposed project facilities would be enclosed with 6-foot-tall security fencing. As noted above, the security fencing would be installed with a minimum 5- to 6-inch gap clearance at its base to allow for the movement of San Joaquin Kit Fox. Access to the area would be infrequent and limited to authorized personnel. Vegetation maintenance would occur through grazing of sheep, as further discussed below in Section VIII (Hazards and Hazardous Materials).

The primary water demand during operation would be for washing dust from the PV modules to maintain power generation efficiency. Washing is anticipated to occur approximately two to four times per year by a self-contained MegaWash machine (proprietary equipment of the CS Solar partner Coldwell Solar). Based on the proposed 40-MW array, approximately 32,000 gallons of water would be required for each cleaning.³ Water needed for the panel washing would be sourced from a municipal water supply and hauled to the site by water tank truck. Water is anticipated to be provided by the Crows Landing Community Services District, approximately 10 miles north of the project site. Approximately five to ten truck trips would be generated per washing event.

³ According to the Coldwell Solar web site, MegaWash machine uses 80 percent less water than traditional water trucks, about 800 gallons per 1 MW DC of solar facilities (Coldwell Solar, 2017).

The solar facility would be owned by the project proponent, Central 40, LLC (CS Solar), on land owned by Robert Houret Construction Company and leased to the applicant for a term of up to 35 years.

All solar equipment will be removed and either recycled or reused to the extent practical at the end of the project's life cycle, estimated to be up to 35 years. The scrap metal value of the project facilities is expected to exceed the cost of removal. Decommissioning will include the removal of all project facilities, including, but not limited to, access roads, fencing, structures, foundations, concrete pads, underground cabling, wires, conduits, solar panels, mounting systems, and support systems. All disturbed areas will be cleaned up, materials will be removed, and the areas will be returned to their original condition. Disturbed areas including access roads, if not retained by the land owner, would be re-contoured using native soils and reseeded using a mix of appropriate native plant species, consistent with existing conditions identified during botanical surveys and future livestock grazing activities (i.e., the reseed mix would include grazing grasses). Gravel, if placed at the site, will be removed; compacted areas will be raked prior to reseeding unless left in place, at the property owner's discretion, for future use. The property would be returned to grazing land and is anticipated to be reused for agriculture once again.

9. Surrounding land uses and setting:

Agricultural grazing lands to the north, south, east, and west.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

Stanislaus County Department of Environmental Resources;
Stanislaus Fire Prevention Bureau;
Stanislaus County Building Division;
Central Valley Regional Water Quality Control Board;
San Joaquin Valley Air Pollution Control District;
Stanislaus County Department of Public Works;
United States Fish and Wildlife Service;
California Department of Fish and Wildlife;
United States Army Corps of Engineers; and
California Department of Conservation.

11. Attachments

Maps
Early Consultation Referral Responses
Williamson Act Cancellation Request
Cultural Resources Evaluation
Habitat Assessment
Wetland Delineation Report
Mitigation Monitoring & Reporting Program
Mitigated Negative Declaration

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)**On the basis of this initial evaluation:**

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by:
Steven Smith, Senior Environmental Planner
AECOM

Date: November 1, 2018

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

- a) the significant criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
I. AESTHETICS				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Setting

The project site lies between the California Aqueduct and Sullivan Road to the east; Sullivan Road to the south and west; and Pete Miller Road, which bisects the project site. The eastern boundary of the project site is approximately 0.5 mile west of I-5, a designated State Scenic Highway (Caltrans, 2011). Views from I-5 are primarily agricultural, but the road also parallels the Delta-Mendota Canal and the California Aqueduct. Prominent visual features along the I-5 corridor in the project vicinity include distant views of the Coast Ranges to the west. Views onto the project site from I-5 are limited due to the intervening distance and topography. Views from Pete Miller Road and Sullivan Road in the vicinity of the project site are dominated by the existing grasslands at the site that are currently used for agricultural grazing. Other prominent visual features include an existing electric transmission corridor traversing the site from north to south, and an existing electrical substation in the northern portion of the project site. There is one residence about 0.25 mile south of the project site and a second residence is approximately 0.25 mile to the east across the California Aqueduct. Existing views onto the project site from local roadways are fairly consistent with the generally rural character of the project vicinity. The California Aqueduct Vista Point is off I-5 at Shiells Road, more than 3 miles north of the project site. No publicly available scenic vistas occur at or in proximity to the project site.

Impacts

Response to a) through d): Less-than-Significant Impact. Construction activities associated with the project would occur over approximately 15 months. The visual impact of construction activity would not be substantial, given the limited intensity and duration of construction, and overall limited public views onto the

the project site. Viewers driving through the area on Sullivan Road and Pete Miller Road would receive ephemeral views of the proposed solar energy farm as they pass by the project site. Very limited and fleeting views of the project site would be available from I-5 due to the distance and rate of travel. No other public views are available onto the project site. As discussed below, glare generated by the solar panels would be minimal and is not expected to result in significant impacts. Furthermore, the visual character of the project site would not be permanently changed, because project components (i.e., solar panels and tracking arrays, utility buildings, and security fencing) are planned to be removed upon expiration of the solar energy farm's equipment life, estimated at 35 years. Following equipment removal, disturbed areas, including access roads if not retained by the land owner, would be recontoured using native soils and reseeded using a mix of plant species. The property could be reused for agriculture once again. For these reasons, changes to the existing visual character would be less than significant.

Once completed, any change to the views from the scenic corridor along I-5 would be minimal due to the distance from the project site and intervening topography, as well as the fleeting duration of views onto the site for motorists passing at relatively high speed. Furthermore, views of the California Aqueduct and more distant views of the Coast Ranges would not be obstructed or substantially altered, due to the limited vertical profile of the project facilities and distance from I-5. As discussed below under Section V, Cultural Resources, implementation of the proposed project would not result in any direct or indirect effects to any historical resources. No scenic vistas or scenic resources would be substantially affected by the project, and the impact on the State Scenic Highway corridor along I-5 would be less than significant.

No nighttime construction activity is proposed, and no lighting that could result in a substantial adverse change to the visual environment would be required during construction. The proposed project would not require any additional lighting for operations at night or during the day. Solar PV panels are constructed of dark-colored (usually blue or black) materials and are covered with anti-reflective coatings. Light absorption, rather than reflection, is central to the function of a solar PV panel to absorb solar radiation and convert it to electricity. Modern PV panels reflect as little as 2 percent of incoming sunlight, about the same as water and less than soil or wood shingles (Meister Consultants Group, 2014). Therefore, no significant light or glare impacts are anticipated.

Mitigation: None required.

References

Caltrans (California Department of Transportation), 2011. California Scenic Highway Mapping System. Updated September 7, 2011. Available online at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm. Accessed November 17, 2017.

Coldwell Solar, 2017. Coldwell Solar web site. MegaWash Machines product description. Available online at: <https://www.agriculture-xprt.com/products/megawash-machines-494041>. Accessed December 13, 2017.

Meister Consultants Group, 2014. Solar PV Emergency and Resiliency – Solar PV and Glare. June. Available online at: http://solaroutreach.org/wp-content/uploads/2014/06/Solar-PV-and-Glare-_Final.pdf. Accessed January 24, 2018.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	Potentially Significant Impact	Less than Significant with Mitigation Included	Less-than- Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:**Setting**

Zoning at the site is A-2-40 and is designated in the General Plan as AG (Agriculture), which indicates general agricultural uses and a minimum lot size of 40 acres. Land uses in this zone requiring a use permit include facilities for public utilities, in accordance with Section 21.20.030(C.2.j) of the Stanislaus County Zoning Ordinance. According to the California Resources Agency, Department of Conservation, soils at the project site are classified as Grazing Land (California Department of Conservation, 2016), upon which the existing vegetation is suited to the grazing of livestock. No farmlands classified as prime, unique, or of statewide importance occur at the project site. Properties surrounding the project site and in the general vicinity are also classified as Grazing Land and include

predominantly agricultural land uses. No forest land or timberland is present at the project site or nearby.

The project site traverses three legal parcels totaling approximately 1,049 acres. Each of these parcels is enrolled under Williamson Act Contract Number 1971-0101. According to information provided in the project application materials, there is no existing water supply at the project site, and the resulting revenue from the lease value is \$17 per acre/per year (Stanislaus County, 2015). Given the lack of water supply, agricultural revenue per acre, and nonprime soils, it is unlikely the project site would qualify for a Williamson Act Contract in the current condition (Stanislaus County, n.d). The Williamson Act's Principles of Compatibility are provided in the County zoning ordinance under Section 21.20.045(A), and indicate that uses on contracted lands are considered compatible with the Williamson Act if they do not have the potential to significantly compromise, displace, or impair the long-term productive agricultural capability of the subject contracted parcel or parcels on other contracted lands in agricultural preserves, and will not significantly impair current agricultural operations on the subject parcel. According to Section 21.20.045(B)(1) of the zoning ordinance, the erection, construction, alteration, and maintenance of electric facilities are considered consistent with the Principles of Compatibility and may be approved on contracted land, unless the planning commission and/or board of supervisors makes a finding to the contrary. Furthermore, Section 21.20.045(E) indicates that uses on nonprime contracted farmland may be approved, consistent with subdivision (c) of Government Code Section 51238.1, which generally requires minimizing any impact at the site or surrounding lands, and a determination that the proposed use is compatible with the long-term preservation of agricultural land or the conservation of natural resources. Cancellation of a Williamson Act contract is regulated under California Government Code Section 51282, which requires in part that the contract rescission is found to be in the public interest.

Impacts

Response to a), c) and d): No Impact. The project site soils are classified as Grazing Land, and do not include any land classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Similarly, the project site does not include lands zoned as forest land or timberland, and no forested lands or timberlands occur in the project vicinity. Project implementation would not convert any prime farmlands, forest land, or timberland, and no impact would result.

Response to b): Less-than-Significant Impact. The proposed project would occupy approximately 214 acres of land within three parcels that total 1,049 acres and are currently under a Williamson Act contract. Prior to project construction, the Williamson Act contract on the project parcels would be cancelled, thereby precluding any legal or regulatory conflict with the proposed project facilities operations.

As noted above, the nonprime agricultural lands upon which the project facilities would be sited have no irrigation water supply and limited revenue from agricultural operations, and therefore may not currently qualify under existing County regulations for a new Williamson Act contract. Furthermore, the project applicant intends to continue agricultural grazing at the project site for vegetation maintenance, consistent with current uses (see discussion in Section VIII, Hazards and Hazardous Materials). Finally, it is noted that following the 35-year operational period of the proposed project, the facilities would be decommissioned and the project site lands returned to the existing condition of grazing lands.

Therefore, project implementation would not conflict with the long-term agricultural productivity of the project site lands. For these reasons, the overall project impact is considered less than significant.

Response to e): Less-than-Significant Impact. Implementation of the proposed project would occupy approximately 214 acres of grazing land currently zoned for agricultural use. Project operations would not preclude the continuation of agricultural grazing activities on the remaining areas of the project site parcels (approximately 835 acres) or conflict with agricultural uses at adjoining or proximate parcels. As noted above, the project applicant intends to continue agricultural grazing at the site for vegetation maintenance. Furthermore, following the 35-year operational period of the proposed project, the project facilities would be decommissioned and the site returned to existing agricultural grazing lands. Therefore, this impact is determined to be less than significant.

Mitigation: None required.

References

California Department of Conservation, 2014. Official SB 618 Text of Regulations. Title 14, Department of Conservation, Final Regulation. Chapter 6: Office of Land Conservation. February 1. Available online at: http://www.conservation.ca.gov/dlrp/lca/Documents/Official%20SB%20618%20Text%20of%20Regs_2.1.2014.pdf. Accessed January 24, 2018.

California Department of Conservation, 2016. Rural Land Mapping Edition: Stanislaus County Important Farmland, 2016. Sheet 2 of 2. Available online at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/sta16_so.pdf. Accessed December 5, 2017.

California Department of Conservation, 2017. Land Conservation Act (LCA) Solar Use Easements. Available online at: <http://www.conservation.ca.gov/dlrp/lca/Pages/SolarUseEasements.aspx>. Accessed January 24, 2018.

Stanislaus County, n.d. New Williamson Act Contract Application Checklist. Available online at: http://www.stancounty.com/planning/forms/williamson-act-contract.pdf?_sm_au_=iVVFJnpH46S84FqP. Accessed January 16, 2018.

Stanislaus County, 2015. Department of Planning and Community Development. Referral – Early Construction. November 30. Use Permit Application No. PLN2015-0081 – Sullivan Road Solar. Available online at: http://www.stancounty.com/planning/pl/documents/PLN2015-0081_EC.pdf. Accessed January 16, 2018.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:**Setting**

The project site is in the San Joaquin Valley Air Basin (SJVAB), under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD regulates stationary sources and monitors air quality in the SJVAB. Local climatological effects, including wind speed and direction, temperature, inversion layers, and precipitation and fog, can exacerbate air quality problems. The climate of the SJVAB is characterized by warm, dry summers and mild winters.

Six air pollutants have been identified by the United States Environmental Protection Agency (EPA) and the California Air Resources Board (ARB) as being of concern both on a nationwide and statewide level: ozone; carbon monoxide (CO); nitrogen dioxide (NO₂); sulfur dioxide (SO₂); lead; and particulate matter (PM). PM is subdivided into two classes based on particle size: PM equal to or less than 10 micrometers in diameter (PM₁₀) and PM equal to or less than 2.5 micrometers in diameter (PM_{2.5}). Because the air quality standards for these air pollutants are regulated using human health and environmentally based criteria, they are commonly referred to as "criteria air pollutants."

Areas are classified under the Federal Clean Air Act and California Clean Air Act as attainment, nonattainment, or maintenance (previously nonattainment and currently attainment) for each criteria pollutant, based on whether the federal and state air quality standards have been achieved. As shown in Table 1, the SJVAB has achieved federal and state attainment status for CO, NO₂, SO₂, and lead. The SJVAB is currently classified as attainment/maintenance for the federal PM₁₀ standard, and nonattainment for the state standard. The SJVAB remains in nonattainment for ozone and PM_{2.5} for both the state and federal standards.

Table 1
San Joaquin Valley Attainment Status

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – One-hour	Revoked in 2005	Nonattainment/Severe
Ozone – Eight-hour	Nonattainment/Extreme	Nonattainment
PM ₁₀	Attainment/Maintenance	Nonattainment
PM _{2.5}	Nonattainment/Moderate	Nonattainment
CO	Attainment/Unclassified	Attainment/Unclassified
NO ₂	Attainment/Unclassified	Attainment
SO ₂	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment

Source: SJVAPCD, 2015.

Notes:

CO = carbon monoxide

NO₂ = nitrogen dioxide

PM₁₀ = particulate matter 10 micrometers in diameter or smaller

PM_{2.5} = particulate matter 2.5 micrometers in diameter or smaller

ROG = reactive organic gas

SO₂ = sulfur dioxide

SO_x = oxides of sulfur

The SJVAPCD has developed air quality plans to attain state and federal standards for ozone and PM. The air quality plans include emissions inventories to measure the sources of air pollutants, to evaluate how well different control methods have worked, and to show how air pollution will be reduced. The currently applicable attainment plans for the SJVAB address ozone, PM₁₀, and PM_{2.5}. The air quality plans present comprehensive strategies to reduce emissions from stationary, area, mobile, and indirect sources. Such strategies include the adoption of rules and regulations; enhancement of CEQA participation; implementation of a new and modified indirect-source review program; adoption of local air quality plans; and stationary, mobile, and indirect source control measures.

In addition, the SJVAPCD has developed and established quantitative thresholds for criteria pollutants to assess the potential of a project to contribute to a significant air quality impact or conflict with implementation of applicable attainment plans. The thresholds of significance are listed in Table 2 and are expressed in tons per year for each criteria pollutant.

In addition to criteria air pollutants, EPA regulates hazardous air pollutants, also known as toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., long-duration) and acute (i.e., severe but short-term) adverse effects on human health, including carcinogenic effects. TACs can be separated into carcinogens and noncarcinogens, based on the nature of the effects associated with exposure to the pollutant. In general, for those TACs that may cause cancer, there is no concentration that does not present some risk. In other words, there is

Table 2
Air Quality Thresholds of Significance – Criteria Pollutants

Pollutant/Precursor	Construction Emissions (tpy)	Operational Emissions (tpy)
CO	100	100
NO _x	10	10
ROG	10	10
SO _x	27	27
PM ₁₀	15	15
PM _{2.5}	15	15

Source: SJVAPCD, 2015.

Notes:

CO = carbon monoxide

NO_x = oxides of nitrogen

ROG = reactive organic gas

SO_x = oxides of sulfur

PM₁₀ = particulate matter 10 micrometers in diameter or smaller

PM_{2.5} = particulate matter 2.5 micrometers in diameter or smaller

tpy = tons per year

no threshold level below which adverse health impacts may not be expected to occur. This contrasts with the criteria air pollutants for which acceptable levels of exposure can be determined and for which ambient standards have been established. Instead, the EPA and ARB regulate TACs, respectively, through statutes and regulations that generally require the use of the maximum or best available control technology for toxics to limit emissions. These, in conjunction with additional rules set forth by SJVAPCD, establish the regulatory framework for TACs.

The project site is primarily in agricultural use, is traversed by high-voltage transmission corridor facilities, and includes an electrical substation. Existing sources of air pollutants include regional transport (particularly for ozone), and PM₁₀ from local and regional farming operations. There are two inhabited residences within 0.25 mile of the site, to the south and east of the project site. The project site is within 0.5 mile of I-5; ARB has identified major transportation corridors as potential sources for TACs as well as odors. The project as proposed does not include new receptors.

Impacts

Response to a) through c): Less-than-Significant Impact. Criteria pollutant emissions resulting from implementation of the proposed project would generally be limited to the construction period during which various off-road and on-road equipment would be employed. Construction of the project would occur over an approximately 15-month period from 2019 through 2020. Construction-related exhaust emissions for the project were estimated for construction worker commutes, haul trucks, and the use of off-road equipment. Construction-related emissions for the project were estimated using emission factors from ARB's OFFROAD and EMFAC 2014 inventory models. Construction emissions from the operation of diesel-fueled off-road equipment were estimated by multiplying daily usage (i.e., hours per day) and total days of construction by OFFROAD equipment-specific emission factors. Emissions from on-road motor vehicles were estimated using vehicle trips, vehicle miles traveled, and EMFAC2014 mobile source emission factors. Grading, material loading, and travel on paved and unpaved roads would generate fugitive dust (PM₁₀) emissions. Fugitive dust emissions were estimated using the EPA's Compilation of Air Pollutant Factors

(AP-42) and were based on vehicle miles traveled on paved and unpaved roads, material loading, and hours of operation. This analysis does not directly evaluate sulfur oxides or lead because little to no quantifiable and foreseeable emissions of these substances would be generated by the project.

The results of the analysis are summarized in Table 3, along with a comparison to the established significance thresholds developed by the SJVAPCD. As shown in Table 3, the project would not exceed the established significance thresholds. The project would therefore not violate any air quality standards or result in a cumulatively considerable increase of any criteria pollutant.

Table 3
Criteria Pollutant Emissions during Construction

Pollutant/Precursor	Significance Threshold (tpy)	2019 Estimated Emissions (tpy)	2020 Estimated Emissions (tpy)
CO	100	2.5	4.3
NO _x	10	4.3	6.2
ROG	10	0.4	0.6
PM ₁₀	15	1.2	2.4
PM _{2.5}	15	0.5	0.8

Notes:

CO = carbon monoxide

NO_x = oxides of nitrogen

ROG = reactive organic gas

PM₁₀ = particulate matter 10 micrometers in diameter or smaller

PM_{2.5} = particulate matter 2.5 micrometers in diameter or smaller

tpy = tons per year

Although the project is not anticipated to exceed the thresholds of significance, during construction the project would implement the standard reduction measure provided by the SJVAPCD to reduce criteria pollutant emissions. Specifically, SJVAPCD's Regulation VIII Fugitive Dust Prohibitions contain, but are not limited to the following current control measures (SJVAPCD, n.d.):

- All disturbed areas, including storage piles, which are not being actively used for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, and covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions using application of water or by presoaking.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except

where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions using sufficient water or chemical stabilizer/suppressant.
- An owner/operator of any site with 150 or more vehicle trips per day, or 20 or more vehicle trips per day by vehicles with three or more axles, shall implement measures to prevent carryout and trackout.

During operations, extremely limited emissions of criteria pollutants would occur. No operational staff is required to be employed onsite, with the bulk of operations occurring remotely. Periodic maintenance activities, including approximately quarterly washing of the solar panels, do not have the potential to exceed the SJVAPCD thresholds, because only a limited amount of staff and equipment is associated with those activities. Furthermore, project implementation would provide a renewable source of energy that would result in substantially less criteria pollutant emissions than traditional sources of electricity generation (e.g., power plants). The proposed project would therefore not conflict with the SJVAPCD attainment plans, would not violate any air quality standard or contribute substantially to an existing or projected air quality violation, and would not result in a cumulatively considerable net increase of any criteria pollutant. This impact would be less than significant.

Response to d): Less-than-Significant Impact. The nearest sensitive receptors to the project site are the single-family residences approximately 0.25 mile to the south and 0.25 mile to the east. Project operations would involve minimal air quality emissions, because the activities required to support the solar facilities do not directly involve combustion and associated air emissions. Although no operational staff would be based onsite, periodic site visits and associated maintenance activities would result in very low levels of emissions. Primary sources of TACs would result during the approximately 15-month construction period, primarily PM₁₀ from the operation of diesel-fueled construction equipment. The associated annual emissions are summarized above in Table 3. Given the anticipated levels of air emissions and distance from the nearest sensitive receptor (well over 1,000 feet), the project would not present a substantial health risk and the impact would be less than significant.

Response to e): No Impact. Project operations would not involve any air emissions with perceivable odors. Construction activity would temporarily result in emissions associated with diesel combustion that could be perceived as odorous by a proximate receptor. However, the nearest sensitive receptor is approximately 0.25 mile from the project site and would not be affected by odors during construction. No impact would result from construction or operation of the proposed project.

Mitigation: None required.

References

SJVAPCD (San Joaquin Valley Air Pollution Control District), 2015. Guidance for Assessing and Mitigating Air Quality Impacts. San Joaquin Valley Air Pollution Control District. March 19.

SJVAPCD (San Joaquin Valley Air Pollution Control District), n.d. San Joaquin Valley Air Pollution Control District Mitigation Measures. Available online at: <http://www.valleyair.org/transportation/Mitigation-Measures.pdf>. Accessed January 16, 2018.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Setting

Site reconnaissance and habitat assessment surveys of the project site were performed on May 29, 2015, by Trish Tatarian (Wildlife Research Associates) and Jane Valerius (Jane Valerius Environmental Consulting); and in January 2015 and on October 25, 2017, by AECOM biologists Matthew Bettelheim and Peter Boice. A wetland delineation was performed by Jane Valerius (Jane Valerius Environmental Consulting) in February 2016 and by AECOM biologists Saana Deichsel and Laura Duffy on December 8, 2017.

The study area is approximately 5 miles west of the City of Gustine in Stanislaus County, California. The study area lies within four 7.5-minute United States Geological Survey (USGS) topographic quadrangles: Orestimba Peak to the northwest, Newman to the northeast, Howard Ranch to the southeast, and

Crevison Peak to the southwest. The study area consists of three parcels identified by their APNs (APNs 028-007-020-000, 028-015-001-000, and 028-007-054-000).

The primary land uses in the study area are cattle grazing and infrastructure associated with electric and gas transmission lines. Adjacent land is also used primarily for cattle grazing, and land uses of parcels farther to the east and southeast of the project include agriculture and rural residential.

The study area is in the Bennett Valley area west of I-5. The topography of the study area is rolling hills that border the inner foothills of the Diablo Range in the San Joaquin Valley. The elevation of the site ranges from 240 to 300 feet above mean sea level. The study area lies within the watershed of the San Joaquin River. Two local tributaries of the San Joaquin River are Orestimba Creek to the north (off site) and Garzas Creek to the south (also off site). The study area is bordered to the east by the California Aqueduct, which connects to Bethany Reservoir and O'Neill Forebay to the north and San Luis Reservoir to the south. A seasonal drainage traverses the northern boundary of the study area, paralleling Pete Miller Road. This seasonal drainage connects several seasonal wetland features. A low hill roughly bisects the survey area in a northeast-to-southwest direction. Several other seasonal wetland features are present along the southern and eastern borders of the study area, including a northern hardpan vernal pool.

In general, the study area has a Mediterranean climate that is typical of the eastern side of the Coast Ranges. Summers are long, mild, and dry; while winters are wet, mild, and cool. Annual rainfall in the Gustine area averages approximately 12 inches per year, falling mainly between October and May, with peaks in January and February (National Climatic Data Center, 2017).

Sensitive Biological Resources

Sensitive biological resources evaluated in this section include special-status plants and animals, and sensitive habitats. The California Natural Diversity Database (CNDDDB), maintained by the California Department of Fish and Wildlife (CDFW), was used as the primary source of information on sensitive biological resources previously reported in the vicinity of the project site. The CNDDDB is the most current and reliable tool for tracking occurrences of special-status species in California; however, because the CNDDDB only includes previously documented occurrences, the search results are not a comprehensive list of special-status species that could occur in the project site and vicinity.

Special-Status Species

Special-status species include plants and animals designated as follows:

- plant and wildlife species listed and proposed for listing under the federal Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA);
- wildlife species identified by CDFW as fully protected and/or California species of special concern; and
- plants with a California Native Plant Society (CNPS) California Rare Plant Rank of 1B, 2A, or 2B.

Thirteen special-status plants were identified through the CNDDDB and reconnaissance surveys as having a low potential or higher to occur in the project study area, based on the presence of potential habitat. (These are further described in Table BIO-1). None of these plant species are listed or proposed for

Table BIO-1
Special-Status Plant Species with the Potential to Occur in the Project Area

Common Name Scientific Name	Status: USFWS/ CDFW/ CNPS	Blooming Period	Habitat Characteristics	Presence of Habitat on Site
red-flowered bird's-foot trefoil <i>Acmispon rubriflorus</i>	1B.1	April through June	Cismontane woodland, valley and foothill grassland. Elevation 200 to 425 meters.	Annual grasslands in the study area provide potentially suitable habitat for this species.
alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	1B.2	March through June	Playas, valley, and foothill grassland (adobe clay), vernal pools. Elevation 0 to 60 meters.	Annual grasslands in the study area provide potentially suitable habitat for this species.
heartscale <i>Atriplex cordulata</i> var. <i>cordulata</i>	1B.2	April through October	Chenopod scrub, meadows and seeps, valley and foothill grassland (sandy). Elevation 0 to 560 meters.	Annual grasslands and alkaline areas in the study area provide potentially suitable habitat for this species.
lesser saltscale <i>Atriplex minuscula</i>	1B.1	May through October	Chenopod scrub, playas, valley and foothill grassland. Elevation 15 to 200 meters.	Annual grasslands and alkaline areas in the study area provide potentially suitable habitat for this species.
vernal pool smallscale <i>Atriplex persistens</i>	1B.2	June, August, September, and October	Vernal pools (alkaline). Elevation 10 to 115 meters.	Seasonal wetlands in the study area provide potentially suitable habitat for this species.
big tarplant <i>Blepharizonia plumosa</i>	1B.1	July through October	Valley and foothill grassland. 30 to 505 meters.	Annual grasslands in the study area provide potentially suitable habitat for this species.
Lemmon's jewelflower <i>Caulanthus lemmonii</i>	1B.2	February through May	Pinyon and juniper woodland, valley and foothill grassland. Elevation 80 to 1,580 meters.	Annual grasslands in the study area provide potentially suitable habitat for this species.
hispid bird's-beak <i>Chloropyron molle</i> ssp. <i>Hispidum</i>	1B.1	June through September	Meadows and seeps, playas, valley and foothill grassland. Elevation 0 to 155 meters.	Annual grasslands in the study area provide potentially suitable habitat for this species.
spiny-sealed button- celery <i>Eryngium spinosepalum</i>	1B.2	April through June	Valley and foothill grassland, vernal pools. Elevation 80 to 975 meters.	Annual grasslands and seasonal wetlands in the study area provide potentially suitable habitat for this species.
diamond-petaled California poppy <i>Eschscholzia</i> <i>rhombipetala</i>	1B.1	March and April	Valley and foothill grassland (alkaline, clay). Elevation 0 to 975 meters.	Annual grasslands and alkaline areas in the study area provide potentially suitable habitat for this species.
San Joaquin spearscale <i>Extriplex joaquinana</i>	1B.2	April through October	Chenopod scrub, meadows and seeps, playas, valley and foothill grassland. Elevation 0 to 835 meters.	Annual grasslands and alkaline areas in the study area provide potentially suitable habitat for this species.
prostrate vernal pool navarretia <i>Navarretia prostrata</i>	1B.1	April through July	Coastal scrub, meadows and seeps, valley and foothill grassland (alkaline), Vernal pools. Elevation 3 to 1,210 meters.	Annual grasslands, seasonal wetlands, and alkaline areas in the study area provide potentially suitable habitat for this species.
California alkali grass <i>Puccinellia simplex</i>	1B.2	March through May	Chenopod scrub, meadows and seeps, valley and foothill grassland, vernal pools. Elevation 2 to 930 meters.	Alkaline areas in the study area provide potentially suitable habitat for this species.

Notes:

CRPR 1B.1: Plants rare, threatened, or endangered in California and elsewhere; seriously threatened in California

CRPR 1B.2: Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California

CDFW = California Department of Fish and Wildlife

CNPS = California Native Plant Society

CRPR = California Rare Plant Rank

USFWS = United States Fish and Wildlife Service

listing under ESA or CESA. Surveys are underway to determine whether these species are present on the project site; studies conducted prior to 2018 were outside the blooming period for these species. To date, no special-status species have been detected at the site. Surveys scheduled later in 2018 are timed to detect the remaining special-status plants with potential to occur in the study area, which will inform the need for additional avoidance and minimization measures.

Eleven special-status wildlife species were identified as having a low or greater potential to occur in the vicinity of the project area based on a search of nine USGS 7.5-minute quadrangles (CNDDDB 2017). These species and their status and habitat characteristics are described in Table BIO-2. Species were evaluated for their potential to occur in the study area based on: 1) review of the Information on Planning and Conservation (USFWS, 2017); 2) the "Special Animals" list (CDFW, 2017), which includes those wildlife species whose breeding populations are in serious decline; and 3) the habitat present on site based on surveys conducted in 2016 and 2017 by Wildlife Research Associates and AECOM, respectively (WRA and Jane Valerius Environmental Consulting, 2016). The project is pursuing a CDFW Incidental Take Permit (ITP) and a United States Fish and Wildlife Service (USFWS) Biological Opinion through consultation under Section 7 of the ESA. The potential presence of California tiger salamander (*Ambystoma californiense*), San Joaquin kit fox (*Vulpes macrotis mutica*), vernal pool fairy shrimp (*Branchinecta lynchi*), Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), and vernal pool tadpole Shrimp (*Lepidurus packardii*) in the project area is assumed based on the habitats in the project area and vicinity, and the known ranges of these species. In addition to the species identified above, the project area has the potential to support ground-nesting birds that are protected under the Migratory Bird Treaty Act and the California Fish and Game Code.

This document does not address impacts or propose mitigation for species that may occur in the region but for which no habitat occurs on site.

Sensitive Habitats

Sensitive habitats include sensitive natural plant communities and other habitats designated and/or regulated by CDFW, USFWS, and United States Army Corps of Engineers (USACE). Under Section 404 of the Clean Water Act (CWA), wetlands and other waters of the United States are subject to the jurisdiction of USACE. Aquatic habitats may also receive protection under California statutes, including Section 1602 of the California Fish and Game Code and the California Porter-Cologne Water Quality Control Act.

No sensitive natural plant communities are present on the project site. Although not considered sensitive natural plant communities, the wetlands and other areas on the project site that support wetland characteristics are considered sensitive habitat because they could be subject to regulation by CDFW, USACE, or the Regional Water Quality Control Board (RWQCB). These features are also considered valuable habitat for several special-status species.

Table BIO-2
Special-Status Wildlife Species with the Potential to Occur in the Project Area

Common Name Scientific Name	Status: USFWS/ CDFW	Habitat Characteristics	Presence of Habitat on Site
Invertebrates			
Conservancy fairy shrimp <i>Branchinecta conservation</i>	FE	Inhabits vernal pools in grasslands in the northern two-thirds of the Central Valley in disjunct locations between the Vina Plains (Tehama County) to the north, and Mapes Ranch (Stanislaus County) and Haystack Mountain/San Luis NWR (Merced County) to the south. Within the known range of the species.	The vernal pools in the study area are potentially suitable habitat.
Longhorn fairy shrimp <i>Branchinecta longiantenna</i>	FE	Inhabits vernal pools (sandstone, grassland, and northern claypan pools) in the eastern edge of the Central Coast Range between Tracy (San Joaquin County) and Soda Lake area (San Luis Obispo County). Within the known range of the species.	Vernal pools in the study area are potentially suitable habitat.
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT	Inhabits vernal pools in grasslands in the Central Valley, Coast Ranges, and South Coast Mountains between Red Bluff (Shasta County) and the Santa Rosa Plateau (Riverside County). Active between December and May. Within the known range of the species.	Vernal pools in the study area are potentially suitable habitat.
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE	Inhabits vernal pools in grassland habitats in the Central Valley between Shasta County and Merced County. Eggs hatch within a month of inundation, adults present until pools dry in the spring. Within the known range of the species.	Vernal pools in the study area are potentially suitable habitat.
Amphibians			
California tiger salamander <i>Ambystoma californiense</i>	FT (Central Valley/ST)	Breeds in temporary or semi-permanent pools. Seeks cover in rodent burrows in grasslands and oak woodlands.	Vernal pools and seasonal ponds in the study area are potentially suitable for California tiger salamander breeding, and adjacent uplands with small mammal burrows and soil cracks may provide upland refugia for this species.
western spadefoot toad <i>Spea hammondi</i>	SC, SSC	Breeds in temporary pools following winter and spring rains; larvae transform within 3 to 11 weeks; aestivates in burrows in loose soils.	Vernal pools in the study area provide breeding habitat for this species. Spadefoot tadpoles and metamorphs were observed offsite in April 2018 in a pool along the unnamed seasonal drainage north of the project area.

Table BIO-2
Special-Status Wildlife Species with the Potential to Occur in the Project Area (Continued)

Common Name Scientific Name	Status: USFWS/ CDFW	Habitat Characteristics	Presence of Habitat on Site
Birds			
Burrowing owl <i>Athene cunicularia</i>	SSC	Nests in open, dry grasslands, deserts, prairies, farmland and scrublands with abundant active and abandoned mammal burrows. Prefers short grasses and moderate inclined hills.	Nonnative grasslands with small mammal burrows in the study area are potentially suitable breeding and foraging habitat.
Swainson's hawk <i>Buteo swainsoni</i>	ST	Nests in scattered trees in open areas, with nests usually high in the tree. Nests are reused annually and are made of sticks, with a diameter of 21 to 28 inches.	No trees suitable for nesting are present in the project area; however, trees within 0.5 mile of the project area may provide potential nest sites, and nonnative grasslands in the project area provide potentially suitable foraging habitat. A pair of Swainson's hawks was observed nesting in a Eucalyptus tree northeast of the project area in April 2018; a second pair was observed south of the project area in April 2018 in the Garzas Creek corridor, exhibiting courtship displays, but no nest site was confirmed.
Tricolored blackbird <i>Agelaius tricolor</i>	ST	Nests predominantly in California, forming breeding colonies of as many as 30,000 individuals in cattail (<i>Typha</i> spp.) marshes, willow canopies, and riparian trees with access to open water and foraging habitat consisting of wetlands or fields.	No tule marshes suitable for nesting are present in the project area; however, suitable nesting habitat has been reported offsite along downstream portions of the unnamed seasonal drainage north of the project area. Tricolor blackbirds were observed at this location as recently as March 2018.
Mammals			
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	FE, ST	Range includes annual grassland, saltbush scrub, and oak savanna at the valley/mountain interface in the Central Valley.	Nonnative grassland in the project area is potentially suitable foraging and denning habitat.
American badger <i>Taxidea taxus</i>	SSC	Inhabits open grasslands, savannas, and mountain meadows near timberline. Requires abundant burrowing mammals (their principal food source) and loose, friable soils.	Nonnative grassland in the project area is potentially suitable for denning and foraging.

Notes:

FE = federally listed Endangered

FT = federally listed Threatened

ST = California listed as Threatened

SSC = Species of Special Concern

CDFW = California Department of Fish and Wildlife

NWR = National Wildlife Refuge

USFWS = United States Fish and Wildlife Service

Impacts

Response to a): Less than Significant with Mitigation.

Special-Status Plant Populations

Thirteen special-status plants have the potential to occur in the project area, based on the CNDDDB searches, which indicated the presence of potential suitable habitat and known occurrences in the area. These are listed in Table BIO-1. To date, no special-status plants have been observed in the study area.

Construction of the project has the potential to directly crush special-status plants if they are present in the project footprint. In addition, the project has the potential to reduce and/or degrade available habitat for special-status plant species. Reduction of habitat would occur from installation of solar panels and ancillary facilities, as well as access roads and staging areas. Degradation of habitat could occur from introduction of invasive weeds, or from accidental spills or leaks of oils, lubricants, or other hazardous materials that may be used during construction. The potential for accidental spills or the release of potentially hazardous materials during construction is addressed below under Section VIII. Hazards and Hazardous Materials, which includes Mitigation Measure HM-1 (Keep Hazardous Materials in an Identified Staging Area and Prepare and Implement an Accidental Spill Prevention and Response Plan during Construction). The issue is also further addressed under Section IX. Hydrology and Water Quality, which outlines the parameters of the required Storm Water Pollution Prevention Plan (SWPPP) that would address potential water quality effects during construction.

Protocol-level special-status plant surveys are being conducted to determine the presence or absence of these species, as specified in Mitigation Measure BIO-5. These include an early-season survey already conducted, as well as mid- and late-season surveys scheduled for later in 2018. If a population of special-status plants is observed that cannot be avoided by the construction footprint, CS Solar will implement Mitigation Measure BIO-6, which includes the development of a site-specific mitigation plan and the provision of compensatory mitigation. For special-status plant species that are observed but can be avoided by the construction footprint, Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 will be implemented to ensure that direct or indirect impacts to those populations do not occur. These measures include providing workers with environmental awareness training to communicate avoidance and minimization requirements. These measures also include several best management practices (BMPs) to minimize degradation of habitat in and adjacent to the project footprint, including invasive weed controls, and reestablishment of vegetation in the project footprint upon decommissioning of the project. With the implementation of Mitigation Measures BIO-1 through BIO-6, as warranted, the impacts of the project on special-status species plants would be less than significant.

Mitigation Measure BIO-1. Worker Environmental Awareness Program

Before the start of ground-disturbing activities, the project Biologist or designee will prepare and implement an Environmental Awareness Training session for workers who will be conducting the construction activities at the project site. Training materials will include the following: discussion of the ESA, CESA, the Migratory Bird Treaty Act, and the CWA; the consequences and penalties for violation or noncompliance with these laws and regulations and project permits; identification and value of special-status plants, special-status wildlife, and jurisdictional waters and explanations about

their value; hazardous substance spill prevention and containment measures; the contact person in the event of the discovery of a dead or injured wildlife species; and review of mitigation measures. In the training, project timing in relation to species' habitat and species' life-stage requirements will be detailed and discussed on project maps, which will show areas of planned minimization and avoidance measures.

A fact sheet conveying this information will be prepared by the project Biologist or designee for distribution to the project workers and others who enter the project footprint. On completion of the training, project workers will sign a form stating that they attended the training, understand the information presented, and will comply with the training requirements. Workers will be informed during the training that, except when necessary as determined in consultation with the project Biologist, travel in the marked project site will be restricted to established roads. Established roads include all pre-existing and project-constructed unimproved and improved roads.

Mitigation Measure BIO-2. General Project Guidelines and Restrictions

During project implementation, CS Solar will ensure that:

1. The number and size of access routes and staging areas and the total area of the disturbance will be limited to the minimum necessary to achieve the project's purpose and goals.
2. Before work begins, the contractor will clearly delineate (e.g., stake, fence, or flag) the disturbance boundaries and prohibit any off-road traffic outside of these boundaries.
3. The contractor will confine all equipment to designated work zones (including access roads and staging areas) in the project footprint.
4. Vehicle equipment maintenance or fueling will occur in designated staging areas at least 100 feet from identified aquatic habitats. Prior to initiating any onsite work, the contractors for CS Solar will prepare a Hazardous Material Spill Prevention, Control, and Countermeasure Plan. This plan will minimize the potential for, and the effects of, spills of hazardous, toxic, or petroleum substances. CS Solar will review and approve the plan before ground-disturbing work begins.
5. Project personnel will be instructed to exercise caution when commuting within special-status species habitats in the project footprint. A 15-mile-per-hour speed limit will be observed on all unpaved access roads in the project site.
6. The contractor will provide closed garbage containers for the disposal of food-related trash items (e.g., wrappers, cans, bottles, or food scraps). Garbage will be removed daily from the project area. Project personnel will not feed or otherwise attract wildlife to the project footprint.
7. No pets will be allowed in the project footprint.
8. The project workers shall not have firearms on the project site. This shall not apply to authorized security personnel, or local, state, or federal law enforcement officials.

9. To minimize disturbance of nocturnal and/or crepuscular wildlife, work will begin no sooner than 15 minutes after sunrise and will cease no later than 15 minutes before sunset, where feasible; and while complying with the County Noise Ordinance, which permits construction activity from 7 a.m. to 7 p.m.
10. All fencing, flagging, debris, trash, and materials from work areas and access roads will be removed following completion of project activities each season.
11. Biodegradable erosion control measures will be used whenever possible. Synthetic erosion control material, including monofilament and plastics, will not be used.
12. All project contractors must take measures to minimize fugitive dust and dirt emissions resulting from the project activities, and implement measures to minimize any project effects on nearby aquatic and other sensitive habitats.

Mitigation Measure BIO-3. Invasive Weed Controls

The following weed control measures will be implemented to reduce the introduction of invasive weeds, thereby reducing project-related impacts on habitat for special-status plant or wildlife species.

1. All equipment will be cleaned using a broom or similar device before it arrives on site so that it is free of soil, seeds, and plant parts.
2. Imported fill material will be free from vegetation and plant material.
3. Erosion control materials will be weed free.

Mitigation Measure BIO-4. Exclusion Fencing

Exclusion fencing will be used to establish nondisturbance exclusion zones to restrict project equipment and personnel from sensitive areas or restrict special-status wildlife species from entering the project footprint. Sensitive areas will include known populations of special-status plants, seasonal wetlands, and habitats that may support special-status wildlife species, such as small mammal burrows and burrow complexes or active San Joaquin kit fox dens. The nondisturbance zones will be determined through consultation and permitting with the various natural resources regulatory agencies.

Two types of fencing—high-visibility construction fence and wildlife exclusion fencing (i.e., ERTEC)—will be used for these purposes. Exclusion fencing will be identified and depicted on the project plans and delineated in the field by the biologist. The contractor will ensure that all sensitive areas are off-limits to project personnel and equipment. Species-appropriate wildlife exclusion fencing will be installed along the outer perimeter of environmentally sensitive areas, buried at least 6 inches below ground, to prevent intrusion below the fence line.

Exclusion fencing will be inspected on a weekly basis for signs of tears, sagging, or other damage, and any such damage will be repaired immediately.

Mitigation Measure BIO-5. Avoid Impacts to Special-Status Plants

The developer shall apply CDFW's "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CNRA, 2009) to determine the presence or infer the absence of special-status plants in and near the project site, to evaluate potential impacts, and to design ways to mitigate project impacts. If state-listed plants are detected during surveys, consultation with the CDFW is warranted to discuss the potential for "take" under CESA.

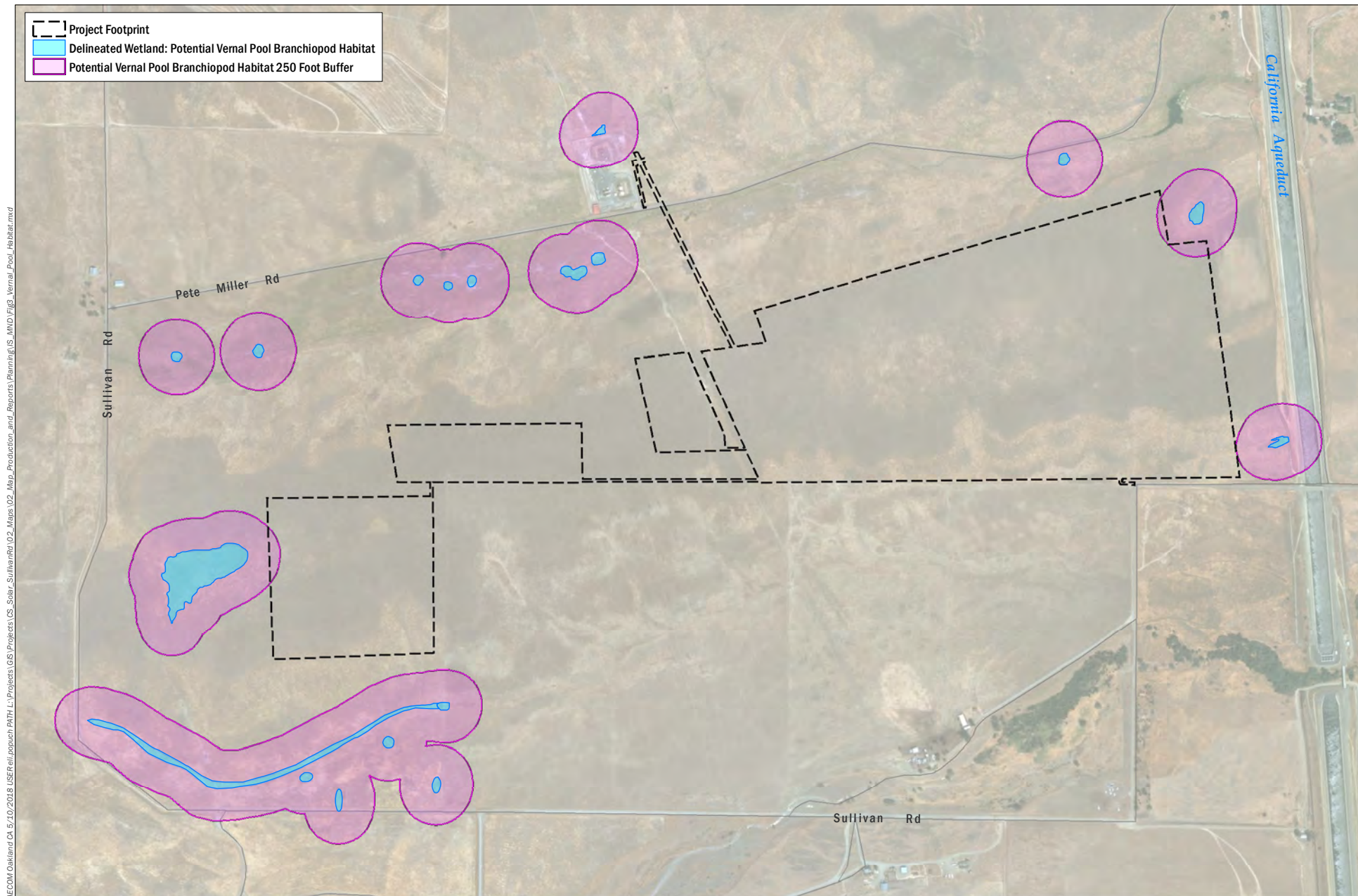
Mitigation Measure BIO-6. Prepare a Mitigation Plan for Special-Status Plant Species

If special-status plant species are found on the project site, then the project applicant shall prepare a mitigation plan that describes the avoidance or compensatory mitigation measures that would be implemented for these populations. As a performance standard, the plan shall provide for no net loss in the quantity or quality of plant populations. The mitigation plan shall be submitted to the USFWS and/or CDFW for approval for federal and state-listed plants, respectively. The mitigation plan shall include the mitigation measures, which are adopted from the CNPS Policy on Mitigation Guidelines Regarding Impacts to Rare, Threatened and Endangered Plants (CNPS, 1998), or equally effective alternative measures:

1. Compensatory mitigation shall include replanting on site or propagation of plants at a nearby conservation site through seeding or translocation. Mitigation ratios shall be sufficient to achieve performance criteria of no net loss of plants. Post-project monitoring shall verify that avoidance and mitigation measures are successful.
2. If mitigation for impacts to special-status plants occurs at a nonbank site, preference would be given to locating the mitigation site in an area as close to the project site as possible. If mitigation sites are not available in the vicinity of the project site, mitigation for listed plants may be accomplished at a suitable site in Stanislaus County that supports the impacted plant population.
3. A long-term mitigation, monitoring, and management plan shall be developed for plant mitigation and submitted to the USFWS and/or CDFW for review prior to initiation of construction activities. Mitigation sites shall be monitored for 5 years after installation. Depending on the actual case-by-case circumstances, listed plants in the Project footprint may be salvaged and/or transplanted to a mitigation site approved by the CDFW and/or USFWS. When feasible, seed from plants unavoidably impacted shall be collected and preserved for planting on an approved mitigation site.

Vernal Pool Invertebrates

Impacts to special-status invertebrates, conservancy fairy shrimp (FE), longhorn fairy shrimp (FE), vernal pool fairy shrimp (FT), and vernal pool tadpole shrimp (FE) may occur if ground disturbance is in or near areas of seasonally ponded features that may support these species. Impacts to vernal pool invertebrates would result from direct effects to these seasonally ponded areas and their hydrology. Vernal pool invertebrates are presumed present in any of the seasonally ponded features in the project area and vicinity. There are four vernal pool features within 250 feet of the project footprint that could be impacted by the project. As shown on Figure 4, these features are near the southeastern corner of the project



AECOM Oakland CA 5/10/2018 USER:elapopuch PATH L:\Projects\GIS\Projects\CS_Solar_SullivanRd\02_Maps\02_Map_Production_and_Reports\Planning\GIS_MND\Fig3_Vernal_Pool_Habitat.mxd

Source:
Jane Valerius Environmental Consulting, 2016; AECOM, 2017;
ESRI Imagery, 2016

AECOM

CS Solar

Sullivan Road Solar Project

FIGURE 4

Vernal Pool Branchiopod Habitat

footprint, the southwestern corner of the project footprint, the northeastern corner of the project footprint, and immediately north of the existing Miller Substation. If stormwater runoff from the project enters these features, degradation of vernal pool habitat could result in the direct mortality of vernal pool invertebrates from sedimentation or pollutants.

Mitigation Measure BIO-7. Establish Vernal Pool Buffer Area

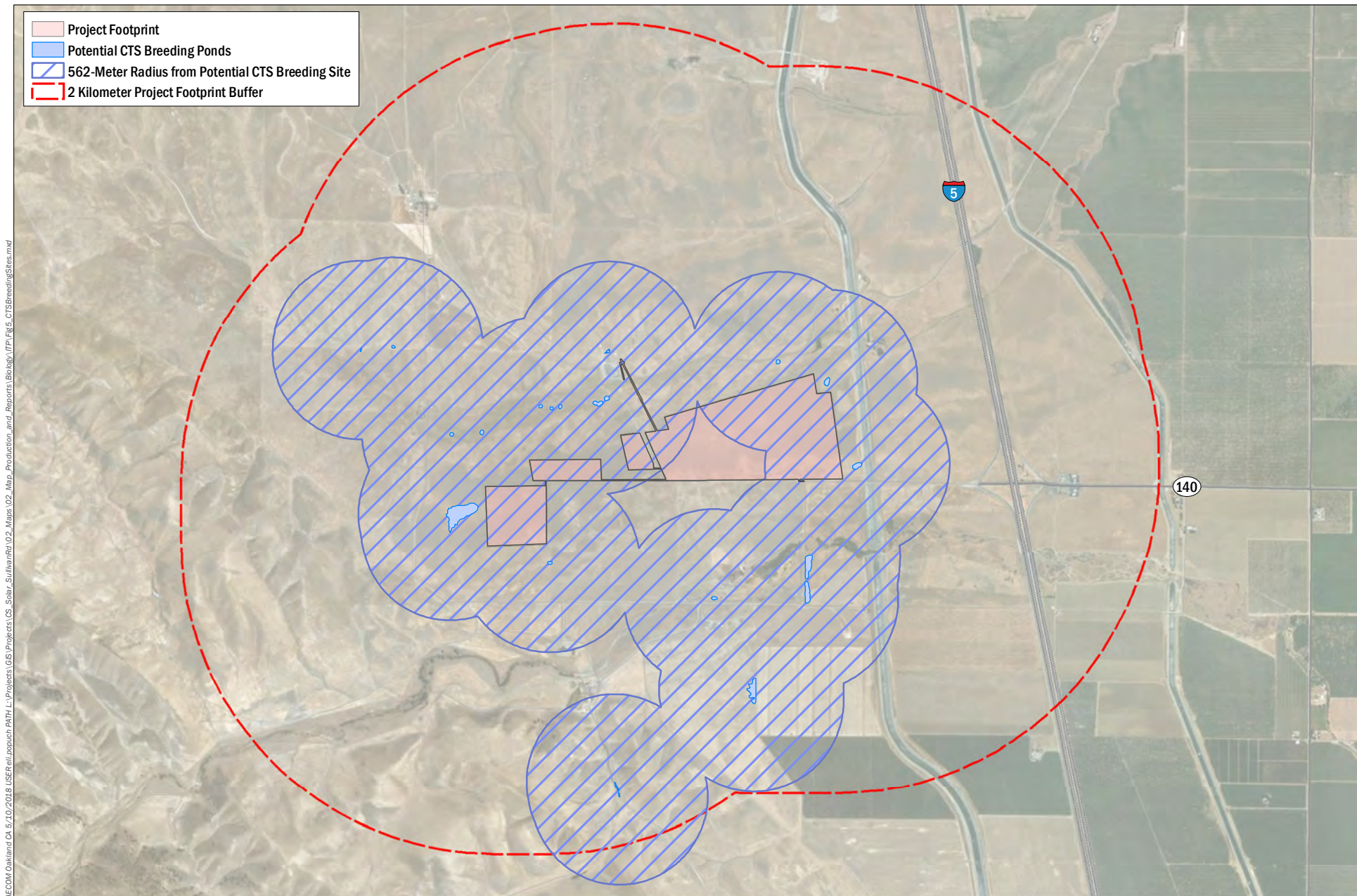
To the maximum extent practicable, impacts on shrimp habitat as a result of the proposed project will be avoided by redesigning the project away from the vernal pools and implementing the following measures, based on existing mitigation standards (USFWS, 1996).

1. Establish a 250-foot buffer from the outer edge of all hydric vegetation associated with vernal pools and vernal swales. Buffer reductions may be approved by a qualified biologist for all or portions of the site whenever reduced setbacks will maintain the hydrology of the vernal pool and achieve the same or greater habitat values as would be achieved by the 250-foot buffer.
2. In the event that construction cannot maintain a 250-foot buffer from vernal pool features, and stormwater runoff from the project area has the potential to enter vernal pool features, BMPs (such as installation of straw wattles or silt fencing) would be implemented to avoid these impacts.
3. In the event that construction cannot maintain a 250-foot buffer from vernal pool features, and construction activities would result in impacts to the hydrology of the site that would in turn result in temporary or permanent impact to vernal pool features, compensatory mitigation for those impacts would be required. Mitigation for temporary or permanent impacts to vernal pool habitat would be coordinated through Section 7 consultation with the USFWS, and would ensure that no net loss of vernal pool habitat would occur.

With the implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-7, impacts to vernal pool invertebrates would be less than significant with mitigation included. In addition, Mitigation Measures BIO-14 and BIO-15, discussed below in the Response to c), would ensure that BMPs are followed, and will further reduce the potential for project related runoff to impact vernal pool habitat.

California Tiger Salamander

The project has been designed to avoid all wetlands/California Tiger Salamander (FT, ST) breeding habitat. Through implementation of standard BMPs, as outlined in Mitigation Measures BIO-14 and BIO-15, project-related impacts to potential breeding habitat outside of the project footprint from project-related runoff would be avoided. In addition, Mitigation Measure BIO-7 (for vernal pool invertebrates) would ensure that any potential impacts to the hydrology of these features would be avoided or mitigated. Potential breeding habitat in the vicinity of the project footprint is shown on Figure 5. Although California tiger salamanders have not been reported within 5 miles of the proposed project area, the potential exists for the species to use the habitat in the project area for upland aestivation. The proposed project activities, including grading and excavation for the installation of solar arrays and ancillary facilities, could have direct adverse effects on the species in the form of direct mortality and/or injury of adult and



AECOM Oakland CA 5/10/2018 USER:ljpopuch PATH L:\Projects\GIS\Projects\CS_Solar_SullivanRd\02_Maps\02_Map_Production_and_Reports\Biology\ITP\Fig5_CTSBreedingSites.mxd



FIGURE 5
*Special-Status Species Habitat
 within the Project Footprint*

juvenile California tiger salamanders in potentially suitable upland refugia and dispersal habitats. Injury or mortality may occur if vehicles, equipment, or project personnel trample this slow-moving species or crush its burrows or other refugia. Injury or mortality may also occur if California tiger salamander become entrapped in open trenches or pits or enter project work areas. Noise and vibration may also adversely affect tiger salamanders if it causes them to leave their burrows. The project will apply for an ITP through the CDFW, and consult with the USFWS through Section 7 consultation. These permits will include the following measures to avoid or minimize potential impacts to California tiger salamander.

Mitigation Measure BIO-8. Minimize and Avoid Impacts to California Tiger Salamander

1. *Stop Work Authority:* A qualified biologist(s) shall be granted the authority to stop any work that may result in the take of listed species. If the biologist(s) exercises this authority, the CDFW and the USFWS shall be notified by telephone and electronic mail within 1 working day.
2. *Seasonal Restrictions:* Where feasible, project activities will be timed to occur during the dry season (nonbreeding season for California tiger salamander) (April 15 through October 15), to minimize potential effects to salamander breeding and dispersal.
3. *Avoid Burrows:* Portions of the project footprint that are suitable refuge habitats for California tiger salamander (i.e., grasslands and other natural habitats within 1.24 miles of potential breeding sites) will be surveyed prior to initiating ground-disturbing activities, to identify burrows or other potential sites that might be occupied by this species. To the extent feasible, potentially occupied refugia burrows in the project footprint will be fenced and avoided for the duration of the activity at that location.
4. *Preconstruction Surveys:* Within 24 hours prior to initial ground-disturbing activities, portions of the project footprint where potential California tiger salamander habitat has been identified will be surveyed for salamanders by a qualified biologist, to clear the site of salamanders moving above ground or taking refuge in burrow openings or under materials that could provide cover, such as boards, scrap metal, woody debris, or other materials.
5. *Biological Monitoring:* A qualified biologist will be present during initial ground-disturbing activities, to monitor the removal of the top 12 inches of topsoil at all project locations. A qualified biologist shall be on call and available by phone during all subsequent ground-disturbing activities. If California tiger salamanders are discovered during the initial ground-disturbing activities, work will be stopped immediately and the biologist will contact CDFW and USFWS within 1 working day. The biologist, in consultation with CDFW and USFWS, will use adaptive management to modify project activities as necessary to avoid or minimize impacts to listed species.
6. *Relocation:* If individual animals are observed, work at that location will be temporarily halted while the qualified biological monitor excavates the occupied burrow by hand, and the individual salamander is moved to a natural burrow within 0.25 mile of the construction site. CDFW will be notified if California tiger salamanders are found and relocated. Any listed amphibian will be released at the mouth of a suitable burrow and then observed until it has safely entered the burrow.

In addition, the implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 will reduce the potential for impacts on California tiger salamander and their habitat to occur. With the implementation of these mitigation measures, impacts to California tiger salamander will be less than significant.

Western Spadefoot Toad

Impacts to western spadefoot toad (SC, SSC) may occur if the proposed solar array is placed in or near areas of northern hardpan clay vernal pools and the surrounding upland habitat. Spadefoot tadpoles and metamorphs were observed offsite in April 2018 in a pool along the unnamed seasonal drainage north of the project area.

Similar to impacts discussed for California tiger salamander, the project has been designed to avoid all wetlands/western spadefoot toad (SC, SSC) breeding habitat. Through implementation of standard BMPs, as outlined in Mitigation Measures BIO-14 and BIO-15, project-related impacts to potential breeding habitat outside of the project footprint from project-related runoff would be avoided. In addition, Mitigation Measure BIO-7 (for vernal pool invertebrates) would ensure that any potential impacts to the hydrology of these features would be avoided or mitigated. The potential exists for the species to use the habitat in the project area for upland aestivation. The proposed project activities, including grading and excavation for the installation of solar arrays and ancillary facilities, could have direct adverse effects on the species in the form of direct mortality and/or injury of adult and juvenile western spadefoot toad in potentially suitable upland refugia and dispersal habitats. Injury or mortality may occur if vehicles, equipment, or project personnel trample this species or crush its burrows or other refugia. Injury or mortality may also occur if western spadefoot toad become entrapped in open trenches or pits or enter project work areas. Noise and vibration may also adversely affect western spadefoot toad if it causes them to leave their burrows. Through the implementation of mitigation measures intended to protect special-status plants and wildlife (Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4), vernal pool invertebrates (Mitigation Measure BIO-7), and California tiger salamander (Mitigation Measure BIO-8), potential impacts to western spadefoot toad would be less than significant.

Birds

Ground-nesting birds have the potential to nest in the project footprint, and could be impacted by construction activities. The proposed project activities, including grading and excavation for the installation of solar arrays and ancillary facilities, could have direct adverse effects on ground-nesting birds in the project footprint through direct mortality and/or injury of eggs or young. In addition, construction noise or human presence may result in harassment of nests in or in the vicinity of the project footprint, which could result in nest abandonment or reduced success of juveniles. To avoid or minimize impacts to passerines and raptors that may potentially nest in the grasslands, the following measures would be implemented:

Mitigation Measure BIO-9. Avoid and Minimize Impacts to Nesting Birds

1. Grading or removal of nesting habitat should be conducted outside the nesting season, which occurs between approximately February 15 and August 15.
2. If grading between August 15 and February 15 is infeasible and groundbreaking must occur in the nesting season, a pre-construction nesting bird (both passerine and raptor) survey of the grasslands shall be performed by a qualified biologist within 7 days of ground breaking. If no nesting birds are observed, no further action is required and grading shall occur within 1 week of the survey to prevent "take" of individual birds that could begin nesting after the survey.

3. If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest until the young have fledged, as determined by a qualified biologist.
4. The radius of the required buffer zone can vary depending on the species, (i.e., 75 to 100 feet for passerines and 200 to 300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFW.
5. To delineate the buffer zone around a nest, orange construction fencing shall be placed at the specified radius from the nest within which no machinery or workers shall intrude.
6. After the fencing is in place, there will be no restrictions on grading or construction activities outside the prescribed buffer zones.

In addition, the implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-7 will reduce the potential for impacts on nesting birds and their habitats to occur.

Tricolor Blackbird

Impacts to tricolor blackbird (ST) are unlikely to occur; although no tule marshes suitable for nesting are present in the project area, suitable nesting habitat has been reported offsite along downstream portions of the unnamed seasonal drainage north of the project area. Tricolor blackbirds were observed at this location as recently as March 2018.

The project has been designed to avoid all nesting habitat. Through implementation of standard BMPs, as outlined in Mitigation Measures BIO-14 and BIO-15, project-related impacts to potential breeding habitat outside of the project footprint from project-related runoff would be avoided. Through the implementation of mitigation measures intended to protect special-status plants and wildlife (Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-9), potential impacts to tricolor blackbird would be less than significant.

Western Burrowing Owl

No nesting burrowing owls were observed or have been documented in the project footprint; however, the project footprint provides potentially suitable foraging, nesting, and overwintering habitat for this species. In the event that burrowing owls occupy the project footprint during construction, direct mortality of a burrowing owl could result from an occupied burrow being crushed during grading or other activities that could result in ground disturbance. To minimize the potential for this impact, surveys will identify active burrows, as required in Mitigation Measure BIO-10. If occupied burrows are detected, an exclusion buffer will be established to minimize the potential for burrow abandonment, nestling mortality, and/or reduced health and vigor of the eggs or nestlings during the nesting season, as described in Mitigation Measure BIO-10. If exclusion buffers cannot adequately be implemented to avoid permanent impacts to nesting, occupied, and satellite burrows or burrowing owl habitat, Mitigation Measure BIO-10 also provides guidance to mitigate for these impacts.

Mitigation Measure BIO-10. Avoid and Minimize Impacts to Western Burrowing Owl

Prior to construction protocol-level surveys for burrowing owl must be conducted during the nesting season (February 15 – August 31). If any owls and their burrows are found during the surveys, project redesign to avoid individuals and their burrows is recommended.

The following is based on the 2012 CDFG Staff Report on Burrowing Owl and consists of avoiding individuals and establishing buffers around occupied burrows:

1. A primary goal is to design and implement projects to seasonally and spatially avoid negative impacts and disturbances that could result in take of burrowing owls, nests, or eggs. Other avoidance measures may include but not be limited to:
 - a. Avoid disturbing occupied burrows during the nesting period, from February 1 through August 31.
 - b. Avoid impacting burrows occupied during the nonbreeding season by migratory or nonmigratory resident burrowing owls.
 - c. Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs), disking, cultivation, and urban, industrial, or agricultural development.
 - d. Develop and implement a worker awareness program to increase the onsite worker's recognition of and commitment to burrowing owl protection.
 - e. Place visible markers near burrows to ensure that farm equipment and other machinery does not collapse burrows.
 - f. Do not fumigate, use treated bait, or use other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting owls and designated use areas).
 - g. Restrict the use of treated grain to poison mammals to the months of January and February.
2. The following table presents the recommended restricted activity dates and setback distances in meters by level of disturbance for burrowing owls, and is determined on a site-by-site basis in consultation with CDFW.

Burrowing Owl Buffer Zones around Nesting Sites per Season

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting Sites	April 1 through August 15	656 feet (200 meters)	1,640 feet (500 meters)	1,640 feet (500 meters)
Nesting Sites	August 16 through October 15	656 feet (200 meters)	656 feet (200 meters)	1,640 feet (500 meters)
Nesting Sites	October 16 through March 31	164 feet (50 meters)	328 feet (100 meters)	1,640 feet (500 meters)

Based on existing vegetation, human development, and land uses in an area, resource managers may decide to allow human development closer to these area/sites than recommended above. However, if it is decided to allow activities closer than the setback distances recommended, a broad-scale, long-term, scientifically-rigorous monitoring program ensures that burrowing owls are not detrimentally affected by alternative approaches. Other minimization measures include eliminating actions that reduce burrowing owl forage and burrowing surrogates (e.g., ground squirrel), or introduce/facilitate burrowing owl predators. Actions that could influence these factors include reducing livestock grazing rates and/or changing the timing or duration of grazing or vegetation management that could result in less-suitable habitat.

3. If burrowing owls are observed on the site and development will result in take of burrows, mitigate for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat. Such mitigation would consist of (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and nonbreeding seasons) comparable to or better than that of the impact area; and (b) sufficiently large acreage, and presence of fossorial mammals. The mitigation lands may require habitat enhancements, including enhancement or expansion of burrows for breeding, shelter, and dispersal opportunity, and removal or control of population stressors. If the mitigation lands are adjacent to the impacted burrow site, ensure that the nearest neighbor artificial or natural burrow clusters are at least within 210 meters (688 feet) (CDFG, 2012).

In addition, the implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 will reduce the potential for impacts to occur on western burrowing owls and their habitat. These measures include, but are not limited to, the following: providing environmental training for project personnel, requiring the presence of a qualified biologist during initial vegetation removal and grading, and removing trash to avoid attracting predators to the construction areas. With the implementation of these mitigation measures, potential impacts to western burrowing owl would be less than significant.

Swainson's Hawk

Several Swainson's hawk (ST) nests are reported within 3 miles of the project site. There are no trees in the project footprint; however, there are trees within 0.25 mile of the project footprint that could provide suitable nesting habitat for Swainson's hawk. A pair of Swainson's hawks was observed nesting in a Eucalyptus tree northeast of the project area in April 2018; a second pair was observed south of the project area in April 2018 in the Garzas Creek corridor, exhibiting courtship displays, but no nest site was confirmed. Mitigation Measure BIO-11 would be implemented to ensure that no impacts to nesting Swainson's hawks would occur. In addition, the area could be considered within the foraging range of Swainson's hawks. The development of the solar panel array would prevent Swainson's hawk from foraging prey on the ground.

Mitigation Measure BIO-11. Avoid Impacts to Swainson's Hawk

For Swainson's hawk, the pre-construction survey shall be extended to within 0.5 mile of the project area. If an active Swainson's hawk nest is found within 0.5 mile of the project site, the project proponent shall implement a 0.5-mile no-disturbance buffer around the nest until consultation with

CDFW occurs, and appropriate avoidance measures are approved by CDFW in writing and are implemented to prevent take of the species.

With the implementation of Mitigation Measure BIO-11, potential impacts to Swainson's hawk would be less than significant.

San Joaquin Kit Fox

No San Joaquin kit fox (FE, ST) or San Joaquin kit fox sign was observed during the habitat assessment surveys; however, no protocol-level surveys for this species were conducted. The population size in this region is unknown at this time. As a result, the presence of San Joaquin kit fox is assumed based on previous sightings as close as 0.13 mile from the project footprint. The project may result in short-term effects, including displacement of San Joaquin kit fox individuals from portions of the project site during construction, changes in daily movement and hunting patterns of individual San Joaquin kit fox, removal of denning sites, and potential injury or death to individual kit foxes due to construction activities. The project will apply for an ITP through the CDFW, and consult with the USFWS through Section 7 consultation. These permits would include the following measures to avoid or minimize potential impacts to San Joaquin kit fox:

Mitigation Measure BIO-12. Avoid and Minimize Impacts to San Joaquin Kit Fox

1. The biologist(s) shall have the authority to stop any work that may result in the take of listed species. If the biologist(s) exercises this authority, the CDFW and the USFWS shall be notified by telephone and electronic mail within 1 working day.
2. To prevent inadvertent entrapment of kit foxes or other animals during the project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.

Mitigation Measure BIO-13. San Joaquin Kit Fox Passage

1. A 5- to 6-inch gap shall be provided at the bottom of all perimeter fencing. This will allow for kit fox passage.
2. The ground under and between the solar arrays post-project will be allowed to return to pre-project conditions (i.e., dominant cover of grasses and herbs) to maintain a natural habitat that could support kit fox prey. Vegetation height would be controlled by pulse grazing sheep or other means not hazardous to kit fox.
3. Management practices will avoid the use of rodenticides.
4. Project night lighting will be minimized so as to not illuminate open space areas.

In addition, the implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 will reduce the potential for impacts on San Joaquin kit fox and San Joaquin kit fox habitat to occur.

Response to b): No Impact. There are no sensitive natural plant communities or important natural riparian communities in the project footprint. Therefore, no impact to such communities would occur.

Response to c): Less than Significant with Mitigation. The project is anticipated to result in an impact to approximately 0.01 acre of Section 404 jurisdictional waters in the form of an "other waters" of the U.S. In addition, numerous jurisdictional wetland features are present in the vicinity of the project footprint, as shown on Figure 6. The following mitigation measures would be implemented to reduce and minimize impacts to the "other waters" of the U.S. in the project footprint, and to ensure avoidance of impacts to water features in the vicinity of the project footprint.

Mitigation Measure BIO-14. Erosion and Sediment Controls

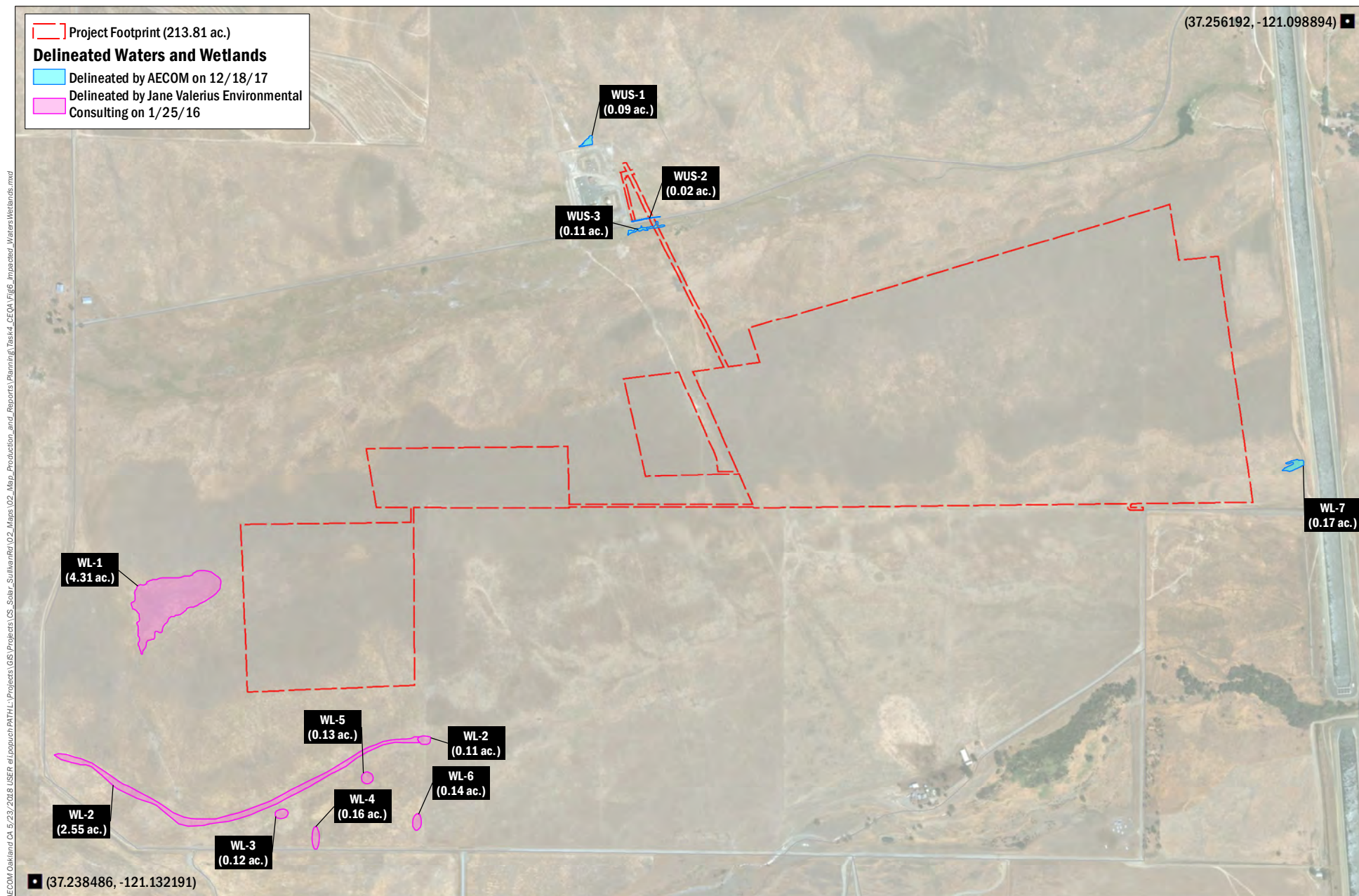
Prior to initiation of onsite project activities, a SWPPP will be prepared. CS Solar will ensure that the erosion control plans are implemented to prevent erosion, sedimentation, and the discharge of runoff that violates agency-specified water quality standards. Erosion and sediment control measures will include, but are not limited to, those outlined below.

1. Existing vegetation will be preserved, where feasible.
2. Access roads will be maintained throughout onsite project activities. Temporary roads and project footprint entrances will be stabilized, using nontoxic materials, to minimize tracking of mud and dirt.
3. Erosion and sedimentation controls will be tailored to the site and project.
4. Stockpiled soils will be protected from wind and rain.
5. Silt fences, mulches, hydro-mulches, fiber rolls, erosion control fabrics, and other necessary erosion control devices will be properly installed and maintained.

Mitigation Measure BIO-15. Avoidance and Minimization Measures for Wetlands and Other Waters of the United States

Project activities will avoid or minimize direct and indirect impacts on wetlands and other waters of the United States by implementing the following measures:

1. Prior to ground-disturbing project activities, the project Biologist will identify wetlands and other waters for avoidance on or within 100 feet of the project footprint, based on final maps of the project footprint.
2. All wetlands and other waters identified for avoidance will be clearly marked in the field throughout the duration of project activities.
3. Erosion control measures will be installed at least 100 feet from sensitive aquatic habitat to prevent soil erosion and prevent sediment from entering these areas, wherever feasible. If maintenance of a 100-foot buffer between the ground-disturbing activities and the sensitive aquatic habitat is not feasible, erosion control measures will be installed at the greatest distance possible from the sensitive aquatic habitat. At a minimum, all erosion control measures will be placed above the ordinary high water mark.



AECOM

CS Solar

Sullivan Road Solar Project

Source:
Jane Valerius Environmental Consulting, 2016; AECOM, 2017;
ESRI Imagery, 2016

FIGURE 6

Wetlands and Other Waters of the United States

Mitigation Measure BIO-16. Mitigate for Unavoidable Impacts to Wetlands and Other Waters of the United States

The Section 404 process shall be completed and the acreage of affected jurisdictional habitat shall be replaced and/or rehabilitated. The acreage of jurisdictional wetland affected shall be replaced on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by feasible methods agreeable to USACE.

Response to d): Less than Significant with Mitigation. The project site is not within any designated resident or migratory wildlife corridors. Opportunities for terrestrial wildlife to move across the site would not be substantially diminished from baseline conditions with the implementation of Mitigation Measure BIO-13. As required in Mitigation Measure BIO-13, fencing proposed along the boundary of the project site would be designed to be wildlife-friendly by raising the bottom of the fence 6 inches above the ground to allow movement into and out of the project site. Larger mammals such as California mule deer (*Odocoileus hemionus californicus*) are highly mobile, and would not be significantly affected by the project. In addition, the project is flanked to the west by large areas of similar habitat. The majority of wildlife would continue to be able to access, and move across, the project site.

With implementation of Mitigation Measure BIO-16, potential impacts from the project on species movement would be less than significant.

Response to e): No Impact. The proposed project would not conflict with any adopted local policies or ordinances protecting biological resources. There is no impact.

Response to f): No Impact. The project site is not within an adopted habitat conservation plan or natural community conservation plan area. There is no impact.

Mitigation: The following mitigation measures, detailed above, would reduce project impacts to a less-than-significant level.

- **Mitigation Measure BIO-1:** Worker Environmental Awareness Program
- **Mitigation Measure BIO-2:** General Project Guidelines and Restrictions
- **Mitigation Measure BIO-3:** Invasive Weed Controls
- **Mitigation Measure BIO-4:** Exclusion Fencing
- **Mitigation Measure BIO-5:** Avoid Impacts to Special-Status Plants
- **Mitigation Measure BIO-6:** Prepare a Mitigation Plan for Special-Status Plant Species
- **Mitigation Measure BIO-7:** Establish Vernal Pool Buffer Area
- **Mitigation Measure BIO-8:** Minimize and Avoid Impacts to California Tiger Salamander
- **Mitigation Measure BIO-9:** Avoid and Minimize Impacts to Nesting Birds
- **Mitigation Measure BIO-10:** Avoid and Minimize Impacts to Western Burrowing Owl
- **Mitigation Measure BIO-11:** Avoid Impacts to Swainson's Hawk
- **Mitigation Measure BIO-12:** Avoid and Minimize Impacts to San Joaquin Kit Fox
- **Mitigation Measure BIO-13:** San Joaquin Kit Fox Passage
- **Mitigation Measure BIO-14:** Erosion and Sediment Controls

- **Mitigation Measure BIO-15:** Avoidance and Minimization Measures for Wetlands and Other Waters of the United States
- **Mitigation Measure BIO-16.** Mitigate for Unavoidable Impacts to Wetlands and Other Waters of the United States

References

CDFG (California Department of Fish and Game), 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Department of Fish and Game. March 7.

CDFW (California Department of Fish and Wildlife), 2017. CDFW Special Plant and Animal Lists. Available online at: <http://www.dfg.ca.gov/wildlife/nongame/list.html>.

CNPS (California Native Plant Society), 1998. Policy on Mitigation Guidelines Regarding Impacts to Rare, Threatened, and Endangered Plants. California Native Plant Society Rare Plant Scientific Advisory Committee. February 1991, revised April 1998. Available online at: <http://www.cnps.org/cnps/archive/mitigation.pdf>.

CNRA (California Natural Resources Agency), 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. State of California Natural Resources Agency, Department of Fish and Game. November 24. Available online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>.

Jane Valerius Environmental Consulting, 2016. Delineation of Waters of the United States, Including Wetlands for the Ground Mount Photovoltaic System Project, Gustine, Stanislaus County, California. February.

National Climatic Data Center, 2017. Historical Climatological Data Summary for Gustine, California. Available online at: <https://www.usclimatedata.com/climate/gustine/california/united-states/usca2254> I. Accessed on December 1, 2017.

USFWS (United States Fish and Wildlife Service), 1996. Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods. April 19.

USFWS (United States Fish and Wildlife Service), 2010. San Joaquin Kit Fox (*Vulpes macrotis mutica*) 5-Year Review: Summary and Evaluation. Sacramento, California.

USFWS (United States Fish and Wildlife Service), 2017. IPaC Information for Planning and Consultation. Available online at: <https://ecos.fws.gov/ipac/>.

WRA (Wildlife Research Associates) and Jane Valerius Environmental Consulting, 2016. Habitat Assessment (Revised) – Ground Mount Photovoltaic System, Sullivan Road, Gustine, Stanislaus County, California. December 7.

	Potentially Significant Impact	Less than Significant with Mitigation Included	Less-than- Significant Impact	No Impact
V. CULTURAL RESOURCES				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:**Setting***Cultural Resources*

Historical resources, as defined in CEQA §15064.5, include resources listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR) (Public Resources Code [PRC] §5024.1, Title 14 California Code of Regulations [CCR], Section 4850 et seq.). Historical resources include historic-period built environment resources, such as buildings, structures, and objects. Historical resources also include archaeological and tribal cultural resources, which are discussed in Sections 5.b., 5.d., and 17.a. of the CEQA Checklist.

A substantial adverse change in the significance of a historical resource that may constitute a potentially significant impact would include demolition, destruction, relocation, or alteration of the resource or its immediate surroundings that materially impairs the significance of a historical resource (§15064.5(b)(1)).

AECOM cultural resources specialists conducted archival research—including records searches at the California Historical Resources Information System (CHRIS) and the Native American Heritage Commission (NAHC)—to identify previously recorded resources in the project area. The records search, conducted through the Central California Information Center of the CHRIS (dated December 19, 2017; File No. 10549N), indicated that no cultural resources have been previously identified in the project site, and that one historic-era resource (P-50-001903, the California Aqueduct) has been recorded within a 0.5-mile radius. The NAHC reported on January 12, 2018, that no tribal resources are mapped in the project area in their Sacred Lands File.

The majority of the project's area of direct impact was surveyed by Roop (2015). Changes to the project design and permitting necessitated additional investigation. Therefore, AECOM cultural resources specialists conducted an intensive pedestrian survey (transects spaced at approximately 5 to 25 meters) of previously unsurveyed portions of the project site to document previously unrecorded cultural resources, and to update information on known cultural resources in the immediate viewshed (within 0.5 mile) that could potentially be indirectly impacted through construction of the project. As a result of the field survey, one previously unrecorded historic-era resource (PG&E Tesla-Los Banos Transmission Line)

was identified on the project site, and three previously unrecorded historic-era resources (a substation and several farm structures) were identified within the 0.5-mile area of potential indirect impacts (viewshed).

No fossils have been mapped in the project site, based on a records search at the University of California Museum of Paleontology (UCMP, 2018). The nearest mapped vertebrate (mammalian) fossils have been recovered from Ingram Creek, approximately 22 miles north of the project site, near Westley, California. The nearest mapped invertebrate and flora (plant) fossils have been recovered as close as Garzas Creek immediately to the south of the project site and Salado Creek several miles to the north, respectively (UCMP, 2018).

A detailed analysis of cultural resources was prepared for the proposed project, consistent with Section 106 of the National Historic Preservation Act, the results of which are summarized below (Beck, 2018). The archival research and survey identified the following cultural resource in the project site:

PG&E Tesla-Los Banos Transmission Line

The PG&E Tesla-Los Banos transmission lines and towers cross the center of the project site from roughly north to south. The four lines are carried by two sets of four galvanized steel towers in the project site, all of which date to 50 years or older. The two easternmost towers carry a 230-kV double circuit and a 115-kV single circuit on steel lattice towers with three horizontal cross arms near the top of the structure. The 230-kV line was built in 1950 and the 115-kV line by 1957. The cross arms of the 230-kV line support two sets of glass insulators; the 115-kV line supports one set of porcelain insulators. The two westernmost towers are Extra High-Voltage towers that were built circa 1965-67. These towers carry 500-kV single circuit lines. All of the towers sit on four round aboveground concrete footings. All of the lines are part of a 57-mile-long transmission segment connecting the Tesla Substation in northeastern Alameda County at the north and Los Banos Substation in Merced County at the south. The transmission lines are situated in grazing lands in Bennett Valley, which is sparsely populated. Although the Tesla-Los Banos transmission lines in the project site appear to retain integrity of location, design, setting, materials, workmanship, feeling, and association as post-World War II transmission towers and lines, they do not meet any of the National Register of Historic Places (NRHP) or CRHR significance criteria. Therefore, this property is not considered a historical resource.

The following four cultural resources are within the 0.5-mile viewshed of the project site:

P-50-001903 (California Aqueduct)

The California Aqueduct (P-50-001903) is a 444-mile-long unified water conveyance system that begins in the Sacramento-San Joaquin Delta, terminates at Lake Perris in Riverside County, and runs adjacent to the eastern boundary of the project site. It is trapezoidal and lined with unreinforced concrete, and was built between 1960 and 1974 by the California Department of Water Resources as part of the State Water Project. Today, it provides “drinking water for 25 million people; irrigates 750,000 acres of crops; and features 34 storage facilities, 20 pumping plants, four pumping-generating plants, five hydroelectric power plants, and 700 miles of open canals and pipelines” (Ambacher, 2011).

The California Aqueduct has been previously recommended as eligible (Ambacher, 2011) for listing in the NRHP and the CRHR at the state level of significance under NRHP/CRHR Criteria A/1 and C/3 for “representing a comprehensively planned and publicly sanctioned water conveyance public works project to facilitate development throughout the state,” and “for its complex design necessary to redistribute water throughout the state of California on such a massive level” (Ambacher, 2011). In addition to being significant, the California Aqueduct retains sufficient integrity to convey its historical significance. Its period of significance is 1960-1974, for the years of construction (Ambacher, 2011). However, the California Aqueduct was constructed with a raised berm on its western side, which blocks its view of the project site.

Miller Substation/Shell Gustine Station

The 5.46-acre parcel at 6801 Pete Miller Road, Gustine, California, on the northern side of Pete Miller Road in Bennett Valley, includes the Miller Substation and the Shell Gustine Station. This property is enclosed by a chain-link fence and was surveyed and photographed from the public right-of-way. The substation is at the northern end of the site and was built sometime between 1957 and 1971 (NETR, 1958, 1971; USGS, 1953, 1971). The substation comprises a tall metal bus structure with three mounted conductors, and a smaller bus south of a small transformer. The substation elements are surrounded by a chain-link fence. South of the substation are the Shell facilities, which include a single-story prefabricated, corrugated metal gable roof building measuring approximately 46 feet by 23 feet. The building has six-pane and four-pane metal windows on the southern wall. The main entrance is at the southwestern corner. South of the building are a series of aboveground natural gas pipes, tanks, equipment, and equipment shelters. Two tall metal tanks at the southeastern corner of the parcel are labeled for crude oil storage. The Miller Substation (Substation ID SS2153) was built by PG&E, and is connected to the 230-kV transmission line in the project site (CEC, 2018). Although the property at 6801 Pete Miller Road appears to retain integrity of location, design, setting, materials, workmanship, feeling, and association as a post-World War II electrical substation and oil pipeline maintenance facility, the Miller Substation and the Shell Gustine Station do not meet any of the NRHP or CRHR significance criteria. Therefore, this property is not considered a historical resource.

Barn/Outbuilding (APN 028-007-053)

A barn and a small ancillary pump house on a 412-acre parcel are situated at the intersection of Pete Miller Road and Sullivan Road in Bennett Valley, approximately 300 feet northwest of the project site. The roughly 45-foot by 50-foot rectangular plan barn is built on a concrete foundation. The wood-frame, three-portal, transverse barn is clad with corrugated metal panels topped with a monitor gable roof, also with corrugated metal panels. There is a tall central opening on the northern end of the barn. The shed roof portals along the eastern and western sides have animal entries on the northern and southern ends. South of the barn are two large piles with wood and metal fence posts, discarded metal water troughs, barbed wire, tree roots, and other debris. South of the debris piles is a small, wood-frame and vertical wood clad shed roof pump house. Just north of the pump house is the metal base of a no longer extant windmill. This barn was once part of a farm complex, consisting of a house (built by 1922), with a number of small surrounding ancillary buildings, including the still-extant pump house. The residential cluster was divided from the barn by a fence, which was built sometime between 1922 and 1941. Another fence was built around the barn in the 1950s (NETR, 1958, 1971; UCSB, 1950, 1957). The barn and pump house

are all that remain of the original farm complex. The property at APN 028-007-053 does not appear to meet the criteria for listing in the NRHP or CRHR, nor does it retain sufficient integrity to convey its historic significance. Therefore, this property is not considered a historical resource.

Barn (APN 028-007-054)

There is a barn on a 442-acre parcel located north of the intersection of Pete Miller Road and Sullivan Road in Bennett Valley, approximately 200 feet north of the project site. The roughly 42-foot by 66-foot rectangular plan barn has an east-west orientation. The tall, wood-frame, three-portal, transverse barn is clad with vertical wood boards on the eastern and western ends and board-and-batten on the northern and southern sides. The western side has a tall central opening that lacks a door. The small portal openings have been covered with corrugated metal panels. The tall central opening on the eastern side has split swing doors of corrugated metal panels. The smaller portal openings have been boarded over. There is a small shed roof two-seater outhouse at the northwestern corner of the barn. Two remaining wood walls support a corrugated metal panel roof. Historic maps and aeriels reveal that this barn appears to be associated with the former house and barn complex on the western side of Sullivan Road (APN 028-007-053). The property at APN 028-007-054 does not appear to meet the criteria for listing in the NRHP or CRHR, nor does it retain sufficient integrity to convey its historic significance. Therefore, this property is not considered a historical resource.

Several other surrounding parcels were investigated to ensure that cultural resources would not be impacted by the proposed project. Several ranches along Sullivan Road near Garzas Creek were investigated and it was found that: 1) no buildings were older than 45 years of age; 2) any buildings older than 45 years identified in the archival research had already been demolished; or 3) any buildings older than 45 years of age were beyond the established 0.5-mile viewshed (NETR, 1958, 1971; UCSB, 1950, 1957; USGS, 1953, 1971).

Likewise, the bridges (Bridges #38C0200 and #38C0201) associated with the California Aqueduct near the project site are listed in the *Caltrans Historic Bridge Inventory* (Caltrans, 2015) as Category 5 ("Bridge not eligible for the NRHP"). Therefore, these bridges are not considered historical resources.

No archaeological resources were identified in the project site during the pedestrian survey. Two isolated prehistoric artifacts were documented by previous studies within 0.5 mile to the southwest of the project site near Garzas Creek, but at this distance would not be affected by the project.

Paleontological Resources

For purposes of this analysis, a unique paleontological resource or site is one that is considered significant under the professional paleontological standards described in the following paragraphs.

A paleontologically important rock unit is one that: 1) has a high potential paleontological productivity rating; and 2) is known to have produced unique, scientifically important fossils. The potential paleontological productivity rating of a rock unit exposed at the project site refers to the abundance/densities of fossil specimens and/or previously recorded fossil sites in exposures of the unit in and near the project site. Exposures of a specific rock unit at the project site are most likely to yield fossil remains

representing particular species in quantities or densities similar to those previously recorded from the unit in and near the project site.

An individual vertebrate fossil specimen may be considered unique or significant if it is identifiable and well preserved, and it meets one of the following criteria:

- A type specimen (i.e., the individual from which a species or subspecies has been described);
- A member of a rare species;
- A species that is part of a diverse assemblage (i.e., a site where more than one fossil has been discovered) wherein other species are also identifiable, and important information regarding life history of individuals can be drawn;
- A skeletal element different from, or a specimen more complete than, those now available for its species; or
- A complete specimen (i.e., all, or substantially all, of the entire skeleton is present).

The value or importance of different fossil groups varies depending on the age and depositional environment of the rock unit that contains the fossils, their rarity, the extent to which they have already been identified and documented, and the ability to recover similar materials under more controlled conditions (such as for a research project). Marine invertebrates are generally common; the fossil record is well developed and well documented, and they would generally not be considered a unique paleontological resource. Identifiable vertebrate marine and terrestrial fossils are generally considered scientifically important because they are relatively rare.

According to Wagner, Bortugno, and McJunkin (1991), the project site is underlain by the geologic formations described below:

- San Luis Ranch Alluvium (Late Pleistocene and early Holocene) consists of “unconsolidated, poorly to well bedded gravel, sand, silt and minor clay” (Lettis, 1982:73). It is found in a small portion in the northwest of the project site.
- Los Banos Alluvium (Middle and Late Pleistocene) consists of “unconsolidated, poorly to well bedded gravel, sand, silt and minor clay. The deposits are similar in composition and texture, and exhibit similar sedimentary structures as deposits of...San Luis Ranch Alluvium” (Lettis, 1982:73). The majority of the project site, and Bennett Valley itself, is composed of this formation.
- Tesla Formation (potential Paleocene, Lower and Middle Eocene) consists of “friable to moderately indurated carbonaceous siltstone and shale interbedded with less abundant anauxitic quartzose sandstone. Shallow marine to swampy. Intermittently exposed in laterally continuous belt...in the Orestimba Creek area 10 to 50 m thick, gradational lower contact” (Lettis, 1982:20). There are thin, peripheral segments of this formation to the north and west of the project site.

Both the San Luis Ranch and Los Banos alluviums are known to harbor Pleistocene fossil localities (Wentworth et al., 1999). An *Equus* sp. bone identified in the upper member of the San Luis Ranch Alluvium dated to 16,600 years old. The upper member of the Los Banos Alluvium has yielded bone fragments of late Rancholabrean *Bison* sp. and *Equus* sp., dating to 95,200 and 81,700 years old, respectively.

Impacts

Response to a): No Impact. No historical resources have been previously identified in or adjacent to the project site. The California Aqueduct is within 0.5 mile east of the project site, but is constructed in such a way that the project site is not visible from the aqueduct. Therefore, development of the proposed project would not substantially alter the setting of the California Aqueduct or diminish its integrity, and this NRHP- and CRHR-eligible resource would not be impacted by the project. No historic-period buildings are in the project site. Historic-period buildings in the viewshed of the project site on Pete Miller Road and Sullivan Road were evaluated under the NRHP and CRHR criteria and were determined not to be eligible resources. Construction of the proposed project would not include any direct or indirect effects to any historical resources. Construction of the proposed project would have a no impact on resources in the viewshed.

Response to b): Less than Significant with Mitigation. No evidence of prehistoric resources was identified in the project site; however, isolated artifacts were previously identified within 0.5 mile of the project site. Given the geomorphology of the project site, there is a very low potential for buried archaeological resources. However, the potential for accidental discovery of archaeological resources during construction of the proposed project cannot be completely discounted. Impacts of project construction relating to disturbance of undocumented archaeological resources may be potentially significant. Construction impacts on archaeological resources would be reduced to a less-than-significant level with the implementation of Mitigation Measure CUL-1.

Mitigation Measure CUL-1. Treatment of Unanticipated Archaeological Discoveries.

If unanticipated prehistoric or historic-period archaeological resources are encountered during ground-disturbing activities, work shall be temporarily halted in the vicinity of the discovered materials until a qualified archaeologist has evaluated, recorded, and determined appropriate treatment of the resource, in consultation with the County. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with PRC §21083.2. Native American resources include chert or obsidian flakes, projectile points, mortars and pestles; and dark, friable soil containing shell and bone dietary debris, heat-affected rock, or human remains. Historic-period resources include stone or adobe foundations or walls; structures and remains with square (cut) nails; and refuse deposits or bottle dumps, often located in old wells or privies. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with PRC §21083.2 and §15126.4 of the CEQA Guidelines, with a preference for preservation in place. This measure would reduce the potential impact on archaeological resources to a less-than-significant level.

Response to c): Less than Significant with Mitigation. Although no fossils have been found in the current project site, all three geologic units present in the project site (San Luis Ranch Alluvium, Los Banos Alluvium, and the Tesla Formation) are known to contain fossils (Weide and Faber, 1985:105).

The potential exists for a unique paleontological resource to be discovered during construction. Although marine invertebrates are generally common, the damage or destruction of a vertebrate marine or terrestrial fossil would constitute a significant impact. However, implementation of Mitigation Measure CUL-2 would ensure that if an inadvertent discovery of previously unknown vertebrate marine or terrestrial fossil is made, appropriate steps will be taken to determine the significance of the find and pursue appropriate management. Therefore, this impact would be reduced to a less-than-significant level.

Mitigation Measure CUL-2. Treatment of Unanticipated Vertebrate Marine or Terrestrial Fossil Discoveries.

If unanticipated paleontological resources are encountered during ground-disturbing activities, work shall be temporarily halted in the vicinity of the discovered materials until a qualified paleontologist has evaluated, recorded, and determined appropriate treatment of the resource, in consultation with the County. If it is determined that the proposed development could damage a unique paleontological resource, further mitigation shall be implemented.

Response to d): Less than Significant with Mitigation. No known burial sites were identified in the project site or in the immediate vicinity. The potential exists, however, for previously unknown human remains to be discovered during construction. Damage to or destruction of human remains would constitute a significant impact. However, implementation of Mitigation Measure CUL-3 would ensure that if an inadvertent discovery of previously unknown human remains is made, appropriate steps will be taken to determine the significance of the find and pursue appropriate management. Therefore, this impact would be reduced to a less-than-significant level. No further mitigation is required.

Mitigation Measure CUL-3. Stop Work if Human Remains Are Uncovered During Project Construction, Assess the Significance of the Find, and Pursue Appropriate Management.

If human remains are uncovered during ground-disturbing activities, the contractor and/or the project applicant shall immediately halt all work in the immediate vicinity of the discovered remains, and the Stanislaus County Coroner and a qualified archaeologist must be notified immediately to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery (California Health and Safety Code §7050.5(b)). If the coroner determines that the remains are those of a Native American, the coroner must contact the NAHC by telephone within 24 hours of making that determination (California Health and Safety Code §7050.5(c)). The NAHC must be contacted by the coroner so that a Most Likely Descendant (MLD) can be designated.

Upon the discovery of Native American remains, the project applicant, in consultation with the County, shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being granted access to the site.

Mitigation: The following mitigation measures, detailed above, would reduce project impacts to a less-than-significant level.

- **Mitigation Measure CUL-1.** Treatment of Unanticipated Archaeological Discoveries.
- **Mitigation Measure CUL-2.** Treatment of Unanticipated Vertebrate Marine or Terrestrial Fossil Discoveries.
- **Mitigation Measure CUL-3.** Stop Work if Human Remains Are Uncovered During Project Construction, Assess the Significance of the Find, and Pursue Appropriate Management.

References

Ambacher, Patricia, 2011. California Department of Parks and Recreation 523 Forms for P-50-001903 (California Aqueduct). AECOM, Sacramento, California.

Beck, Karin G., 2018. Cultural Resources Addendum: CS Solar – Sullivan Road, near Gustine, Stanislaus County, California.

Caltrans (California Department of Transportation), 2015. *Caltrans Historic Bridge Inventory*. Available online at: http://www.dot.ca.gov/hq/structur/strmaint/hs_local.pdf. Accessed December 27, 2017.

CEC (California Energy Commission), 2018. Spatial Dataset. Available online at: <https://cecgis-caenergy.opendata.arcgis.com/>. Accessed January 12, 2018.

Lettis, William R., 1982. Late Cenozoic Stratigraphy and Structure of the Western Margin of the Central San Joaquin Valley, California. U.S. Geological Survey, Open-File Report 82-526, Thesis for PhD degree at the University of California, Berkeley. Available online at: <https://pubs.usgs.gov/of/1982/0526/report.pdf>. Accessed January 2018.

NETR (Nationwide Environmental Title Research), 1958. Aerial Photograph of the Project Site. Available online at: <https://historicaerials.com/viewer>. Accessed January 2018.

NETR (Nationwide Environmental Title Research), 1971. Aerial Photograph of the Project Site. Available online at: <https://historicaerials.com/viewer>. Accessed January 2018.

Roop, William, 2015. *A Cultural Resources Evaluation of the Ground Mount Photovoltaic System, Sullivan Road, Gustine, Stanislaus County, California*. Archaeological Resource Service, Rohnert Park, California.

UCMP (University of California Berkeley Museum of Paleontology), 2018. Museum of Paleontology Database Locality Search. Available online at: <https://ucmpdb.berkeley.edu/loc.html>. Accessed January 2018.

UCSB (University of California Santa Barbara), 1950. UCSB Library. Aerial Photograph: Flight ABE_1950, Frame 2G-128. Special Research Collections. Available online at: <https://www.library.ucsb.edu/src/airphotos>. Accessed January 2018.

UCSB (University of California Santa Barbara), 1957. UCSB Library. Aerial Photograph: Flight ABE_1957, Frame 16T-88. Special Research Collections. Available online at: <https://www.library.ucsb.edu/src/airphotos>. Accessed January 2018.

USGS (United States Geological Survey), 1953. *Howard Ranch, Calif.* 7.5-minute topographic quadrangle. Available online at: <http://historicalmaps.arcgis.com/usgs/>. Accessed December 2018.

USGS (United States Geological Survey), 1971. *Howard Ranch, Calif.* 7.5-minute topographic quadrangle. Available online at: <http://historicalmaps.arcgis.com/usgs/>. Accessed December 2018.

Wagner, D.L., E.J. Bortugno, and R.D. McJunkin, 1991. Geologic Map of the San Francisco-San Jose Quadrangle. California Geological Survey, Regional Geologic Map No. 5A, 1:250,000 scale. Available online at: <http://www.quake.ca.gov/gmaps/rgm/sfsj/sfsj.html>. Accessed January 2018.

Weide, David L., and Marianne L. Faber, 1985. Soils and Quaternary Geology of the Southwestern United States. Geological Society of America, Special Paper, Issue 203.

Wentworth, Carl M., M. Clark Blake, Jr., Robert J. McLaughlin, and Russell W. Graymer, 1999. Preliminary Geologic Description of the San Jose 30 X 60 Minute Quadrangle, California. Available online at: https://pubs.usgs.gov/of/1998/of98-795/of98-795_3c.pdf. Accessed January 2018.

	Potentially Significant Impact	Less than Significant with Mitigation Included	Less-than- Significant Impact	No Impact
VI. GEOLOGY AND SOILS				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				<input checked="" type="checkbox"/>

Discussion:**Setting**

The project site is in the margin between the eastern Coast Range and the western San Joaquin Valley. The San Joaquin Valley forms the southern half of the Central Valley. Most of the surface of the Central Valley is covered with Holocene and Pleistocene-age alluvium, primarily composed of sediments from the Sierra Nevada and the Coast Ranges (Diablo Range), which were carried by water and deposited on the valley floor.

Surface ground ruptures along faults are generally limited to a linear zone a few yards wide. There are no active faults mapped across the project site by the California Geological Survey or USGS, and the project site is not in an Alquist-Priolo Earthquake Special Study Zone (California Department of Conservation, 2007).

According the Stanislaus County General Plan, Safety Element:

Several known faults exist within Stanislaus County. They are located in the western part of the County and in the Diablo Range west of I-5. These faults could cause ground shaking of an intensity approaching "X" (ten) on the Modified Mercalli Scale, which would result in very serious damage to most structures. The existence of unreinforced masonry buildings could cause severe loss of life and economic dislocation in an earthquake. However, with exception of the Diablo Grande community, most development in the unincorporated county is not located near the areas of greatest shaking potential. The area west of I-5 (Diablo Range) is noted for unstable geologic formations that are susceptible to landslide. A portion of the southern part of this area includes the Ortigalita Fault, part of which is designated as an Alquist-Priolo Earthquake Fault Zone. This prohibits most construction without a geologic study.

According to Figure V-1 of the Stanislaus County General Safety Element, the San Joaquin Fault is several miles west of the project site. However, the San Joaquin Fault has not been active in the last 700,000 years, and it is not classified as "active" by the California Department of Conservation. The closest active faults to the site are the Ortigalita Fault, approximately 10 miles to the west; and the Greenville fault, about 20 miles to the northwest. According to the County General Plan Safety Element Figure V-2, the project site is subject to peak ground acceleration of between 0.35 and 0.45 G.⁴

Soils at the site are classified as Grazing Land, according to the California Department of Conservation; the existing vegetation on such land is suited to the grazing of livestock.

⁴ During an earthquake when the ground is shaking, it also experiences acceleration. The **peak acceleration** is the largest increase in velocity recorded by a particular monitoring station during an earthquake. One "G" is equal to the standard gravitational acceleration of gravity.

Impacts

Response to a): Less-than-Significant Impact. Surface ground ruptures along faults are generally limited to a linear zone a few yards wide. Because there are no active faults mapped across the project site by the California Geological Survey, and because the project site is not in an Alquist-Priolo Earthquake Special Study Zone, fault ground rupture is unlikely (California Department of Conservation, 2007) and the impact would be less than significant.

Any structures resulting from this project are subject to the California Building Code (CBC) and would be designed and built to withstand shaking for the area in which they are constructed. The project applicant is required to adhere to the building safety standards specified in the CBC, which are designed to prevent damage from strong seismic ground shaking to the maximum extent feasible. Furthermore, no bridges, buildings intended for human habitation, or pipelines carrying hazardous materials are proposed as part of the project. For these reasons, this impact would be considered less than significant.

Soil liquefaction occurs when ground shaking from an earthquake causes a sediment layer saturated with groundwater to lose strength and take on the characteristics of a fluid, thus becoming similar to quicksand. Liquefaction poses a hazard to engineered structures. The loss of soil strength can result in bearing capacity insufficient to support foundation loads, increased lateral pressure on retaining or basement walls, and slope instability. A geotechnical investigation has not been performed for the project site. However, even if project site soils were determined by a licensed geotechnical engineer to have a high liquefaction potential, no paved roadways, bridges, pipelines carrying hazardous materials, or structures intended for human habitation are proposed as part of the proposed project. Ancillary buildings would be required by law to conform to the requirements of the CBC. Therefore, this impact would be less than significant.

The topography across the 214-acre site generally rises to the northwest from an elevation of approximately 240 to 300 feet (EPA, 2018), presenting a limited potential for landslides that could affect the project site and proposed facilities. Furthermore, because no staff would be stationed onsite during project operations, the risk to project personnel is remote. The impact is considered less than significant.

Response to b) through d): Less-than-Significant Impact. Any earth-moving is subject to Stanislaus County Public Works Standards and Specifications, which consider the potential for erosion and runoff prior to permit approval. Furthermore, the required project SWPPP would include BMPs that would limit the potential for substantial erosion during construction activities, as further discussed in Section IX, Hydrology and Water Quality. As discussed in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are in the Diablo Range, west of I-5; however, all of Stanislaus County is in a geologic hazard zone (Seismic Design Category D, E, or F) and, in accordance with the CBC, a soils test may be required as part of the building permit process. Results from the soils test would further determine whether unstable or expansive soils are present. If such soils are present, special engineering of the structures may be required to compensate for the soil deficiency; the project would be required to demonstrate compliance with any associated County requirements prior to issuance of the building permit. However, as noted previously, no paved roadways, bridges, pipelines carrying hazardous materials, or structures intended for human habitation are proposed as part of the

proposed project, and no substantial risks would result from project implementation. These impacts are considered less than significant.

Response to e): No Impact. Operation of the project site does not require any onsite personnel, and no wastewater facilities would be constructed as part of the project. Construction personnel would be served by portable wastewater facilities that do not require any sewer connection, septic tanks, or other wastewater system. No impact would result from project implementation.

Mitigation: None required.

References

California Department of Conservation, 2007. California Department of Conservation, California Geological Survey. Special Publication 42, Interim Revision 2007. Fault-Rupture Hazard Zones in California. Alquist-Priolo Earthquake Fault Zoning Act with Index to Earthquake Fault Zones Maps. Available online at: ftp://ftp.conservacion.ca.gov/pub/dmg/pubs/sp/SP42_2015.pdf. Accessed January 16, 2018.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

EPA (United States Environmental Protection Agency), 2018. EnviroMapper search results for 5925 Sullivan Road, Newman, California, 95360. Available online at: <https://geopub.epa.gov/myem/efmap/index.html?ve=17,37.242674,121.103988&pText=5925%20Sullivan%20Rd,%20Newman,%20California,%2095360>. Accessed January 16, 2018.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
VII. GREENHOUSE GAS EMISSIONS				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Setting

Certain gases in the earth's atmosphere, classified as greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface, and a smaller portion of this radiation is reflected back toward space through the atmosphere. However, infrared radiation is selectively absorbed by GHGs in the atmosphere. As a result, infrared radiation released from the earth that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This

phenomenon, known as the “greenhouse effect,” is responsible for maintaining a habitable climate on Earth. Without the *naturally occurring* greenhouse effect, Earth would not be able to support life as we know it.

Anthropogenic (i.e., human caused) emissions of these GHGs lead to atmospheric levels in excess of natural ambient concentrations and are responsible for intensifying the greenhouse effect. These emissions in excess of natural causes have led to a trend of unnatural warming of the earth’s atmosphere and oceans, with corresponding effects on global atmospheric/oceanic circulation patterns and climate (IPCC, 2013). Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Emissions of CO₂ are primarily byproducts of fossil-fuel combustion and are attributable in large part to human activities associated with transportation, industry/manufacturing, electricity and natural gas consumption, and agriculture.

In September 2006, California Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. In 2008, ARB approved the Climate Change Scoping Plan (Scoping Plan) and in 2014 approved the first update to the Climate Change Scoping Plan: Building on the Framework (ARB, 2008; ARB, 2014). In 2016, the state legislature passed SB 32, which established a 2030 GHG emissions reduction target of 40 percent below 1990 levels. In response to SB 32 and the companion legislation of AB 197, ARB approved the Final Proposed 2017 Scoping Plan Update: The Strategy for Achieving California’s 2030 GHG Target in November 2017 (ARB, 2017). The 2017 Scoping Plan draws from the previous plans to present strategies to reaching California’s 2030 GHG reduction target.

In January 2016, the California Public Utilities Commission reported that California’s three largest investor-owned utilities, PG&E, Southern California Edison, and San Diego Gas and Electric Company, collectively provided 26.6 percent of their 2014 retail electricity sales using renewable sources and are continuing progress toward future 2020 requirements (CPUC 2016). Executive Order S-14-08 expanded the State’s Renewable Portfolio Standard to 33 percent renewable power by 2020. Executive Order S-21-09 directs ARB under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. The 33 percent-by-2020 goal and requirements were codified in April 2011 with SB X1-2. SB 350 (2015) increased the renewable requirement to 50 percent by 2030.

The SJVAPCD has adopted the Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA and the District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency. This guidance and the policy rely on the use of performance-based standards, otherwise known as Best Performance Standards (BPS), to assess the significance of project-specific GHG emissions on global climate change, as required by CEQA. Use of BPS is a method of streamlining the CEQA process of determining significance, and is not a required emission reduction measure. Projects implementing BPS would be determined to have a less-than-cumulatively-significant impact; however, they do not apply to construction activities and are not generally applicable to renewable energy development. Otherwise,

demonstration of a 29 percent reduction in GHG emissions from business as usual is required to determine that a project would have a less-than-cumulatively-significant impact.

Impacts

Response to a) and b): Less-than-Significant Impact. The operation of the proposed project would increase the amount of energy coming from clean renewable sources in the State of California. The California Energy Commission estimates that more than 40 percent of the power used in California is from hydrocarbon-burning power plants (CEC 2016), while approximately 25 percent comes from renewable sources such as solar. The transfer of energy production away from the burning of hydrocarbons to renewable sources such as the proposed project would facilitate achieving the goals outlined in AB 32, and specifically the 50 percent by year 2030 Renewable Portfolio Standards provided in SB 350.

GHG emissions associated with the project would primarily occur during construction. Construction-related GHG emissions would predominantly be in the form of CO₂ associated with engine exhaust from heavy-duty construction equipment, material transport trucks, and worker commute trips. Although emissions of other GHGs, such as CH₄ and N₂O, are important with respect to global climate change, the emission levels of these GHGs are relatively small compared with CO₂ emissions, even considering their higher global warming potential. Therefore, all GHG emissions for construction are reported as CO₂. The construction-related GHG emissions were calculated using the same methodology discussed in Section III, Air Quality. The total GHG emissions resulting from construction of the project would be 1,757 metric tons (MT) of CO₂ equivalent (CO₂e), with 655 MT CO₂e occurring in 2019 and 1,102 MT CO₂e in 2020.

Although any increase in GHG emissions would add to the quantity of emissions that contribute to global climate change, it is noteworthy that emissions associated with construction of the proposed project would occur over a finite period. Following full buildout of the proposed project, all construction emissions would cease; the incremental contribution to climate change by the proposed project's construction emissions would be minimal and would not represent a considerable contribution to the cumulative global impact.

To establish additional context in which to consider the order of magnitude of project-generated construction GHG emissions, it may be noted that facilities (i.e., stationary, continuous sources of GHG emissions) that generate greater than 25,000 metric tons of CO₂ per year are mandated to report their GHG emissions to ARB pursuant to AB 32. Although the SJVAPCD has not established a GHG threshold methodology for construction activities, total GHG emissions associated with construction of the proposed project would be approximately 1,757 metric tons of CO₂. This information is presented for informational purposes only, and it is not the intention of SJVAPCD to adopt 25,000 metric tons of CO₂ per year as a numeric threshold. Rather, the intention is to put project-generated GHG emissions in the appropriate statewide context to evaluate whether the proposed project's contribution to the global impact of climate change is considered substantial. Because construction-related emissions would be below the minimum standard for reporting requirements under AB 32, the proposed project's construction-related GHG emissions would not be a considerable contribution to the cumulative global impact, and therefore would be less than significant.

Operational GHG emissions would be generated by mobile sources during the life of the proposed project. Mobile-source GHG emissions would be generated by project-related vehicle trips for periodic solar panel cleaning and maintenance one to four times per year. The annual operational GHG emissions associated with the proposed project are estimated to be 16 metric tons of CO₂ annually. The project would generate up to 40 MW of clean electricity, thus avoiding the GHG emissions associated with generation of the same power from a nonrenewable energy source. The project is aligned with and supports the goals of AB 32, SB 32, and the Renewable Portfolio Standard, and would result in a net carbon savings of more than 40,000 MT CO₂e per year. As noted above, project implementation would support existing plans, policies, and regulations of the State of California that are designed to promote renewable energy production and increase the proportion of renewable sources in the State's energy portfolio. Therefore, GHG emissions impacts would be less than significant.

Mitigation: None required.

References

ARB (California Air Resources Board), 2008. Climate Change Scoping Plan: a framework for change. Pursuant to AB 32, The California Global Warming Solutions Act of 2006. December. Available online at: https://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.

ARB (California Air Resources Board), 2014. First Update to the Climate Change Scoping Plan: Building on the Framework. Pursuant to AB 32, The California Global Warming Solutions Act of 2006. May. Available online at: https://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf.

ARB (California Air Resources Board), 2017. California's 2017 Climate Change Scoping Plan: The strategy for achieving California's greenhouse gas target. November. Available online at: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

CEC (California Energy Commission), 2016. Total System Electric Generation. 2016 Total System Electric Generation in Gigawatt Hours. Available online at: http://www.energy.ca.gov/almanac/electricity_data/total_system_power.html. Accessed January 15, 2018.

CPUC (California Public Utilities Commission). 2016. Biennial RPS Program Update. In Compliance with Public Utilities Code Section 913.6. January 1. Available online at: <http://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=8323>. Accessed January 15, 2018.

IPCC (Intergovernmental Panel on Climate Change), 2013. Report Overview. Climate Change 2013: The Physical Science Basis. March 15. Available online at: <http://www.climatechange2013.org/report/>.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
VIII. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:**Setting**

The project site is used predominantly for agricultural grazing. The project site is not listed on any regulatory agency databases (SWRCB, 2017) indicating a former or ongoing cleanup site, or permitted hazardous waste or materials facility. However, the project is traversed by aboveground high-voltage transmission lines that connect to the Miller electrical substation on a separate parcel adjacent to the northern portion of the project site (refer to Figure 2). Operation of an electrical substation is known to typically involve use of classified materials, such as hydrocarbons, or in older facilities, polychlorinated biphenyls (PCBs). In addition, the Shell Oil Corporation operates a subsurface oil pipeline that traverses the site from north to south, parallel to the high-voltage corridor.

There are no existing or proposed schools in the nearby project vicinity, including within 0.25 mile of the project site. The closest public or public-use airport to the proposed project is in the city of Modesto,

approximately 25 miles northeast of the project site. The project site is not in the vicinity of a private airstrip; however, a former airfield at the National Aeronautics and Space Administration (NASA) Crows Landing Airport and Test Facility is approximately 10 miles north of the project site. This facility has been proposed for use as a public airport as part of the Crows Landing Industrial Business Park specific plan; however, adoption of this plan by Stanislaus County is pending. The project site is not within this or any other airport land use plan. No emergency response or evacuation plans have been adopted for the area.

Impacts

Response to a): No Impact. The proposed project is a solar energy farm and would not involve the routine transport, use, or disposal of hazardous materials during operation. No impact would result from project implementation.

Response to b): Less than Significant with Mitigation. Construction of the proposed project would involve the use of heavy construction equipment, which involves small amounts of hazardous materials such as oils, fuels, and other potentially flammable substances typically associated with construction activities. With implementation of Mitigation Measure HM-1, this temporary impact of spill risk on construction workers and the public would be reduced to a less-than-significant level.

The proposed project construction would involve limited excavation work to install the solar panels and related facilities. Although the project is designed to avoid placing facilities atop the subsurface Shell Oil Pipeline, construction activity could conceivably rupture this facility if excavation or similar activities occur in proximity to the pipeline alignment. However, to minimize the potential for accidental rupture of the subsurface Shell Oil Pipeline that traverses the project site, Mitigation Measure HM-2 would be implemented, resulting in a less-than-significant impact. No further mitigation is required.

Mitigation Measure HM-1. Keep Hazardous Materials in an Identified Staging Area and Prepare and Implement an Accidental Spill Prevention and Response Plan during Construction.

Before construction begins, the project applicant shall require the construction contractor to identify a staging area where hazardous materials will be stored during construction. The staging area shall not be located in an undisturbed area. The contractor shall also be required to prepare an accidental spill prevention and response plan, which shall be reviewed and approved by the project applicant and the County, that identifies measures to prevent accidental spills from leaving the site and methods for responding to and cleaning up spills before neighboring properties are exposed to hazardous materials.

Mitigation Measure HM-2. Avoid Ground-Disturbing Activities near Shell Oil Pipeline Alignment.

Prior to construction activity, the construction contractor shall contact Underground Service Alert to identify the precise location of the existing Shell Oil Pipeline as it traverses the project site. No excavation or substantial ground-disturbing activity shall encroach upon the pipeline easement. Prior to issuance of the building permit, the project applicant or construction contractor shall provide the County with documentation confirming that all applicable easement conditions and safety measures from Shell Oil have been incorporated into the project design and construction methods.

Response to c) through g): No Impact. The proposed project is a solar energy farm and would not generate any hazardous emissions or handle hazardous substances or waste. Furthermore, there are no listed hazardous cleanup sites at or near the project site that could be affected by project implementation. In addition, there are no schools within 0.25 mile of the site or in the general project vicinity. As noted above, the nearest public airport is 25 miles from the project, and there are no private airstrips in the project vicinity, with the exception of the NASA Crows Landing Airport and Test Facility, approximately 10 miles to the north; no related safety hazard would result to people working or residing in the project area. Due to the remote nature of the project site, implementation of the project would not affect any emergency response or evacuation plans. There would be no impact, and no mitigation is required.

Response to h): Less than Significant with Mitigation. The project is a solar energy farm that would be constructed in a rural area that would be served by the West Stanislaus County Fire Protection District. There are no urbanized areas in proximity to the project site. There are two residences within 0.25 mile of the proposed facilities.

The California Department of Forestry and Fire Protection (CDF) Natural Hazard Disclosure map for Stanislaus County identifies the project site as being in a moderate fire risk area (Cal OES, 2017). The project site falls within a State Responsibility Area, where the State of California is financially responsible for the prevention and suppression of wildfires. According to the County of Stanislaus, the West Stanislaus County Fire Department will confer with the CDF to determine jurisdictional responsibilities for the site (Wyse, 2018).

Project implementation would not introduce any facilities or activities that would substantially increase the risk of fire at the site. The proposed project includes adequate emergency access roads and a 3,000-gallon water tank for fire suppression. Furthermore, final project design is subject to review and input by the County Fire Department. However, once project operations commence, current livestock grazing operations would cease in the project footprint. The resulting vegetation growth could increase the fuel load at the project site and the associated risk of fire hazard. To address this impact, Mitigation Measure HM-3 would require the project applicant to prepare a vegetation management plan. In addition, prior to issuance of building permits, the project sponsor would develop a Fire Prevention and Protection Plan that would include the components listed below under Mitigation Measure HM-4. The project impact would be less than significant with mitigation.

Mitigation Measure HM-3. Vegetation Management Plan

Prior to project approval, the project applicant will prepare a vegetation management plan that would demonstrate how growth of the project site grasses would be limited once grazing activity has ceased. Intended methods include the introduction of sheep grazing at the project site to maintain vegetation to conditions substantially similar to existing conditions, thereby limiting excessive fuel loading and associated fire hazards.

Mitigation Measure HM-4. Fire Prevention and Protection Plan

The Applicant will implement or, as a contract specification, require its contractors to implement, the Project's Fire Prevention and Protection Plan. The plan will be updated as necessary during detailed design and construction and throughout the life of the Project. The plan includes the following measures.

- Entrance gates, emergency accesses, and perimeter and maintenance roads will have the required width to allow firefighters and their equipment to access each site and move around easily.
- Internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters shall be in good working order.
- Contractor will keep all construction sites and staging areas free of grass, brush, and other flammable materials.
- Personnel will be trained in the practices of the plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires.
- Work crews shall have fire-extinguishing equipment on hand, as well as means of communicating with Cal Fire and/or the West Stanislaus County Fire Department in the event of an emergency.
- Smoking will be prohibited while operating equipment and shall be limited to paved or graveled areas or areas cleared of all vegetation. Smoking will be prohibited within 30 feet of any combustible material storage area (including fuels, gases, and solvents).

Mitigation: The following mitigation measures, detailed above, would reduce project impacts to a less-than-significant level.

- **Mitigation Measure HM-1.** Keep Hazardous Materials in an Identified Staging Area and Prepare and Implement an Accidental Spill Prevention and Response Plan during Construction.
- **Mitigation Measure HM-2.** Avoid Ground-Disturbing Activities near Shell Oil Pipeline Alignment.
- **Mitigation Measure HM-3:** Vegetation Management Plan
- **Mitigation Measure HM-4:** Fire Prevention and Protection Plan

References

Cal OES (California Governor's Office of Emergency Services), 2017. MyHazards. Available online at: <http://myhazards.caloes.ca.gov/>. Accessed December 19, 2017.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

SWRCB (California State Water Resources Control Board), 2017. GeoTracker Map search results for 5925 Sullivan Road, Stanislaus County. Available online at: <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=5925+sullivan+road%2C+stanislaus+county>. Accessed December 4, 2017.

Wyse, Rachel, 2018. Personal communication between Rachel Wyse, Stanislaus County Planning, and Steven Smith AECOM. January 11.

	Potentially Significant Impact	Less than Significant with Mitigation Included	Less-than- Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:**Setting**

The topography of the survey area is rolling hills that border the inner foothills of the Diablo Range. Major watersheds in the vicinity include Orestimba Creek 4 miles to the north and Garzas Creek directly south, both of which are located offsite. Topography at the site is generally flat, but rises to the north from an elevation of about 240 feet to 300 feet above sea level.

No stormwater infrastructure occurs at the project site or nearby vicinity. In general, the study area has a Mediterranean climate that is typical of the Coast Ranges. Summers are long, mild, and dry; while winters are wet, mild, and cool. Annual rainfall in the Gustine area averages approximately 12 inches per year, falling mainly between October and May, with peaks in January and February (National Climatic Data Center, 2017).

In much of the San Joaquin Valley, annual rainfall is so low that little penetrates deeply and soil moisture deficiency is perennial (Stanislaus County, 2001). Precipitation at the project site that results in surface flow typically flows across the site toward Garzas Creek; the creek is about 1,000 feet south of the proposed facilities, and is an ephemeral creek that flows from west to east.

Based on a review of the flood insurance rate maps for the project site (06047C0550G Panel 0550G), the site lies in Zone D, which indicates that no analysis of flood hazards has been conducted. The Stanislaus County General Plan Safety Element Figure V-4 depicts the 100- and 500-year flood zone throughout the County, and does not identify the project site as falling within any of these zones. Furthermore, based on the average precipitation levels at the site, the overall topography, and the existing water courses in the site vicinity, the potential for severe flooding onsite is considered limited. According to the Safety Element of the Stanislaus County General Plan Figure V-3, the project site does not lie within a dam inundation zone.

Impacts

Response to a) and f): Less-than-Significant Impact. Construction of the proposed project facilities would result in temporary ground disturbance across most of the project site. Although limited grading activities would be required during construction, activities involving vegetation clearing, pile driving, trenching, development of interior roadways, and fence installation could result in water quality impacts related to erosion and transport of sediments from stormwater runoff and subsequent discharge into nearby receiving water bodies. In addition, potential water quality impacts could result from accidental spills of petroleum products such as fuels and lubricants from construction equipment, which could potentially contaminate both surface and groundwater. However, due to the extensive acreage associated with the project, construction activities would be subject to the requirements of the Stanislaus County Storm Water Management Plan, which were developed to meet the requirements of the General Permit issued by the RWQCB. Specifically, prior to commencing with any ground-disturbing activities, a SWPPP will first need to be approved by the Stanislaus County Public Works Department. The SWPPP would include BMPs to address runoff, erosion, and other water quality effects, and would be applicable for the duration of ground-disturbing activities during the rainy season or when rain is forecast. Compliance with General Permit requirements and implementation of the SWPPP would result in less-than-significant water quality impacts during construction of the proposed facilities.

Operation of the proposed project would not involve any uses that would substantially impact water quality. Once constructed, the solar panels will be washed one to four times per year. Such washing would use approximately 32,000 gallons of water per event; no soap or detergents would be used for cleaning. As noted in the project description, water is anticipated to be provided by the Crows Landing Community Services District, approximately 10 miles north of the project site. Operation of the project does not involve the use of any classified hazardous materials. No significant water quality impacts would result during project operations.

Response to b), c), d), and e): Less-than-Significant Impact. Limited water would be needed during construction for uses such as dust control. If not available from nearby groundwater wells, water will be provided by a water tank truck. As described above for the Response to a) and f), implementation of the SWPPP and the associated BMPs during construction would limit surface water quality impacts, including erosion and the transport of sediments.

Installation of the proposed project facilities would add a minimal amount of impervious surface to the overall project site, primarily involving the mounts for the solar panel modules and small concrete pads for the inverters, transformers, and other electrical equipment. Less than 3 acres of impermeable surface would be developed in the approximately 214-acre project site. The vast majority of the project site would remain permeable, including the newly constructed access roads, resulting in an insubstantial modification of the existing drainage patterns at the site overall. The resulting volume and quality of runoff from the project site would be substantially similar to existing conditions.

Following construction, precipitation at the site would run off from the solar panels to the ground in such a way that no substantial change to the volume of water percolating to the subsurface would occur. Project operations would not involve the use of groundwater at the site. Water required for periodic washing of the solar panels would be obtained from a municipal source and hauled to the site by tanker trucks. Based on an estimated 32,000 gallons of water use per panel washing event and one to four events per year, a maximum water demand of less than 0.5 acre-foot/year would occur during operations; no substantial impact to well production is anticipated to result from withdrawing this volume of groundwater. No significant impact to groundwater levels or recharge would result from project operations. Similarly, the application of approximately 32,000 gallons of water for panel washing across the approximately 200-acre site would equate to a minor precipitation event,⁵ and is not expected to result in any substantial surface runoff or erosion. No significant impact would result.

Several seasonal wetlands occur in the project study area. Potential impacts to wetlands are further detailed in Section IV, Biological Resources.

Response to g): No Impact. The proposed project does not involve any housing units and would not require permanent personnel for operation and maintenance. No impact related to placing housing in a 100 year flood hazard area would occur.

Response to h), i), and j): Less-than-Significant Impact. Based on a review of the flood insurance rate maps for the project site (06047C0550G Panel 0550G), the site lies in Zone D, which indicates that no analysis of flood hazards has been conducted. However, based on the precipitation levels at the site, the overall topography, the historic grazing uses, and the existing water courses in the site vicinity, the potential for severe flooding onsite is considered limited. Moreover, project operations do not require onsite personnel, limiting the potential risk of injury or death in the unlikely event of a flooding event. The project facilities, including the solar panels and ancillary facilities, would be sufficiently elevated to avoid damage during a substantial flooding event so that a significant risk of loss would not result. The associated impacts would be less than significant.

Due to the project's distance from the coast, potential impacts related to a tsunami are essentially precluded. Due to the distance from any enclosed body of water, the project site is not susceptible to substantial impacts resulting from a seiche. The nearest enclosed body of water to the project site is California Aqueduct, approximately 350 feet east of the project; due to the linear structural characteristics of the aqueduct and the distance from the proposed project facilities, a substantial seiche impact would not result from project

⁵ For example, 32,000 gallons of water spread over a 200-acre site would be equivalent to less than 0.01 inch of precipitation.

implementation. Because there are no steep slopes close to the site, mudflows would not pose an issue. Therefore, no significant impact would occur related to inundation by seiche, tsunami, or mudflow.

Mitigation: None required.

References

National Climatic Data Center, 2017. Historical Climatological Data Summary for Gustine, California. Available online at: <https://www.usclimatedata.com/climate/gustine/california/united-states/usca2254> I. Accessed on December 1, 2017.

Stanislaus County, 2001. Fink Road Landfill EIR. On file at Stanislaus County Planning Department.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
X. LAND USE AND PLANNING				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Setting

Existing land uses at the site and surrounding areas are predominantly agricultural grazing lands. I-5 is approximately 0.5 mile east of the project site. No established communities exist in the immediate vicinity of the project site. The City of Newman is approximately 5 miles to the northeast and the City of Gustine is approximately 5 miles to the east of the project site. The California Aqueduct parallels the eastern boundary of the project site. Land use development at the site is subject to the Stanislaus County General Plan and Zoning Code. The project site is zoned A-2-40 (General Agriculture). This zone conditionally allows for the development of public utilities with approval from the Planning Commission, in accordance with Chapter 21.20.030, Section C.2.j of the Zoning Code (Stanislaus County, n.d.). The project site is not in any community plan or habitat conservation plan.

Impacts

Response to a) and c): No Impact. Because the project site and vicinity are undeveloped and rural in character, project implementation would not result in dividing an established community, and no impact

would occur. No habitat conservation plan or natural community conservation plan has been adopted for the project site and vicinity. Therefore, the proposed project would have no conflict with these plans and no physical direct or indirect impacts would result.

Response to b): Less-than-Significant Impact. Public utility infrastructure is an allowable use with a conditional use permit from Stanislaus County (Stanislaus County Zoning Ordinance, Section 21.20.030). The zoning ordinance indicates that permit approval is subject to the Planning Commission finding that the project is not located on the “most productive agricultural areas,” as indicated by soil type, water availability, Williamson Act contracts, and other factors; or that the project land may reasonably be returned to agricultural use in the future, and the project would not conflict with other agricultural uses in the project vicinity. As noted in the analysis of Agriculture and Forestry Resources in Section II, soils at the project site are classified as nonprime grazing lands, and the existing agricultural operations lack irrigation water. However, if feasible, grazing with sheep livestock would continue at the project site to manage vegetation growth. Because the project would be decommissioned after 35 years and the land returned to existing conditions (i.e. grazing lands), long-term agricultural uses would not be precluded. Therefore, this land use impact is considered less than significant.

Potential conflicts with applicable land use plans, policies, or regulations are further addressed in the analyses of Biological Resources (Section IV), Cultural Resources (Section V), and Hazards and Hazardous Materials (Section VIII) in this Initial Study.

Mitigation: None required.

References

Stanislaus County, n.d. Stanislaus County Code. Title 21, Zoning; Chapter 21.20, General Agriculture District (A-2); Section 21.20.030, Uses Requiring Use Permit. Available online at: http://qcode.us/codes/stanislauscounty/view.php?topic=21-21_20-21_20_030&frames=off. Accessed November 28, 2017.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
XI. MINERAL RESOURCES				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:**Setting**

According to the Stanislaus County General Plan (1994), no significant mineral resources have been identified at the project site. The project site is classified MRZ-3, meaning that not enough data exist to determine whether significant mineral resources are present.

Impacts

Response to a) and b): Less-than-Significant Impact. The project site does not contain any known deposits of regionally important mineral resources and is not designated as a local mineral resource recovery site. Furthermore, the proposed project would not preclude future mining activities once the facilities have been decommissioned and removed. Therefore, this impact would be less than significant.

Mitigation: None required.

References

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
XII. NOISE				
Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:**Setting**

The project site and vicinity are primarily open space agricultural land uses with associated low noise levels. Primary noise sources at the project site and vicinity are rural roadways adjacent to the project site, and I-5 0.5 mile to the east. The Stanislaus County General Plan identifies noise levels up to 75 decibels (dB) day/night noise level (L_{dn})⁶ (or Community Noise Equivalent Level [CNEL]⁷) as the normally acceptable level of noise for industrial manufacturing, utility, and agricultural uses. In the vicinity of the project site, the nearest noise receptors are single-family rural residences approximately 0.25 mile to the south and east. The General Plan indicates noise levels of up to 60 dB L_{dn} are normally acceptable at low-density residential uses. Noise from construction equipment is regulated by the Stanislaus County Noise Control Ordinance under Chapter 10.46 of the County Code (Stanislaus County, n.d.), which prohibits the operation of construction equipment between 7 p.m. and 7 a.m. if the resulting noise level exceeds 75 dB at the property line. The noise ordinance further prohibits operating equipment that creates vibration above a perception threshold of 0.01 inch/second in the range of 1 to 100 Hertz at the nearest property line. The project site is not in the vicinity of a public airport or private airstrip; the former airfield at the NASA Crows Landing Airport and Test Facility is has been proposed for reuse as a public airport, but is approximately 10 miles north of the project site.

Impacts

Response to a) through d): Less-than-Significant Impact. The proposed project consists of the installation and operation of solar PV system. The majority of the proposed solar PV modules would be single-axis mounted, resulting in noise levels from a low-horsepower motor when the modules are rotating. The resulting noise from the motor would be heard as a slight hum, and would be barely perceptible or likely inaudible at the nearest residential receptors approximately 0.25 mile from the project facilities.

EPA has found that the noisiest equipment types operating at construction sites typically range from 88 dB to 91 dB maximum noise level (L_{max})⁸ at 50 feet. Typical operating cycles may involve 2 minutes of full power, followed by 3 or 4 minutes at lower settings. Average noise levels at construction sites typically range from approximately 65 to 89 dB equivalent noise level (L_{eq})⁹ at 50 feet, depending on the activities performed (FTA, 2006:12-6). Assuming a 6-dB reduction in noise for every doubling of distance, this would result in a maximum noise level of approximately than 60 dB at the nearest residences, approximately 0.25 mile from the project site. Regardless, no evening or nighttime construction is anticipated and the project would conform to the requirements of the Noise Control Ordinance (Stanislaus County, n.d.). Furthermore, the limited grading, pile driving, and other construction activities would not generate substantial vibration levels at the nearest residences. No significant noise or vibration impact would result from construction activities.

⁶ L_{dn} (Day-Night Average Noise Level): The 24-hour average noise level with a 10 dB “penalty” for noise events that occur during the noise-sensitive hours between 10 p.m. and 7 a.m. – 10 dB is “added” to noise events that occur in the nighttime hours.

⁷ The CNEL is similar to the L_{dn} , but with an additional 5-dB “penalty” added to noise events that occur during the noise-sensitive hours between 7 p.m. and 10 p.m.

⁸ L_{max} (Maximum Noise Level): The highest root-mean-square noise level during a specific period of time.

⁹ L_{eq} (Equivalent Noise Level): The average noise level. The L_{eq} represents an average of the sound energy occurring over a specified time period.

Response to e) and f): No Impact. There are no public or private airport facilities near the project. As a result of the project, no persons would be exposed to excessive noise levels from such facilities.

Mitigation: None required.

References

FTA (Federal Transit Administration), 2006. *Transit Noise and Vibration Impact Assessment*. Washington, DC.

Stanislaus County, n.d. Stanislaus County Code. Title 10, Public Peace, Morals, and Welfare; Chapter 10.46, Noise Control; Section 10.46.010, Title. Available online at: http://qcode.us/codes/stanislauscounty/?view=desktop&topic=10-10_46-10_46_010. Accessed November 28, 2017.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
XIII. POPULATION AND HOUSING				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Setting

The project is in a sparsely populated portion of Stanislaus County that includes primarily low-density rural residential uses. The population of Stanislaus County in 2016 was 541,560, according to the United States Census Bureau (United States Census Bureau, 2010). The nearest population centers are the City of Newman, approximately 5 miles northeast of the project site, with an estimated 2016 population of 11,123 (United States Census Bureau, 2017) and the City of Gustine, about 5 miles east of the project site, in Merced County with a 2016 population of 5,817 (United States Census Bureau, 2016).

Impacts

Response to a): Less-than-Significant Impact. The addition of approximately 40 MW of clean energy could conceivably support additional population growth in the state. However, given the scale of the project and the fact that existing energy supplies in general do not currently constrain population growth, no significant impact would result from implementation of the proposed project.

Response to b) and c): No Impact. The proposed project does not include any housing development, nor will it displace any existing housing development. The proposed project consists of a solar energy farm that does not include the construction of any structures for human occupancy. Furthermore, the operation of the solar energy farm would not require any full-time maintenance or staff people. Therefore, the proposed project has no net increase of growth, nor would it induce direct or indirect growth in the project area, and no impact would result.

Mitigation: None required.

References

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

United States Census Bureau, 2010. American FactFinder. Census 2010 Total Population. Available online at: https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk. Accessed November 27, 2017.

United States Census Bureau, 2016. QuickFacts: Gustine City, California. Available online at: <https://www.census.gov/quickfacts/fact/table/gustinecitycalifornia/PST045216>. Accessed November 28, 2017.

United States Census Bureau, 2017. American FactFinder. Available online at: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml#>. Accessed November 27, 2017.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
XIV. PUBLIC SERVICES				
Would the project:				
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Setting

Existing fire protection services at the project site are provided by the West Stanislaus County Fire Protection District and CDF. Police services are provided by the Stanislaus County Sheriff's Department. There are no schools, parks, or other public facilities near the project site.

Impacts

Response to a): Less-than-Significant Impact. Construction of the proposed facilities would require up to 40 workers at the site during an approximately 15-month construction period. Although there is a potential for accidents during construction that require emergency fire and police services, no substantial increase in the demand for such services would occur.

The proposed project would be operated remotely and would require limited maintenance personnel at the site on a periodic basis. Therefore, project operations would not result in a population increase that could increase the use of or demand for existing public services. Emergency access to the site facilities would be provided by a Knox Box installed at the entry gate(s). Access roads in the project site proposed for construction and maintenance vehicles would facilitate emergency vehicle access to internal portions of the site. The proposed project does not include any structures designed for human occupancy and does not involve the use of hazardous or flammable materials that would increase the demand for fire protection services. Given the limited activities and personnel required during project operations, no appreciable increase of service calls for the Stanislaus County Sheriff's Department or Fire Department would result, and the proposed project would have no substantial effect on existing emergency service providers or result in the need for new facilities. The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to ensure that adequate public services are maintained. Such fees are required to be paid at the time of building permit issuance.

Because the proposed project would not generate any increase in population, no increase in the demand for libraries, recreational facilities, or other public services would result. Project implementation would not result in a significant impact to public services.

Mitigation: None required.

References

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
XV. RECREATION				
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:**Setting**

The project site is in a relatively remote area surrounded generally by agricultural land uses. There are no existing neighborhood or regional parks in the project vicinity.

Impacts

Response to a) and b): No Impact. The proposed project will not result in the construction of new residential dwellings. Therefore, the use of existing parks and other recreational facilities would not increase, and no new or expanded recreational facilities would be required or result from project implementation. The proposed project would have no impact on recreation.

Mitigation: None required.

References

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
XVI. TRANSPORTATION/TRAFFIC				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:***Setting***

The project site is accessible from I-5 via the State Route 140 exit, and from Sullivan Road and Pete Miller Road. I-5 in the project vicinity is a four-lane divided freeway carrying approximately 42,000 vehicles per day, with 3,700 peak-hour vehicles near the interchange with State Route 140 (Caltrans, 2016). Sullivan Road near I-5 is an improved two-lane road with soft shoulders. Sullivan Road then transitions to an unimproved (dirt) roadway as it traverses the project site's southern and western boundaries. Pete Miller Road is an unimproved east-west roadway that traverses the project site's northern boundary, and provides access to the existing electrical substation. There are no public airports or private airstrips in the nearby project vicinity. There are no existing bicycle or pedestrian facilities at or near the project site, and no public transit is provided at the project site or vicinity.

Impacts

Response to a) and b): Less-than-Significant Impact. Construction of the solar array panels and ancillary equipment will take approximately 15 months, and involve a maximum of 40 onsite construction workers traveling to the site. Truck deliveries of materials and equipment during construction are estimated to average six round trips (12 trips total) per day. The associated small increase in construction-related vehicles traveling to and from the project site would not be expected to disrupt normal traffic flow, and any change to level of service or other transportation standards would be less than significant.

Once the project is constructed, operation of the solar array system would require limited personnel for periodic maintenance and inspection activities. Washing of the solar panels would occur two to four times per year, and would involve limited personnel and equipment traveling to the project site, including about five to ten water tank truck trips per washing event. There would be no permanent employees onsite. Changes to existing traffic volumes and patterns would be extremely limited, and no significant impact would result from project operations.

Response to c) and d): No Impact. The proposed project is not near an airport, and does not include any improvements that would change air traffic patterns. Although the project would construct internal access roads for nonpublic use only, the project would not alter the design of any existing public roadways. Therefore, no impact would occur.

Response to e): Less- than-Significant Impact. Primary access for the jurisdictional fire department will be from Sullivan Road. The proposed project facilities would be enclosed with 6-foot-tall security fencing. Emergency access would be provided through an access point secured by a Knox Box, as specified by the fire department.¹⁰ Sufficient access to the site from Sullivan Road is available from I-5, approximately 0.5 mile to the east of the project site. All access roads to be developed onsite will meet the minimum roadway requirements of the fire department, and all areas in the project would accessible to the fire

¹⁰ A Knox Box is a small, wall-mounted safe that holds access keys for firefighters and other emergency personnel to retrieve in urgent situations.

department. Because adequate access would be provided to and within the project site, no significant impact would result from project implementation.

Response to f): No Impact. There are no pedestrian, bicycle, or transit facilities at or near the project site. Therefore, the performance or safety of public transit, bicycle, or pedestrian facilities would not decrease due to implementation of the proposed project. The proposed project's construction and operation activities would not substantially alter existing transportation conditions and would not affect or interfere with execution of any adopted policies, plans, or programs supporting alternative transportation. Therefore, the proposed project would result in no impact on alternative transportation.

Mitigation: None required.

References

Caltrans (California Department of Transportation), 2016. 2016 Traffic Volumes on California State Highways. Available online at: http://www.dot.ca.gov/trafficops/census/docs/2016_aadt_volumes.pdf.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
XVII. UTILITIES AND SERVICE SYSTEMS				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:***Setting***

There are no existing sewer or stormwater facilities at the project site, or connections to regional water or wastewater treatment facilities. Solid waste generated in unincorporated portions of Stanislaus County is disposed of at Fink Road landfill, approximately 10 miles north of the project site. This landfill has a remaining capacity of approximately 7 million tons as of March 1, 2017 (CalRecycle, 2018).

Impacts

Response to a), b), and e): No Impact. Because it would be operated remotely and requires only periodic maintenance, the proposed project does not require permanent employees for operation or maintenance. Temporary construction personnel would be accommodated by portable restrooms. No new or expanded wastewater systems or connection to the regional water supply system would be required for the project. Therefore, the proposed project would not violate any wastewater treatment standards, reduce the capacity of any wastewater treatment facility, or require new water or wastewater treatment facilities. The impact resulting from project implementation would be less than significant.

Response to c) and d): Less-than-Significant Impact. Following construction, about 2.7 acres of additional impermeable surface would be dispersed throughout the approximately 214-acre project footprint. Given the overall size of the site compared to the additional impermeable surface, stormwater velocity or runoff from the site would not be substantially altered with implementation of the proposed project. No new storm drainage facilities would be required for the project, and a less-than-significant impact would occur.

Because it would be operated remotely and requires maintenance one to four times per year, the proposed project does not require permanent employees for operation or maintenance. Water demand would increase slightly due to construction activities and washing off the solar panels during maintenance visits (estimated at 32,000 gallons per washing event). Water is expected to be provided by the Crows Landing Community Services District and would be hauled to the site by water tankers. Due to the infrequency of these maintenance visits, the associated increase in water demand would be considered minimal. Sufficient water supplies are available to serve the proposed project. Therefore, a less-than-significant impact would occur.

Response to f) and g): Less-than-Significant Impact. Solid waste generated by the proposed project would be composed of construction-related solid waste and any waste collected from periodic maintenance visits. The quantity of solid waste generated by the proposed project is expected to be nominal, because demolition, which typically accounts for the bulk of construction waste, would not be required during construction. Regardless, the California Green Building Code (CCR Title 24, Part 11) requires all construction contractors to recycle or reuse at least 65 percent of construction waste and demolition debris (Section 5.408). Code requirements include preparing a construction waste management plan that identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project, or salvage for future use or sale; determining whether materials will be sorted on site or mixed; and identifying diversion facilities where the materials collected will be taken. Project operation does not involve activities that would directly generate solid waste; any solid waste collected during

maintenance visits would be removed by maintenance personnel and disposed of at an approved location. Therefore, because waste generated by the proposed project would be minimal and the local landfill has sufficient capacity, a less-than-significant impact would occur.

Mitigation: None required.

References

CalRecycle, 2018. Facility/Site Summary Details: Fink Road Landfill (50-AA-0001). Available online at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/50-AA-0001/Detail/>. Accessed January 9, 2018.

Stanislaus County, 2016. Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. Housing Element adopted on April 5, 2016.

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Included</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
Would the project:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

Response to a): Less than Significant with Mitigation. The proposed project would have a low potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. In addition, as provided for the analysis of Biological Resources under Section IV above, the County's incorporation of mitigation measures adopted as part of the proposed project would minimize the impacts on the environment. Similarly, the project has a limited potential for impacts on historic resources, as detailed above under Section V, Cultural Resources. Furthermore, the limited potential to encounter unanticipated cultural resources is sufficiently addressed by mitigation measures. Therefore, impacts would be considered less than significant.

Response to b): Less than Significant with Mitigation. The project could result in significant impacts related to biology, cultural resources, and hazards. However, the identified mitigation measures would serve to reduce the impact to a less-than-significant level. Due to the limited activity occurring and anticipated in the project vicinity, the potential for significant cumulative impacts is limited. Regardless, implementation of the identified mitigation measures would serve to reduce any incremental contribution of the project to a level that is less than cumulatively considerable. Therefore, the impact would be less than significant with mitigation included.

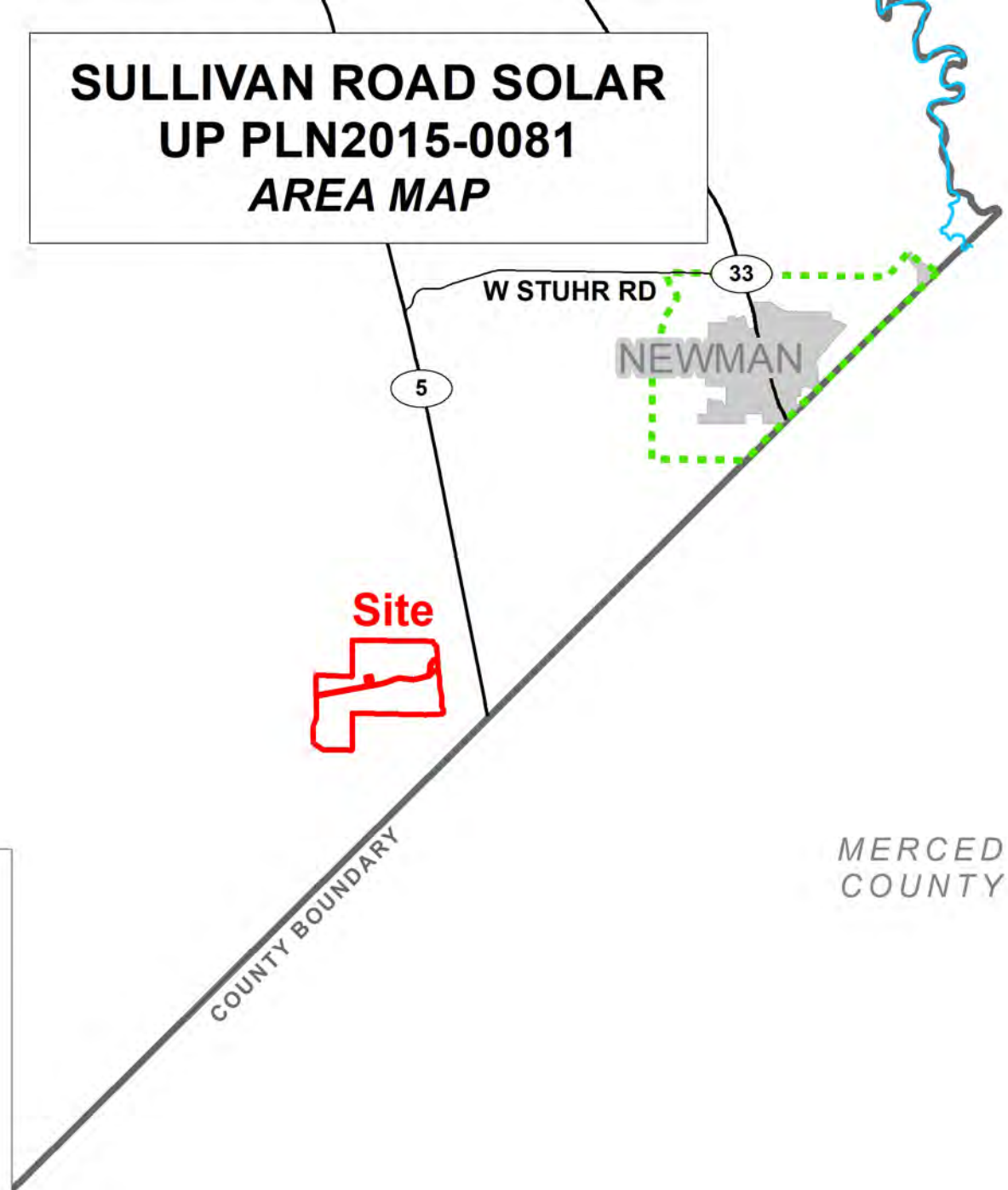
Response to c): Less than Significant with Mitigation. The project has limited potential to cause substantial adverse effects on human beings. As discussed above under the analysis of Hazards and Hazardous Materials in Section VIII, project implementation could result in an increased fire hazard at the project site. In addition, project construction includes a risk of upset of the existing Shell Oil Pipeline that traverses the project site. However, project mitigation includes vegetation management and other fire risk reduction measures, along with a requirement to precisely identify and avoid the pipeline alignment. As a result, the project would not result in any significant impact with the incorporation of mitigation measures.

LIST OF ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AC	alternating current
APN	Assessor Parcel Number
ARB	California Air Resources Board
BMP	best management practice
BPS	Best Performance Standards
Cal OES	California Governor's Office of Emergency Services
Caltrans	California Department of Transportation
CBC	California Building Code
CCR	California Code of Regulations
CDF	California Department of Forestry and Fire Protection
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CH ₄	methane
CHRIS	California Historical Resources Information System
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CWA	Clean Water Act
dB	decibel
DC	direct current
EPA	U.S. Environmental Protection Agency
ESA	federal Endangered Species Act
FTA	Federal Transit Administration
GHG	greenhouse gas
I-5	Interstate 5
IPCC	Intergovernmental Panel on Climate Change)
ITP	Incidental Take Permit
L _{dn}	day/night noise level
L _{eq}	equivalent noise level
L _{max}	maximum noise level
MLD	Most Likely Descendant
MT	metric ton
MW	megawatt
NAHC	Native American Heritage Commission

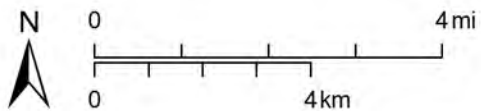
NASA	National Aeronautics and Space Administration
N ₂ O	nitrous oxide
NO ₂	nitrogen dioxide
NO _x	oxides of nitrogen
NRHP	National Register of Historic Places
NWR	National Wildlife Refuge
PG&E	Pacific Gas and Electric
PM	particulate matter
PM ₁₀	particulate matter 10 micrometers in diameter or smaller
PM _{2.5}	particulate matter 2.5 micrometers in diameter or smaller
PRC	Public Resources Code
PV	photovoltaic
ROG	reactive organic gas
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO ₂	sulfur dioxide
SO _x	oxides of sulfur
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	California State Water Resources Control Board
TAC	toxic air contaminant
tpy	tons per year
UCMP	University of California Berkeley Museum of Paleontology
UCSB	University of California Santa Barbara
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WRA	Wildlife Research Associates

SULLIVAN ROAD SOLAR UP PLN2015-0081 AREA MAP



LEGEND

- Sullivan Road Solar Site
- Sphere of Influence
- City
- River
- Road



SULLIVAN ROAD SOLAR UP PLN2015-0081 GENERAL PLAN MAP

AG

AG

EASTIN RD

AG

AG

SULLIVAN RD

Site

5

PETE MILLER RD

CANAL

CALIFORNIA

HCPD

AG

SULLIVAN RD

BLUE HILL

MERCED
COUNTY

AG

COUNTY BOUNDARY

LEGEND


 Sullivan Road Solar Site

 Parcel

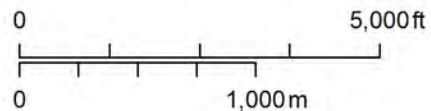
 Road

 Canal

General Plan

 Agriculture

 Highway Commercial/
Planned Development



SULLIVAN ROAD SOLAR UP PLN2015-0081 ZONING MAP

A-2-160

A-2-40

EASTIN RD

A-2-40

A-2-40

Site

SULLIVAN RD

5

PETE MILLER RD

CANAL

CALIFORNIA

A-2-10

SULLIVAN RD

AQUEDUCT

BLUE HILL

**MERCED
COUNTY**


A-2-40

COUNTY BOUNDARY

LEGEND

 Sullivan Road Solar Site


 Parcel

 Road

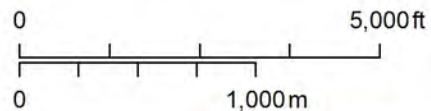
 Canal

Zoning Designation

 General Agriculture 10 Acre

 General Agriculture 40 Acre

 General Agriculture 160 Acre




SULLIVAN ROAD SOLAR UP PLN2015-0081 ACREAGE MAP

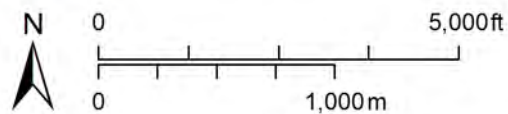
LEGEND

 Sullivan Road Solar Site

 Parcel/Acres

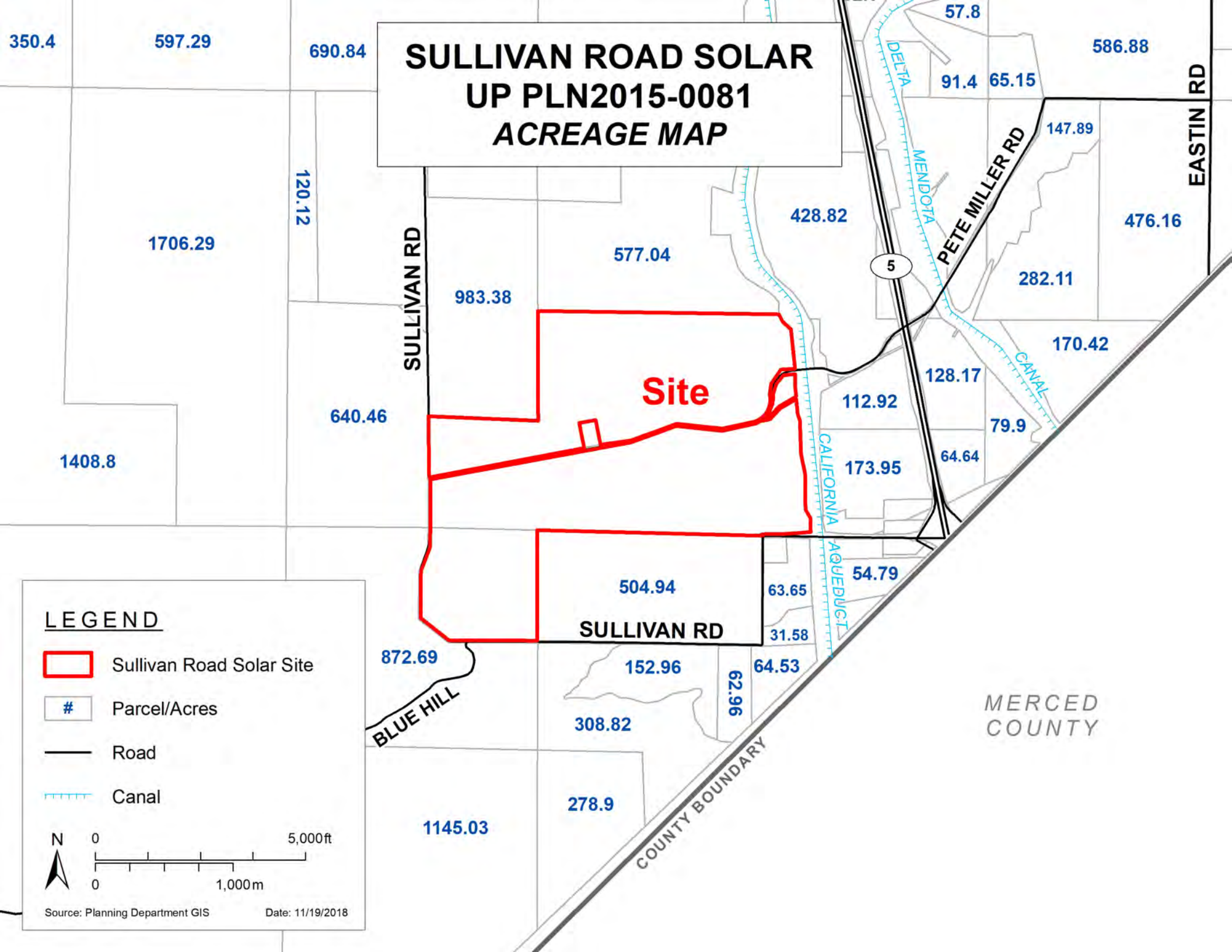
 Road

 Canal



Source: Planning Department GIS

Date: 11/19/2018



SULLIVAN ROAD SOLAR UP PLN2015-0081 2017 AERIAL AREA MAP

SULLIVAN RD

Site

SULLIVAN RD

BLUE HILL

COUNTY BOUNDARY

CALIFORNIA
AQUEDUCT

5

DELTA
MENDOTA

PETEMILLER RD


CANAL

EASTIN RD

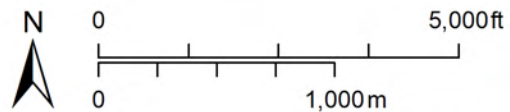
MERCED
COUNTY

LEGEND

 Sullivan Road Solar Site

 Road

 Canal



SULLIVAN ROAD SOLAR UP PLN2015-0081 2017 AERIAL SITE MAP

SULLIVAN RD


Site

PETE MILLER RD

CALIFORNIA
AQUEDUCT

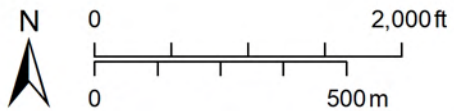
SULLIVAN RD

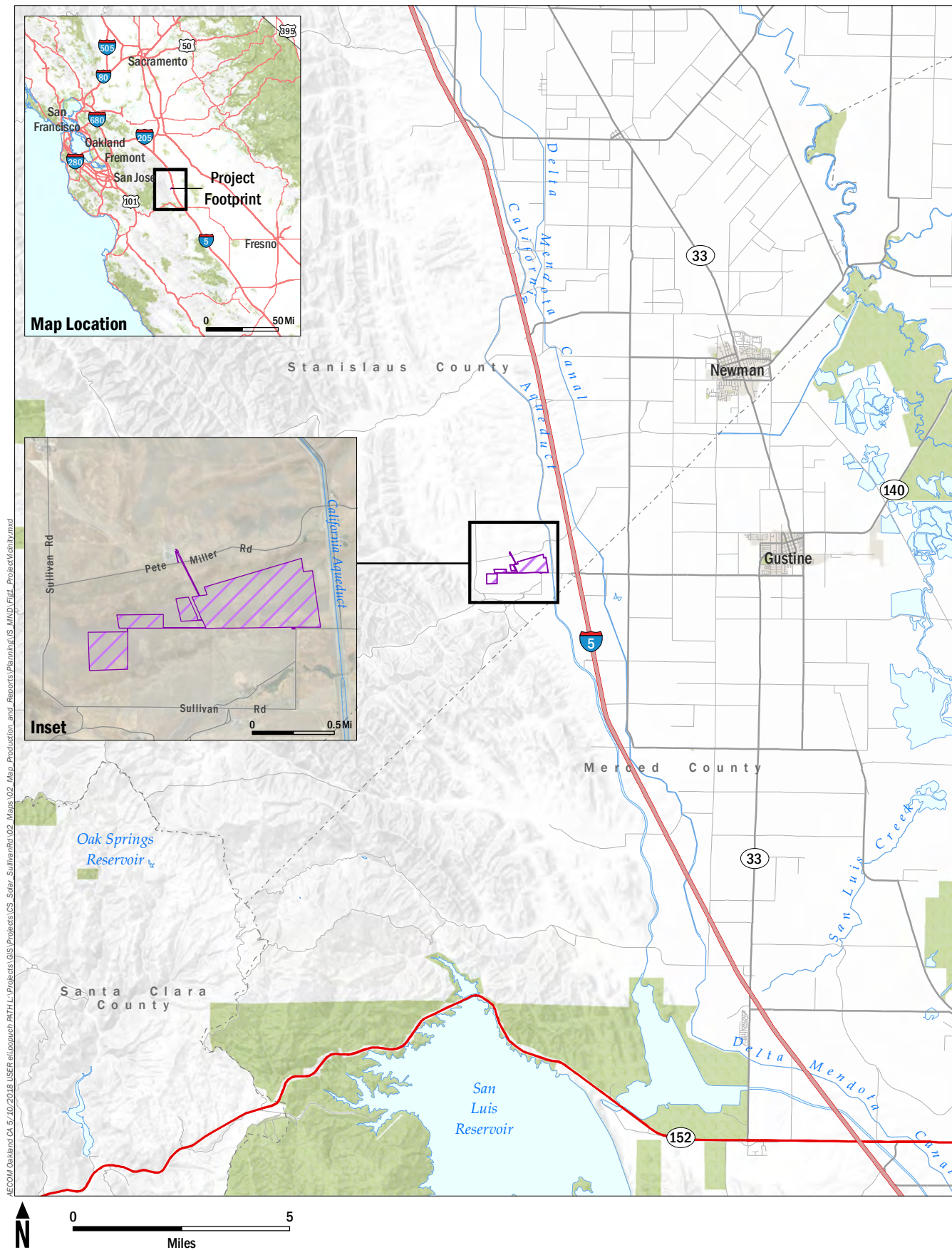
LEGEND

 Sullivan Road Solar Site

 Road

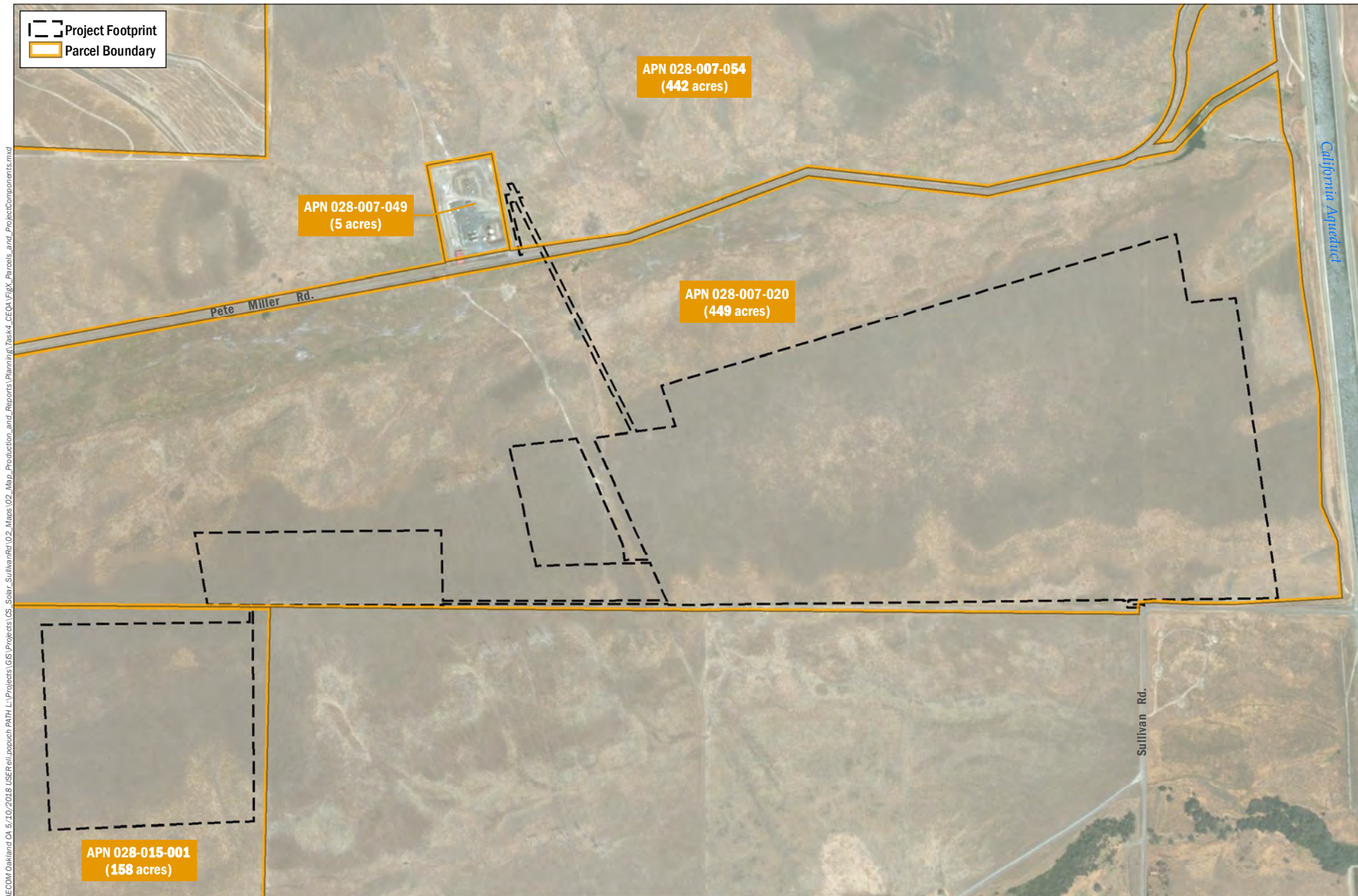
 Canal



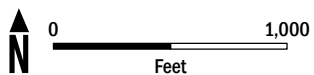


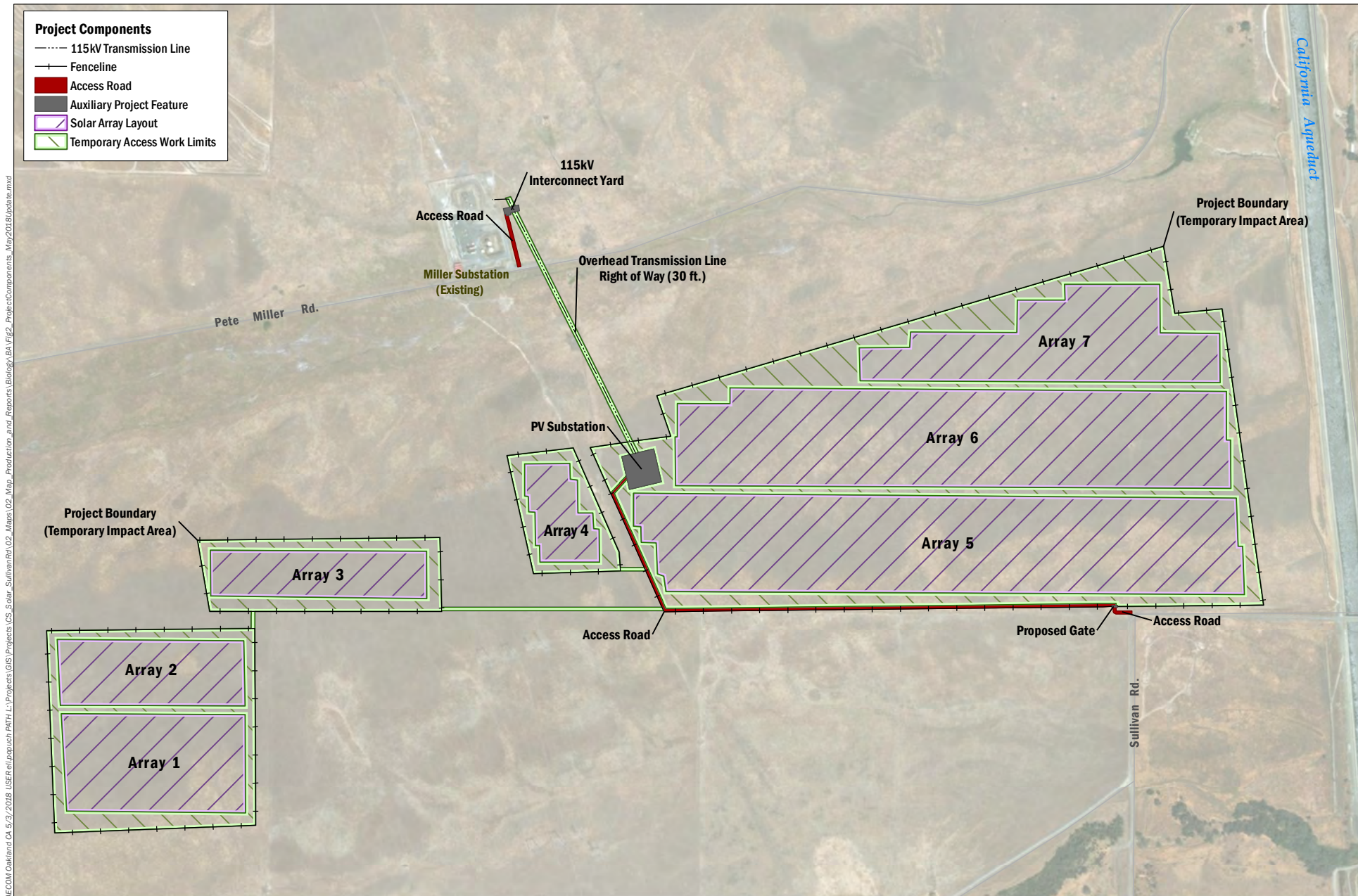
AECOM Oakland CA 5/10/2018 USER: ellipovich RTH/L: Projects/GS/Projects/CS Solar/SullivanRd/02 Maps/02 Map Production and Reports/Planning/US MND/Fig1 ProjectLocation.mxd
 02 Maps/02 Map Production and Reports/Planning/US MND/Fig1 ProjectLocation.mxd

FIGURE 1
 Project Location



A:\COM Oakland CA 5/10/2018 USER\lpopuch PATH L\Projects\GIS\Projects\CS Solar SullivanRd\02 Maps\02 Map Production and Reports\Planning\Task4_CEQA\Fig\Parcels and ProjectComponents.mxd





Attachment 5

Mitigated Negative Declaration Addendum



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

S 9 T 8 R 8

APP. No. PLN2019-0091

STAFF APPROVAL

(IF NOT USED IN 18 MONTHS THIS PERMIT SHALL BE VOID - SEC. 21.104.030)

GENERAL PLAN Agriculture ZONE A-2-40 DATE October 22, 2019

1. NAME AND ADDRESS: (a) Central 40, LLC/Sullivan Road Solar
Name of Person or Firm

(b) 101 Metro Drive, Ste. 320 (c) San Jose, 95110 (d) (415) 814-5256
Address City, Zip Phone

2. TYPE OF PROPERTY USE: Request to add detail to elements of the solar project approved as UP PLN2015-0081-Sullivan Road Solar, a 40 megawatt solar facility on 214± acres of three parcels totaling 1,049± acres, in the A-2-40 (General Agriculture) zoning district; specifically, the location and construction of an underground electrical collection line and an access road crossing of the PG&E high-voltage transmission corridor. Clarification and technical detail is provided via the October 2019, Sullivan Road Solar Project – Mitigated Negative Declaration Addendum.

3. LOCATION OF USE: 4951 Sullivan Road, in the Newman area
Street Address - Local Name of Street, Road or Highway

4. ASSESSOR'S PARCEL NUMBER AND ACREAGE: 028-007-020; 448.9 acres

5. THIS PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- (a) That this use be conducted in accordance with plans approved by the Department of Planning and Community Development and in accordance with applicable laws and ordinances.
- (b) That a building permit, when applicable, be obtained from the Building Permits Division.
- (c) That all Conditions of Approval/Mitigation Measures from UP PLN2015-0081 – Sullivan Road Solar approved by the Board of Supervisors on April 16, 2019 shall remain in effect.

FAILURE TO PERFORM ANY OF THE STATED CONDITIONS HEREON SHALL CONSTITUTE GROUNDS FOR REVOCATION OF THIS PERMIT.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE READ THE ABOVE CONDITIONS AND WILL COMPLY WITH SAME IN ALL RESPECTS.

Signature of Applicant

Date

Signature of Property Owner

Date

Signature of Person Issuing Permit

Date

Stanislaus County
Department of Planning
and
Community
Development
1010 Tenth Street
Modesto, California 95354

Sullivan Road Solar Project

Mitigated Negative Declaration Addendum

Addressing the Proposed Project Modifications

October 2019

Prepared for:



INTRODUCTION

This addendum to the previously adopted Mitigated Negative Declaration (MND) addresses the proposed modification to the Project and provides a comparison of the potential environmental impacts. This Addendum is an informal document to be used in the planning and decision-making process, pursuant to Section 15164 of the California Environmental Quality Act (CEQA). This Addendum does not recommend approving or denying the modification to the Project. It does provide the County a description of the proposed interconnection to Pacific Gas and Electric Company (PG&E) facilities needed as part of the Sullivan Road Solar Project (Project).

The Project was previously analyzed in the adopted MND CUP No. PLN2015-0081 (State Clearinghouse No. 2015122003), approved pursuant to Stanislaus County Board of Supervisors Resolution No. 2019-0238. The MND as originally prepared did not include a detailed description of the crossing of the PG&E transmission corridor portion of the Project. In order to support the construction and operation of the proposed solar photovoltaic electrical generating facility to the California electrical grid, the Project includes the installation of underground electrical collection lines that will be installed adjacent to the proposed access road. This gravel access road and the underground electrical collection lines located within the PG&E transmission corridor will be constructed to support the Project. This was evaluated in the original MND, however the location along the PG&E transmission corridor where the underground electrical collection lines and access road is proposed has shifted approximately 400 feet to the north of the original location but still within the PG&E transmission corridor.

This Addendum describes the anticipated Project facility requirements, updates to the previous MND, and general documentation of the PG&E transmission corridor crossing proposed, concluding that there are no substantial changes or new information that could result in a new or increased significant impact in comparison to those impacts identified in the previously prepared MND.

PROJECT LOCATION AND SETTING

The project is in the Bennett Valley area of southwestern Stanislaus County, approximately 5 miles west of the City of Gustine and 5 miles southwest of the City Newman. The California Aqueduct runs in a north-south alignment along the eastern side of the project site, with I-5 about 0.5 mile further to the east. The Shell Oil Corporation operates a subsurface oil pipeline that traverses the site from north to south, parallel to the PG&E high-voltage transmission corridor. The Project area is sparsely populated and there are no residential structures proximate to the proposed project facilities; the nearest residence is approximately 0.25 mile to the south.

The topography of the project footprint and vicinity consists of rolling hills that border the

inner foothills of the Diablo Range. Elevations in the project footprint range from 240 feet to 300 feet above sea level. The dominant vegetation community in the project footprint and vicinity is grazed annual grassland. Existing land uses at the project site and vicinity are rural in character and include agricultural grazing uses. The project site is zoned for General Agriculture (A-2-40).

The Project site is accessible from the Sullivan Road/I-5 interchange and is generally bounded by Sullivan Road to the east, south, and west (see Figure 3ⁱ). The entire project development footprint would be approximately 214 acres, which includes the area that would be developed and occupied by project features for the approximately 35-year operational period.

STATUTORY BACKGROUND

According to CEQA an Addendum to a certified environmental document may be used if minor modifications or technical changes to the proposed project occur (CEQA Guidelines Section 15164). Preparation of an Addendum is appropriate unless subsequent changes are proposed, physical circumstances have changed in the project area or new information of substantial importance becomes available, resulting in new significant impacts or substantial increase in the severity of previously identified impacts (CEQA Guidelines Section 15162). The Addendum is not required to be circulated to the public for review and comment (CEQA Guidelines Section 15164c) but should be considered by the decision-making entity prior to making a decision on the Project (CEQA Guidelines Section 15164d).

This Addendum demonstrates that the environmental analysis, impacts and mitigation identified in the original MND remains substantively unchanged.

SUMMARY OF ORIGINAL PROJECT DESCRIPTION

Use Permit No. PLN2015-0081 requested to construct a 40-megawatt (MW) alternating current (AC) solar farm on approximately 214 acres within portions of three adjacent parcels (Assessor Parcel Numbers [APNs] 028-015-001, 028-007-020, and 028-007-054), totaling 1,049 acres (Figure 1b). The Project site is zoned A-2-40 (General Agriculture). In summary, the original project description is as follows: The Project would be constructed over a 15-month period and generate electricity by using approximately 114,696 (single-axis tracker) and 38,232 (fixed ground mounts) 340-watt solar photovoltaic (PV) modules. The Project would include construction of a 40-MW substation, improvements to the existing 115-kV electrical transmission line requiring installation of nine new overhead power poles extending north from the project facilities to the point of interconnection facilities adjacent to the existing PG&E owned Miller Substation. Other Project features would include solar arrays, equipment pads, fencing, access roads, cable crossing and temporary work areas. Development of the access roads would occupy

approximately 1.9 acres of the Project site. The remaining 835 acres on the three project parcels would remain as undeveloped, grazed lands. The project would operate for approximately 35 years, after which the facilities would be decommissioned and removed, and the project site returned to existing conditions.

PROPOSED PROJECT REVISIONS

The original Project permitted under the CUP was for a 40 MW solar facility and associated facilities, including improvements to an existing 115 kV electrical transmission line owned by PG&E, construction of underground electrical cable system connecting solar panel array in PG&E right-of-way, and access roads to the Project site. All these components remain in the original Project footprint. The revised elements of the Project relate to the location of the underground electrical collection line and access road crossing of the PG&E high-voltage transmission corridor, which would not result in any new or increased impacts that would require any new or altered mitigation measures or conditions of approval. Analysis of each environmental resource is summarized below. These additional facility details are fully covered within the original project description and covered within the CEQA analysis conducted by the County.

PG&E Transmission Corridor Crossing

The Project footprint is bisected by the PG&E high-voltage transmission corridor. In order to connect the solar arrays on both sides of the PG&E transmission corridor, installation of underground electrical collection lines and a gravel access road are required. The MND states that “the electrical collection system would be constructed in below ground trenches, conduits and wires would be buried in trenches that generally run between modules/blocks and connect the output of each tracker to the inverters”.ⁱⁱ In addition, the Project includes a proposed access road. The MND states that “the proposed development at the Project site includes 20-foot-wide access roads from Sullivan Road and Pete Miller road via gravel driveway approaches”.ⁱⁱⁱ

Although the design is preliminary, further information is now available. The proposed crossing of the PG&E transmission corridor is anticipated to occupy no more than .28 acres. The underground electrical collection lines and access road would be constructed within the PG&E transmission corridor located within the Project footprint (Figure 2b). The proposed underground electrical collection lines will not interfere with PG&E’s existing facilities within the transmission corridor. Upon completion of the construction, the Project would own and operate the facilities.

Safety and Security

The access road point of entry into the fenced solar arrays would be gated and keyed to prevent unauthorized access to the Project site. Emergency access to the site facilities would be provided by a Knox Box installed at the entry gate(s).

Construction

The Project applicant will construct the underground collection system and access road. The collection system and the access road will be part of the Project and owned and maintained by the Project. Construction will occur in a phased approach beginning with site preparation and grading of the site, installation of underground electrical cable collection system, and testing of electrical equipment. The underground electrical cable collection system would include three (3) 34.5-kV single core cables, one fiber optic cable, and one bare copper ground wire within a trench that would have a maximum depth of four (4) feet, maximum width of five (5) feet, approximately 592.5 feet long (492.5 feet of PG&E easements associated with the PG&E transmission corridor plus 50-foot setbacks on both sides of the PG&E easements). The trench will be backfilled and compacted native soil and surface restored. No above ground facilities are proposed to be installed within the PG&E transmission corridor.

The Project also proposes to install a gravel access road adjacent to the underground electrical collection lines. The access road will be a maximum of twenty (20) feet wide and approximately 592.5 feet (492.5 feet of PG&E easements associated with the PG&E transmission corridor plus 50-foot setbacks on both sides of the PG&E easements), consisting of 2-inch to 3 1/4-inch drain rock. The proposed gravel access road will not interfere with PG&E's existing facilities within the transmission corridor.

The total acreage of the Project's proposed uses within the PG&E transmission corridor will be maximum 0.28 acres. The proposed facilities within the PG&E transmission corridor will take approximately two weeks to install and will remain in place for the 35-year life of the project. During the temporary construction phase of the project, a maximum of 50 people will utilize the proposed gravel access road per day.

Access

Access to solar arrays will be from the proposed gravel roadway.

Operation and Maintenance

Following completion of the Project, routine operations and maintenance activities would occur as needed and in accordance with standard operation and maintenance procedures. The proposed gravel access road will only be used for operations and maintenance activities, which are expected to occur a few times per year.

IMPACT ANALYSIS

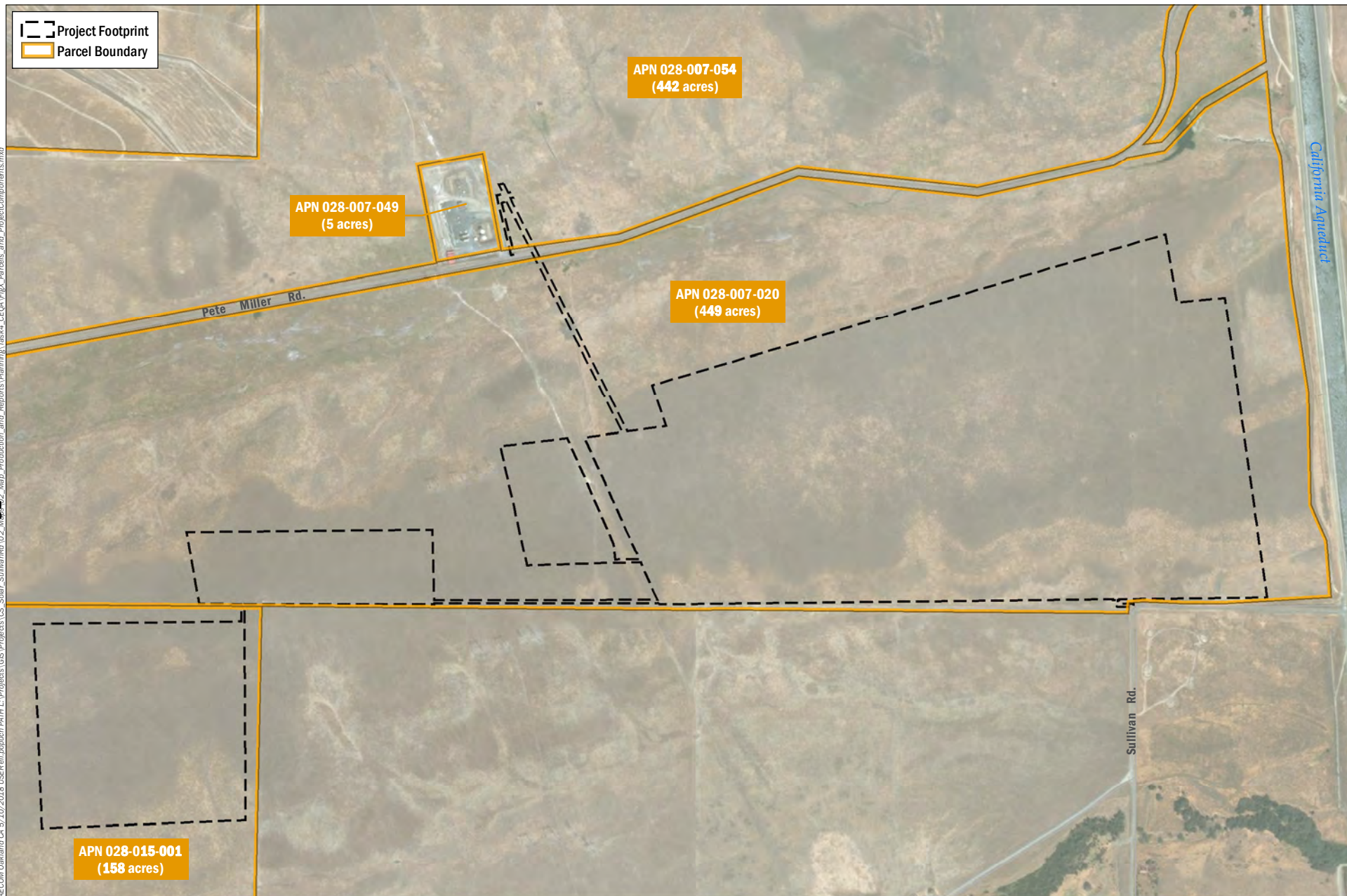
The initial study has been reviewed in conjunction with the revised Project and it has been determined that the changes described in this Addendum would not result in any new or significant environmental impacts for a substantial increase in the severity of significant impacts identified in the previously adopted MND.

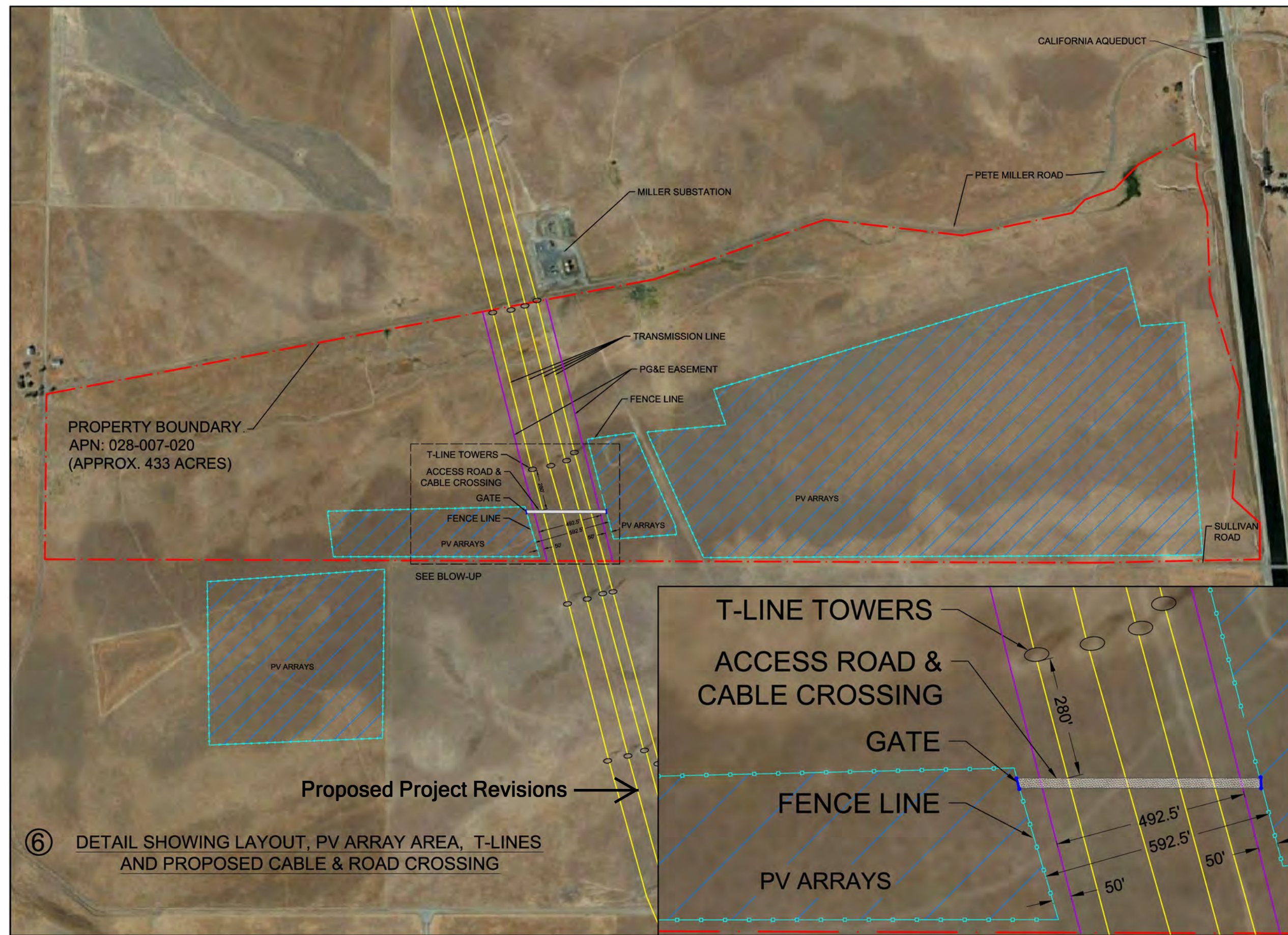
The identification of the location of the crossing of PG&E transmission corridor with the underground electrical collection lines and gravel access road would not alter the conclusions in the previously adopted MND. The proposed location of the crossing of the PG&E transmission corridor and construction of the access road and electrical collection lines was considered in the originally proposed Project, although the exact location not identified. The previous MND studied the Project area as a whole, including the location of the proposed crossing and access road. All previously identified construction-period mitigation measures subject to PG&E and CPUC approval would be implemented under the proposed revised Project. No changes to previously agreed upon setbacks from biological resources are proposed. The Project will continue to avoid and maintain required setbacks from biological resources previously identified. No new significant impacts or substantial increase in the severity of the impacts would occur in regard to the items/resources listed above. The Mitigation Monitoring and Reporting Plan is included as an attachment to this Addendum (Attachment 1).

ⁱ Stanislaus County Planning Commission, Staff Report dated March 7, 2019.

ⁱⁱ Stanislaus County Planning Commission, Staff Report dated March 7, 2019. Page 62.

ⁱⁱⁱ Stanislaus County Planning Commission, Staff Report dated March 7, 2019. Page 62.





Central 40 , LLC

FOR PERMITTING PURPOSES ONLY.
NOT FOR CONSTRUCTION

STAMP

CONDITIONAL USE PERMIT (CUP)
NO. PLN2015-0081

APN: 028-007-020

STANISLAUS COUNTY, CA

REVISION/NOTES

ALL MEASUREMENTS AND DESIGNS
ARE NOT FINAL AND MAY BE
SUBJECT TO REVISION

PROJECT: SULLIVAN ROAD SOLAR PROJECT	
TITLE: LAYOUT DETAIL	
ENTITY: CENTRAL 40, LLC	
DRAWING NUMBER: 000-001	
SHEET: 3/3	DATE: 05/16/2019

Figure 2b Proposed Project Revisions

Attachment 6

Resolution No. 2019-0238

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Planning and Community Development

BOARD AGENDA: 8.2
AGENDA DATE: April 16, 2019

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of Williamson Act Cancellation and Use Permit Application No. PLN2015-0081, Sullivan Road Solar, Located East of Sullivan Road, and Bisected by Pete Miller Road, West of Interstate 5, in the Newman Area, and Adoption of a Mitigated Negative Declaration

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2019-0238

On motion of Supervisor DeMartini, Seconded by Supervisor Olsen,
and approved by the following vote.

Ayes: Supervisors: Olsen, Chiesa, Berryhill, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning and Community Development

BOARD AGENDA: 8.2
AGENDA DATE: April 16, 2019

CONSENT ☐

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of Williamson Act Cancellation and Use Permit Application No. PLN2015-0081, Sullivan Road Solar, Located East of Sullivan Road, and Bisected by Pete Miller Road, West of Interstate 5, in the Newman Area, and Adoption of a Mitigated Negative Declaration

STAFF RECOMMENDATION:

1. Conduct a public hearing to consider the Planning Commission's recommendation for approval of Williamson Act Cancellation and Use Permit Application No. PLN2015-0081 – Sullivan Road Solar, located east of Sullivan Road and bisected by Pete Miller Road, west of Interstate 5, in the Newman area.
2. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. Find that the amended and new mitigation measures, as discussed in the staff report and revised Mitigation Monitoring Plan, are equivalent to or more effective than the previous Mitigation Measures circulated with the Initial Study and that they, themselves, will not cause any potentially significant effect on the environment pursuant to CEQA guidelines section 15074.1.
4. Find, based on the discussion in this report and the whole of the record that:
 - (a) The cancellation is consistent with the purposes of the Williamson Act.
 - (b) The cancellation is for land on which a notice of nonrenewal has been served pursuant to California Government Code Section 51245.
 - (c) The cancellation is not likely to result in the removal of adjacent lands from agricultural use.

- (d) The cancellation is for an alternative use which is consistent with the applicable provisions of the county General Plan.
 - (e) The cancellation will not result in discontinuous patterns of urban development.
 - (f) There is no proximate non-contracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.
 - (g) The cancellation is in the public interest.
 - (h) Other public concerns substantially outweigh the objectives of the Williamson Act.
5. Accept the cancellation value of the subject property as \$684,000 as determined by the County Assessor.
 6. Certify to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12 ½% of the cancellation value, or a total of eighty-five thousand five hundred dollars (\$85,500).
 7. Approve the tentative cancellation of a portion of Williamson Act Contract No. 71-0101 subject to payment of the cancellation fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by state law.
 8. Direct the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action.
 9. Direct the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation (DOC).
 10. Find that:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- (b) The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
- (c) The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. "Most productive agricultural area" does not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities.

11. Approve Williamson Act Cancellation and Use Permit Application No. PLN2015-0081 – Sullivan Road Solar.

DISCUSSION:

This project is a request to construct a 40 megawatt (MW) solar facility on 214± acres of three parcels totaling 1,049± acres in the A-2-40 (General Agriculture) zoning district. In order to facilitate this project a Williamson Act Cancellation is being requested for parcels 028-015-001 (158.4± acres) and 028-007-020 (448.91± acres) which contain the solar arrays. A Williamson Act Cancellation was not pursued for project parcel 028-007-054 (442.16± acres) since the only improvement is the interconnection from the solar facility to the existing Miller Substation on a non-project parcel located at 6801 Pete Miller Road. Such facilities are permitted on Williamson Act contracted land under state law (see Attachment 1 – Planning Commission Staff Report, March 7, 2019). Primary project features would include an on-site 40 MW substation, interconnect yard, solar arrays, equipment pads, fencing, 20-foot wide graveled site access roads, temporary work areas, and interconnection improvements (e.g., inverters, transformer, electrical equipment, power poles and lines, and associated access and work areas). The remaining 835 acres on the three project parcels would remain as undeveloped, grazed lands. A detailed description of the project components is available in the Initial Study (see Attachment 1, Exhibit I – Initial Study [Revised]).

The project would operate for approximately 35 years, after which the facilities would be decommissioned and removed, and the project site reclaimed to grazing land. Decommissioning will include the removal of all project facilities.

Solar Facilities are unique in that actual construction of a facility is dependent on the finalization of Power Purchase Agreements (PPA) and land lease agreements before construction can begin. Condition of Approval No. 1 recognizes the unique timing of solar projects and allows development to occur anytime within five years of Use Permit approval (see Attachment 1, Exhibit C – Conditions of Approval). The application was submitted in 2015 and placed on hold following circulation of the Early Consultation to allow the applicant time to: partner with an environmental consultant to work with the California Department of Fish and Wildlife, conduct multi-seasonal (plant and

amphibian) studies, develop mitigation measures, and prepare the initial study. During this time the applicant also made significant progress through the PPA process. As such, the five years may not be needed for this specific application; however, staff is requesting its addition to the project for consistency with existing approved utility grade solar facilities and to provide the applicant additional time to address any unforeseen development delays.

The project site is located east of Sullivan Road and bisected by Pete Miller Road, west of Interstate 5, in the Newman area. The entire project site is enrolled in Williamson Act Contract No. 1971-0101. The site is comprised of grazing land and wetland features which will be avoided as a part of this project. Surrounding land uses include grazing land in all directions; the California Aqueduct and Highway 5 to the east; Garzas Creek and Merced County to the south; and rolling hills bordering the Diablo Range to the west. The California Aqueduct runs in a north-south alignment along the eastern side of the project site, with Interstate 5 about 0.5 mile further to the east. The Shell Oil Corporation operates a subsurface oil pipeline that traverses the site from north to south, parallel to the Pacific Gas and Electric (PG&E) high-voltage corridor.

Cancellation of the Williamson Act is required for approval of a Use Permit for a utility grade solar facility. In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make several findings as required by state law. Listed below are the findings required by California Government Code Section 51282 for tentative approval for cancellation of a contract:

1. That the cancellation is consistent with the purposes of the Williamson Act; or
2. That cancellation is in the public interest.

Stanislaus County has modified this action through language in the contract itself which states that both findings must be made.

Government Code Section 51282 further specifies that cancellation is consistent with the purposes of the Williamson Act only if the Board of Supervisors makes all of the following findings:

1. That the cancellation is for land on which a notice of non-renewal has been served pursuant to Government Code Section 51245.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.
3. That cancellation is for an alternative use which is consistent with the applicable provision of the city or county General Plan.
4. That cancellation will not result in discontinuous patterns of urban development.

5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

In addition, cancellation of a contract shall be in the public interest only if the Board of Supervisors makes the following findings:

1. That other public concerns substantially outweigh the objectives of the Williamson Act; and
2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

The applicant has provided written evidence to support the cancellation findings (see Attachment 1, Exhibit D – Applicant's Draft Williamson Act Findings). The necessary findings for approval can be made as the cancellation is consistent with the provisions of the Williamson Act as the land is considered to be marginal grazing land without an irrigation source. Removal of this portion of the property from contract is not expected to result in the removal of adjacent lands enrolled in the Williamson Act. Surrounding parcels are likewise used for grazing.

The project was referred to the Department of Conservation (DOC) as a part of the Early Consultation process. The DOC responded that a commercial solar facility did not meet the definition of an agricultural commodity or an open space use and, as such, was not consistent with the Principals of Compatibility. The DOC recommended that the contract be removed from the land. As a result, a Cancellation Request was added to this project, submitted directly to the DOC on December 20, 2018, and circulated with the project's Initial Study. The DOC responded via email that it appeared that the findings could be made and offered no further comments (see Attachment 1, Exhibit E – Department of Conservation Referral Response, dated December 8, 2015, and email dated January 29, 2019). A notice of non-renewal was filed for the two parcels totaling 607.31 acres on November 1, 2018, as a part of this project.

Prior to any action by the Board of Supervisors giving tentative approval to the cancellation of any contract, the Stanislaus County Assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction and shall certify to the Board of Supervisors the cancellation valuation of the land for the purpose of determining the cancellation fee. That fee shall be an amount equal to 12 ½% of the cancellation valuation of the property. The Stanislaus County Assessor's Office provided a response for each parcel and determined the current fair market value of the land, free of contractual restriction, to be a combined total of \$684,000. If approved, the applicant will pay a cancellation fee in the amount of \$85,500, based on the current fair market value of the land (see Attachment 1, Exhibit F – Assessor's Office Cancellation Valuation Letters, dated January 14, 2019).

On March 7, 2019 the Planning Commission held a public hearing to consider the application. No one spoke in opposition or in favor of the project. On an 8-0 vote, the Planning Commission recommended that the Board of Supervisors approve the request as proposed.

POLICY ISSUE:

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make the necessary findings as required by California Government Code Section 51282, the County's Williamson Act Uniform Rules, and the contract itself. The purpose of the Williamson Act cancellation is to allow for the approval of a Use Permit consistent with Stanislaus County's General Plan and Zoning Ordinance.

FISCAL IMPACT:

Cost associated with the public hearing, publishing required notices, and conducting the hearing are covered by the application fee paid by the applicant. The County will receive additional property tax revenue with the 607.31 acres not being enrolled in a Williamson Act Contract. Also, the applicant will pay a cancellation penalty of \$85,500 to the Department of Conservation.

BOARD OF SUPERVISORS' PRIORITY:

Approval of this action supports the Board of Supervisors' priority of *Efficient Delivery of Public Services* and *A Well Planned Infrastructure System* by considering a Williamson Act Cancellation request necessary to create parcels that are consistent with the Stanislaus County's General Plan and Zoning Ordinance.

STAFFING IMPACT:

Planning and Community Development Department staff is responsible for preparing all reports and attending meetings associated with the proposed Williamson Act Cancellation and Use Permit application.

CONTACT PERSON:

Angela Freitas, Planning & Community Development Director
Telephone: (209) 525-6330

ATTACHMENT(S):

1. Planning Commission Staff Report, March 7, 2019
2. Planning Commission Minutes Excerpt, March 7, 2019

STANISLAUS COUNTY PLANNING COMMISSION

March 7, 2019

STAFF REPORT

**WILLIAMSON ACT CANCELLATION AND USE PERMIT
APPLICATION NO. PLN2015-0081 – SULLIVAN ROAD SOLAR**

**REQUEST: TO CONSTRUCT A 40-MEGAWATT SOLAR FACILITY ON 214± ACRES OF
THREE PARCELS TOTALING 1,049± ACRES**

APPLICATION INFORMATION

Applicant:	Soon Kwon, Central 40, LLC
Property owner:	Robert Houret Construction, Co.
Agent:	Steven Smith, AECOM
Location:	Approximately 0.5 miles west of Interstate 5 (I-5), north and west of Sullivan Road, and bisected by Pete Miller Road, in the Newman area.
Section, Township, Range:	7,8,9 & 18-8-8
Supervisorial District:	Five (Supervisor DeMartini)
Assessor's Parcel:	028-015-001, 028-007-020, 028-007-054
Referrals:	See Exhibit L Environmental Review Referrals
Area of Parcel(s):	1,049±
Water Supply:	Not Applicable
Sewage Disposal:	Not Applicable
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Not Applicable
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	1971-0101
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Grazing Land and Wetland Features
Surrounding Land Use:	Grazing land in all directions; California Aqueduct and Highway 5 to the east; Garzas Creek and Merced County to the south; and rolling hills to the west.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the Board of Supervisors approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to recommend approval of this project, Exhibit A provides an overview of all the findings required for project approval.

PROJECT DESCRIPTION

This project is a request to construct a 40-megawatt (MW) solar facility on 214± acres of three parcels totaling 1,049± acres in the A-2-40 (General Agriculture) zoning district. In order to facilitate this project a Williamson Act Cancellation is being requested for parcels 028-015-001 (158.4± acres) and 028-007-020 (448.91± acres) which contain the solar arrays. A Williamson Act Cancellation was not pursued for project parcel 028-007-054 (442.16± acres) since the only improvement is the interconnection (overhead transmission line and 115 kilovolt interconnect yard) from the solar facility to the existing Miller (electrical) Substation on a non-project parcel located at 6801 Pete Miller Road (see Exhibit B-7 – *Maps, Figure 3 - Project Components*). Primary project features would include an on-site 40 MW substation, interconnect yard, solar arrays, equipment pads, fencing, 20-foot wide graveled site access roads, temporary work areas, and interconnection improvements (e.g., inverters, transformer, electrical equipment, power poles and lines, and associated access and work areas). Project facilities would be enclosed with six-foot tall security fencing with a minimum five to six-inch gap clearance at its base to allow for the movement of San Joaquin Kit Fox. The remaining 835 acres on the three project parcels would remain as undeveloped, grazed lands. A detailed description of the project components is available in the Initial Study (see Exhibit I – *Initial Study [Revised]*).

Construction of the facility will require up to 40 construction crew members working during daylight hours, Monday through Friday. Upon completion of construction, the facility would be unmanned and monitored; with project operations and security-related monitoring occurring remotely. Site maintenance workers would access the project site approximately one to four times per year to clean the panels and maintain the equipment within the project area. Cleaning is anticipated to occur approximately two to four times per year via a self-contained wash machine. Panel wash water will be trucked in by a service provider utilizing an average of eight truckloads of water per cleaning event (see Exhibit G – *Letter from Autrey's Water Truck & Sweeper Service, Inc., dated January 3, 2019*).

The project would operate for approximately 35 years, after which the facilities would be decommissioned and removed, and the project site reclaimed to grazing land. Decommissioning will include the removal of all project facilities, including, but not limited to, access roads, fencing, structures, foundations, concrete pads, underground cabling, wires, conduits, solar panels, mounting systems, and support systems. All disturbed areas will be cleaned up, materials will be removed, and the areas will be returned to their original condition. Disturbed areas including access roads, if not retained by the land owner, will be re-contoured using native soils and reseeded using a mix of appropriate native plant species, consistent with existing conditions identified during botanical surveys and future livestock grazing activities (e.g., the reseed mix would include grazing grasses). The property would be returned to grazing land for agricultural use.

Solar Facilities are unique in that actual construction of a facility is dependent on the finalization of Power Purchase Agreements and land lease agreements before construction can begin. Condition of Approval No. 1 recognizes the unique timing of solar projects and allows development to occur anytime within five years of Use Permit approval (see Exhibit C – *Conditions of Approval*).

SITE DESCRIPTION

The project site is located east of Sullivan Road and bisected by Pete Miller Road, west of Interstate 5, in the Newman area. The site is comprised of grazing land and wetland features which will be avoided as a part of this project.

Surrounding land uses include grazing land in all directions; the California Aqueduct and Highway 5 to the east; Garzas Creek and Merced County to the south; and rolling hills bordering the Diablo Range to the west. The California Aqueduct runs in a north-south alignment along the eastern side of the project site, with I-5 about 0.5 mile further to the east. The Shell Oil Corporation operates a subsurface oil pipeline that traverses the site from north to south, parallel to the Pacific Gas and Electric (PG&E) high-voltage corridor. The project area is sparsely populated and there are no residential structures proximate to the proposed project facilities; the nearest residence is approximately 0.25 mile to the south.

ISSUES

No issues have been identified as a part of this request. Standard conditions of approval, along with the mitigation measures discussed in the "Environmental Review" section of this report, have been added to this project.

WILLIAMSON ACT CANCELLATION

The project site includes three parcels enrolled in Williamson Act Contract No. 71-0101; however, a Williamson Act Cancellation is only being requested for parcels 028-015-001 (158.4± acres) and 028-007-020 (448.91± acres) which contain the solar arrays. A Cancellation was not pursued for project parcel 028-007-054 (442.16± acres) since the only improvement is the interconnection (overhead transmission line and 115 kilovolt interconnect yard) from the solar facility to the existing Miller (electrical) Substation on a non-project parcel located at 6801 Pete Miller Road. Such facilities are permitted on Williamson Act contracted land under State law. A notice of non-renewal was filed for the two parcels totaling 607.31 acres on November 1, 2018, as a part of this project.

Prior to any action by the Board of Supervisors giving tentative approval to the cancellation of any contract, the Stanislaus County Assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction and shall certify to the Board of Supervisors the cancellation valuation of the land for the purpose of determining the cancellation fee. That fee shall be an amount equal to 12 ½% of the cancellation valuation of the property. The Stanislaus County Assessor's Office provided a response for each parcel and determined the current fair market value of the land, free of contractual restriction, to be a combined total of \$684,000. If approved, the applicant will pay a cancellation fee in the amount of \$85,500, based on the current fair market value of the land (see Exhibit F – *Assessor's Office Cancellation Valuation Letters, dated January 14, 2019*).

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make several findings as required by state law. Listed below are the findings required by California Government Code Section 51282 for tentative approval for cancellation of a contract:

1. That the cancellation is consistent with the purposes of the Williamson Act; or
2. That cancellation is in the public interest.

Stanislaus County has modified this action through language in the contract itself which states that both findings must be made.

Government Code Section 51282 further specifies that cancellation is consistent with the purposes of the Williamson Act only if the Board of Supervisors makes all of the following findings:

1. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Government Code Section 51245.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.
3. That cancellation is for an alternative use which is consistent with the applicable provision of the city or county General Plan.
4. That cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

In addition, cancellation of a contract shall be in the public interest only if the Board of Supervisors makes the following findings:

1. That other public concerns substantially outweigh the objectives of the Williamson Act; and
2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

The applicant has provided written evidence to support the cancellation findings (see Exhibit D – *Applicant's Draft Williamson Act Findings*). The necessary findings for approval can be made as the cancellation is consistent with the provisions of the Williamson Act as the land is considered to be marginal grazing land without an irrigation source. Removal of this portion of the property from contract is not expected to result in the removal of adjacent lands enrolled in the Williamson Act. Surrounding parcels are likewise used for grazing.

The project was referred to the Department of Conservation (DOC) as a part of the Early Consultation process. The DOC responded that a commercial solar facility did not meet the definition of an agricultural commodity or an open space use and, as such, was not consistent with the Principals of Compatibility. The DOC recommended that the contract be removed from the land. As a result, a Cancellation Request was added to this project, submitted directly to the DOC on December 20, 2018, and circulated with the project's Initial Study. The DOC responded

via email that it appeared that the findings could be made and offered no further comments (see Exhibit E – *Department of Conservation Referral Response, dated December 8, 2015, and email dated January 29, 2019*).

GENERAL PLAN CONSISTENCY

The site is currently designated "Agriculture" in the Stanislaus County General Plan. The Agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

The establishment of utilities in the A-2 zoning district is primarily supported by the Conservation/Open Space Element and the Agricultural Element of the County General Plan. The Conservation/Open Space Element encourages alternative energy sources provided that they do not conflict with surrounding land uses. The Agricultural Element, specifically Policy 2.5, Implementation Measure 3, encourages the development of alternative energy sources on lands located outside of the County's "Most Productive Agricultural Areas." Grazing lands located west of I-5 are generally not considered to be "Most Productive Agricultural Areas." Per the Agricultural Element, until the term "Most Productive Agricultural Areas" is defined on a countywide basis, the term will be determined on a case-by-case basis when a proposal is made for the conversion of agricultural land. Factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the local economy.

The Stanislaus County Agricultural Element incorporates guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses.

Appendix A of these guidelines states that all projects shall incorporate a minimum 150-foot wide buffer setback. Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low-people intensive uses. Walking and bike trails shall be allowed within buffer setback areas provided they are designed without rest areas. The project proposes a minimum setback from solar array to neighboring property line of 92 to 135 feet. However, utilities such as solar arrays are permitted in the required setback and, as such, the project as proposed complies with Appendix A – Buffer and Setback Guidelines.

After construction of the facility, the site will be unmanned and monitored remotely. Maintenance and security workers will be dispatched as needed for repairs and quarterly cleaning of the solar panels. Nothing in the record indicates that this project would conflict with surrounding land uses. The proposed use is consistent with the General Plan.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned A-2-40 (General Agriculture). Public utilities are permitted in the A-2 zoning district upon approval of a Use Permit as a Tier Three use. Tier Three uses are defined as uses not directly related to agriculture, but may be necessary to serve the A-2 district or may be difficult to locate in an urban area. Some Tier Three uses can be people-intensive and, as a result, have the potential to adversely impact agriculture. Tier Three uses may be allowed when the Planning Commission finds that:

1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. "Most productive agricultural area" does not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities.

The site is not located within any LAFCO adopted Spheres of Influence and is designated as "Grazing Land" by the State Department of Conservation Farmland Mapping and Monitoring Program. Based on the site's "Grazing Land" designation, unavailability of irrigation water (via well or irrigation district), and surrounding uses, the site does not meet the County's definition of "Most Productive Agricultural Area."

Like Use Permit 2010-09 - Scatec Westside Solar Ranch (a 50 MW solar facility located at 24776 Davis Road, in the Crows Landing area), Use Permit 2011-10 - McHenry Solar Farm (a 25 MW solar facility located at 221 Patterson Road, in the Modesto/Riverbank area), Use Permit 2010-03 - Fink Road Solar Farm (an 80-100 MW solar facility located at 4881 Fink Road, in the Crows Landing area), and Use Permit 2011-11 Beltran Ranch Solar Facility (a 140 MW solar facility located at 24776 Davis Road, in the Crows Landing area, and on the same project site as Scatec Westside Solar Ranch), the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. The property will be graded; however, none of the topsoil will be removed from the site as a part of this project. Vegetation maintenance will occur through the grazing of sheep. A condition of approval has been added to this project requiring the site be reclaimed to agriculture at the end of solar use (see Exhibit C - *Conditions of Approval*).

The project's solar equipment has a life span of 35 years. When the solar facility is no longer functional, the equipment will be removed and the land returned to agricultural use (see Exhibit C - *Conditions of Approval*). All phases of the solar facility will be constructed on grazing land.

Finally, there is no indication that operation of the solar facility will conflict with the existing on-site agricultural use or the remaining acreage or agricultural uses in the area. As such, all of the aforementioned findings can be made by the Planning Commission and Board of Supervisors.

In addition, the following finding is required for approval of any Use Permit in the A-2 zoning district:

- The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

As discussed earlier, this project is consistent with the General Plan. There is no indication that the proposed project will be detrimental to the health, safety, and general welfare of the citizens of this County or detrimental to property and improvements in the area, as each impact associated with the project was identified in the Initial Study and mitigated to a level of less than significant as discussed in the Environmental Review section of this report.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review (see Exhibit L - *Environmental Review Referrals*). The project incorporates mitigation measures to address biological resources, cultural resources, hazards and hazardous materials, and mandatory findings of significance as a means of limiting any potential project impacts to a level of less than significant. A Mitigated Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit K - *Mitigated Negative Declaration*). Mitigation measures are reflected as conditions of approval placed on the project (see Exhibit C - *Conditions of Approval*).

A Habitat assessment, Wetland Delineation, and Cultural Resources report were prepared for this project and circulated with the Initial Study. The applicant, and their environmental consultant (AECOM) worked with the California Department of Fish and Wildlife (CDFW) to draft mitigation measures that would mitigate impacts to biological resources to less than significant. In a referral response dated January 4, 2019, CDFW requested modifications to the Biological Resources section of the circulated Initial Study and the associated biological mitigation measures to ensure that the mitigation measures are effective and enforceable (see Exhibit H - *California Department of Fish and Wildlife Referral Response, dated January 4, 2019*, and Exhibit I - *Initial Study [Revised]*).

Upon review of the January 4, 2019, CDFW letter, County staff and the applicant requested additional changes to the biological mitigation measures. These changes were prepared by AECOM and shared with CDFW staff, who raised no objections. Modifications included: text clean-up for greater clarity, enforceable triggers, and designating CDFW and the United States Fish and Wildlife Service (USFWS) as the enforcing agency for biological mitigation measures instead of the County (see Exhibit C - *Conditions of Approval*).

Mitigation measures focusing on avoidance of wetland features and associated resources (plant and animal species) have been added to this project. Additionally, the applicant is working with CDFW and USFWS on a wetland delineation in order to avoid impacts to wetlands and on Incidental Take Permits should avoidance not be possible.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project;

therefore, the applicant will further be required to pay \$2,411.75 for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Rachel Wyse, Senior Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Applicant's Draft Williamson Act Findings
- Exhibit E - Department of Conservation Referral Response, dated December 8, 2015, and email dated January 29, 2019
- Exhibit F - Assessor's Office Cancellation Valuation Letters, dated January 14, 2019
- Exhibit G - Letter from Autrey's Water Truck & Sweeper Service, Inc., dated January 3, 2019
- Exhibit H - California Department of Fish and Wildlife Referral Response, dated January 4, 2019
- Exhibit I - Initial Study [Revised]
- Exhibit J - Mitigation Monitoring and Reporting Program [Revised]
- Exhibit K - Mitigated Negative Declaration
- Exhibit L - Environmental Review Referral

I:\PLANNING\STAFF REPORTS\UP\2015\UP PLN2015-0081 - SULLIVAN ROAD SOLAR\PLANNING COMMISSION\MARCH 7, 2019\STAFF REPORT_SULLIVAN.DOCX

Findings and Actions Required for Project Approval

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Find that the amended and new mitigation measures, as discussed in the staff report and revised Mitigation Monitoring Plan, are equivalent to or more effective than the previous Mitigation Measures circulated with the Initial Study and that they, themselves, will not cause any potentially significant effect on the environment pursuant to CEQA guidelines section 15074.1.
3. Find, based on the discussion in this report and the whole of the record that:
 - a. The cancellation is consistent with the purposes of the Williamson Act.
 - b. The cancellation is for land on which a notice of nonrenewal has been served pursuant to California Government Code Section 51245.
 - c. The cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - d. The cancellation is for an alternative use which is consistent with the applicable provisions of the county General Plan.
 - e. The cancellation will not result in discontinuous patterns of urban development.
 - f. There is no proximate non-contracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.
 - g. The cancellation is in the public interest.
 - h. Other public concerns substantially outweigh the objectives of the Williamson Act.
5. Accept the cancellation value of the subject property as \$684,000 as determined by the County Assessor.
6. Certify to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12 ½% of the cancellation value, or a total of eighty-five thousand five hundred dollars (\$85,500).
7. Approve the tentative cancellation of a portion of Williamson Act Contract No. 71-0101 subject to payment of the cancellation fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State law.
8. Direct the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action.

9. Direct the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation (DOC).
10. Find That:
 - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - b. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 - c. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. "Most productive agricultural area" does not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities.
11. Approve Williamson Act Cancellation and Use Permit Application No. PLN2015-0081 – Sullivan Road Solar.

Attachment 7

Sullivan Road Solar Use Permit Notice of Determination



2019 APR 17 PM 12:00

STANISLAUS CO. CLERK/RECORDER
ASHIKA NARAYAN

NOTICE OF DETERMINATION

Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Williamson Act Cancellation & Use Permit Application No. PLN2015-0081 – Sullivan Road Solar.

Applicant Information: Soon Kwon, Central 40, LLC, 5301 E. Slauson Avenue, Suite 200, Commerce, CA 90040.

Project Location: Approximately 0.5 miles west of Interstate 5 (I-5), north and west of Sullivan Road, and bisected by Pete Miller Road, in the Newman area. Stanislaus County. APN(s): 7, 8, 9, & 18-8-8.

Description of Project: Request to construct a 40-megawatt solar facility, on 214± acres of three parcels, totaling 1,049± acres.

Name of Agency Approving Project: Stanislaus County Board of Supervisors

Lead Agency Contact Person: Rachel Wyse, Senior Planner

Telephone: (209) 525-6330

This is to advise that the Stanislaus County **Board of Supervisors**, on **April 16, 2019**, has approved the above described project and has made the following determinations regarding the above described project:

1. The project **will not** have a significant effect on the environment.
2. A **Mitigated Negative Declaration** was prepared for this project pursuant to the provisions of CEQA.

The **Mitigated Negative Declaration** and record of project approval may be examined at:
Stanislaus County Department of Planning and Community Development
1010 10th Street, Suite 3400
Modesto, California 95354

3. Mitigation measures **were** made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan **was** adopted for this project.
5. A statement of Overriding Considerations **was not** adopted for this project.
6. Findings **were** made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public @ <http://www.stancounty.com/planning/pl/agenda-min.shtml>

April 17, 2019
Dated

Rachel Wyse
Senior Planner



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

Print

Start Over

Finalize & Email

RECEIPT NUMBER:

50 — 2019 — 075

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

Stanislaus County Board of Supervisor

LEAD AGENCY EMAIL

DATE

04/17/2019

COUNTY/STATE AGENCY OF FILING

Stanislaus

DOCUMENT NUMBER

2019-075

PROJECT TITLE

Williamson Act Cancellation & Use Permit Application No. PLN2015-0081 - Sullivan Road Solar

PROJECT APPLICANT NAME

Soon Kwon

PROJECT APPLICANT EMAIL

PHONE NUMBER

(209) 525-6330

PROJECT APPLICANT ADDRESS

5301 E. Slauson Avenue Suite 200

CITY

Commerce

STATE

CA

ZIP CODE

90040

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency

☐ School District

☐ Other Special District

☐ State Agency

☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)

\$3,271.00

\$

0.00

☐ Mitigated/Negative Declaration (MND)(ND)

\$2,354.75

\$

0.00

☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW

\$1,112.00

\$

0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00

\$

0.00

☒ County documentary handling fee

\$

57.00

☐ Other

\$

PAYMENT METHOD:

☐ Cash

☐ Credit

☒ Check

☐ Other

TOTAL RECEIVED

\$

57.00

SIGNATURE

X 

AGENCY OF FILING PRINTED NAME AND TITLE

Ashika Narayan, Legal Clerk



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- ☐ Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- ☐ Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- ☐ Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))

- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
Accounting Services Branch
P.O. Box 944209
Sacramento, California 94244-2090

Attachment 8

CDFW Notice of Determination

To:

☒ Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street
Sacramento, CA 95814

From:

California Department of Fish and Wildlife (CDFW)
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
Contact: Lisa Gymer
Phone: (559) 243-4014, extension 238

Lead Agency
Stanislaus County, Attn: Department of Planning and
Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
Contact: Rachel Wyse, Senior Planner
Phone: (209) 525-6330

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108

State Clearinghouse Number: 2015122003

Project Title: Sullivan Road Solar Project (California Endangered Species Act Incidental Take Permit No. 2081-2018-004-04 (ITP))

Project Location: The Project is located west of Interstate 5, south of Pete Miller Road and north of Sullivan Road, approximately 6 miles west of the community of Gustine in an unincorporated area of Stanislaus County, California.

Project Description: This proposed Project involves the construction, operation, and decommissioning of a 40-megawatt photovoltaic solar power generating facility. The Project is composed of an approximately 214-acre solar site, including access road improvements and construction of an overhead transmission line.

The Project will result in permanent and temporary impacts to 214 acres of California tiger salamander (*Ambystoma californiense*), San Joaquin kit fox (*Vulpes macrotis mutica*) and Swainson's hawk (*Buteo swainsoni*) habitat. The Project is expected to result in incidental take of California tiger salamander, San Joaquin kit fox and Swainson's hawk, which are designated as threatened species under the California Endangered Species Act. The ITP referenced above, as reissued by CDFW to update Permittee contact information, authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

This is to advise that CDFW, acting as ☐ the lead agency / ☒ a responsible agency] approved the above-described project on 10/16/19 and made the following determinations regarding the above described project:

1. The project ☐ will / ☒ will not] have a significant effect on the environment (This determination is limited to effects within CDFW's permitting jurisdiction as a responsible agency).
 2. ☐ An environmental impact report / ☒ A mitigated negative declaration] was prepared by the lead agency for the original project.
 3. Additional mitigation measures ☒ were / ☐ were not] made a condition of CDFW's approval of the project.
 4. A mitigation reporting or monitoring plan ☒ was / ☐ was not] adopted by CDFW for this project.
 5. A Statement of Overriding Considerations ☐ was / ☒ was not] adopted by CDFW for this project.
 6. Findings ☐ were / ☒ were not] made by CDFW pursuant to Public Resources Code § 21081(a). CDFW did, however, adopt findings to document its compliance with CEQA.
 7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
☐ Payment is submitted with this notice.
☒ A copy of a receipt showing prior payment was submitted to CDFW.
- ☒ Responsible Agency statement: The mitigated negative declaration prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

Signature



Date:

10/16/19

Julie A. Vance, Regional Manager

Governor's Office of Planning & Research

Date Received for filing at OPR:

OCT 17 2019

Attachment 9

Conditions of Approval and Mitigation Measures (Attachment D to the Project Use Permit)

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

WILLIAMSON ACT CANCELLATION AND USE PERMIT APPLICATION NO. PLN2015-0081- SULLIVAN ROAD SOLAR

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. Construction of the initial phase of this project shall be allowed to begin within five years of project approval, provided it can be demonstrated that efforts to secure a Power Purchase Agreement and necessary building permits have been on-going.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2411.75**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. Prior to issuance of any building permit, a photometric lighting plan shall be submitted for review and approval by the Planning Department. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of the lighting fixtures should not exceed 15 feet above grade.
5. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a

- qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
- 6 Fences and landscaping adjacent to roadways shall be in compliance with County policies regarding setbacks, visibility, and obstructions along roadways.
 - 7 A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
 - 8 As outlined in the Mitigation Monitoring Plan, the following environmental commitments shall be implemented as a part of this project:
 - A The project applicant will provide basic information to ensure that a reliable source of water can serve the project in normal and drought years during the project's life. The project applicant will prepare a Water Demand and Supply Plan that will document a reliable source of water.
 - B The project applicant will prepare a Decommissioning Plan that will ensure that the project site is restored to pre-project conditions, including on-site surface waters, at the end of the project's life.
 - C The project applicant will implement all other Mitigation Measures set forth in this document as part of the project.
 - 9 The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
 - 10 The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
 - 11 Building permits are required and the project must comply with the California Code of Regulations, Title 24.
 - 12 At the end of project life, all solar equipment, appurtenant structures, and concrete footings shall be removed from the property and recycled, if applicable. Solar sites shall be re-vegetated and reclaimed to agriculture. Soil remediation shall be incorporated if necessary.
 - 13 The project applicant/developer/operator shall obtain a street address within the unincorporated portion of Stanislaus County for acquisition, purchasing, and billing purposes; register this address with the State Board of Equalization (BOE) to file Use Tax Returns; and use this address for acquisition, purchasing, and billing purposes associated

with the proposed project. A copy of the BOE registration, including the account number and subsequent Use Tax Returns, shall be provided to the Planning Department within ten days of a written request.

Department of Public Works

14. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted with any building permit that will create a larger or smaller building footprint for the site or prior to the installation of any solar array on the site. The grading and drainage plan shall consider the runoff from the solar arrays. The grading and drainage plan shall include the following information:
 - A. The plan shall contain drainage calculations and enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - B. The plan shall include all grading for access to the inverters from a County maintained roadway.
 - C. All direct runoff shall be directed in a way to not conflict with any mitigation measure(s) found in the Habitat Assessment report prepared by Jane Valerius Environmental Consulting on August 27, 2015.
 - D. The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the projects Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
 - E. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
 - F. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.
15. No parking, loading, or unloading of vehicles is permitted within the Sullivan Road or Pete Miller private access easements or public roadways. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County in the public roadway.

Stanislaus County Fire Prevention Bureau

16. This project is located in the State Responsible Area - Fire Severity Hazard Zone and therefore must comply with the standards for that area.

17. Defensible space around the project shall be maintained and comply with the California Public Resources Code.
18. A vegetation management program for the site is required.
19. An emergency electrical disconnect for the solar panels shall be available to the fire department.
20. An adequate fire protection water supply shall be established and maintained. A maintenance program shall be approved by the WSCFPD.
21. All gates to this project shall comply with the West Stanislaus Fire District's lock box/pad lock standards.
22. A perimeter road with adequate cross roads built to State and County fire apparatus standards shall be installed and maintained prior to construction of the solar facility.
23. Construct electrical infrastructure to latest California P.U.C. and Avian Protection Standards.
24. Consult with CAL FIRE prior to construction for access road and fire safe building standards.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

25. Prior to issuance of the first building permit, the project developer shall submit an Air Impact Assessment (AIA) application to SJVAPCD and pay all applicable fees in compliance with District Rule 9510 (Indirect Source Review).

California Regional Water Quality Control Board (RWQCB)

26. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if any of the following are required: Antidegradation Considerations; a Construction Storm Water General Permit; a Storm Water Pollution Prevention Plan; a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit; an Industrial Storm Water General Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; or Waste Discharge Requirements (WDR), Discharges to Waters of the State; a Dewatering Permit, Regulatory Compliance for Commercially Irrigated Agriculture; Limited Threat General National Pollutant Discharge Elimination System (NPDES) Permit, and a NPDES Permit. If a Storm Water Pollution Prevention Plan is required, it shall be completed prior to construction and a copy shall be submitted to the Stanislaus County Department of Public Works.

Department of Water Resources

27. The two access roads cross the California Aqueduct to the east of the Project via Sullivan Road Bridge and Pete Miller Bridge which are owned by the California Department of Water Resources (DWR). The applicant of the Project shall seek DWR approval if the

bridges are to be used as a transport route for overweight or oversized vehicles. Any construction activity that affects DWR's right of way may require an encroachment permit from DWR.

Caltrans

28. Any STAA truck exiting at Interstate-5 or State Route-140 will require an encroachment permit. This interchange is not a STAA Terminal Access point. Applicants must complete a Standard Encroachment Permit Application (TR-0100), attach supporting documentation such as: plans, location map, environmental documentation, letter of authorization, surety bonds, liability insurance, any applicable fees, etc. and submit them to the District 10 Encroachment Permits Office.

MITIGATION MEASURES

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:

- 1) Hold a public hearing to consider the project; and**
- 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)**

29. **BIO-1,** The project Biologist or designee will prepare and implement an Environmental Awareness Training session for all Project-related personnel who will be at the project site. Training will be given prior to being allowed onto the project site and a refresher course will be given annually for the life of the Project. Training materials will include the following: discussion of the ESA, CESA, the Migratory Bird Treaty Act, and the CWA; the consequences and penalties for violation or noncompliance with these laws and regulations and project permits; identification and value of special-status plants, special-status wildlife, and jurisdictional waters and explanations about their value; hazardous substance spill prevention and containment measures; the contact person in the event of the discovery of a dead or injured wildlife species; and review of mitigation measures. In the training, project timing in relation to species' habitat and species' life-stage requirements will be detailed and discussed on project maps, which will show areas of planned minimization and avoidance measures.

A fact sheet conveying this information will be prepared by the project Biologist or designee for distribution to the project workers and others who enter the project footprint. On completion of the training, project workers will sign a form stating that they attended the training, understand the information presented, and will comply with the training requirements. Workers will be informed during the training that, except when necessary as determined in consultation with the project Biologist, travel in the marked project site will be restricted to established roads. Established roads include all pre-existing and project-constructed unimproved and improved roads.

30. **BIO-2**, During project implementation, CS Solar will ensure that:
- A. The number and size of access routes and staging areas and the total area of the disturbance will be limited to the minimum necessary to achieve the project's purpose and goals.
 - B. Before work begins, the contractor will clearly delineate (e.g., stake, fence, or flag) the disturbance boundaries and prohibit any off-road traffic outside of these boundaries.
 - C. The contractor will confine all equipment to ~~designated~~ work zones (including access roads and staging areas) in the project footprint.
 - D. Vehicle equipment maintenance or fuelling will occur in designated staging areas at least 100 feet from identified aquatic habitats. Prior to initiating any onsite work, the contractors for CS Solar will prepare a Hazardous Material Spill Prevention, Control, and Countermeasure Plan. This plan will minimize the potential for, and the effects of, spills of hazardous, toxic, or petroleum substances. CS Solar will review and approve the plan before ground-disturbing work begins.
 - E. Project personnel will be instructed to exercise caution when commuting within special-status species habitats in the project footprint. A 15-mile-per-hour speed limit will be observed on all unpaved access roads in the project site.
 - F. The contractor will provide closed garbage containers for the disposal of food-related trash items (e.g., wrappers, cans, bottles, or food scraps). Garbage will be removed daily from the project area. Project personnel will not feed or otherwise attract wildlife to the project footprint.
 - G. No pets will be allowed in the project footprint.
 - H. The project workers shall not have firearms on the project site. This shall not apply to authorized security personnel, or local, state, or federal law enforcement officials.
 - I. To minimize disturbance of nocturnal and/or crepuscular wildlife, work will begin no sooner than 15 minutes after sunrise and will cease no later than 15 minutes before sunset, where feasible; and while complying with the County Noise Ordinance, which permits construction activity from 7 a.m. to 7 p.m.
 - J. All fencing, flagging, debris, trash, and materials from work areas and access roads will be removed following completion of project activities each season.
 - K. Biodegradable erosion control measures will be used whenever possible. Synthetic erosion control material, including monofilament and plastics, will not be used.

- L All project contractors must take measures to minimize fugitive dust and dirt emissions resulting from the project activities and implement measures to minimize any project effects on nearby aquatic and other sensitive habitats.
31. **BIO-3,** The following weed control measures will be implemented to reduce the introduction of invasive weeds, thereby reducing project-related impacts on habitat for special-status plant or wildlife species.
- A. All equipment will be cleaned using a broom or similar device before it arrives on site so that it is free of soil, seeds, and plant parts.
 - B. Imported fill material will be free from vegetation and plant material
 - C. Erosion control materials will be weed free.
32. **BIO-4,** Exclusion fencing will be used to establish nondisturbance exclusion zones to restrict project equipment and personnel from sensitive areas or restrict special-status wildlife species from entering the project footprint. Sensitive areas will include known populations of special-status plants, seasonal wetlands, and habitats that may support special-status wildlife species, such as small mammal burrows and burrow complexes or active San Joaquin kit fox dens. The nondisturbance zones will be determined through consultation and permitting with the various natural resources regulatory agencies.
- Demarcation and exclusion fencing shall be of a material allowed by and shall be installed according to the Incidental Take Permits (ITP) issued by CDFW and/or United States Fish and Wildlife Service (USFWS). Demarcation and exclusion fencing will be identified and depicted on the project plans and delineated in the field by the biologist. The contractor will ensure that all sensitive areas are off-limits to project personnel and equipment. Species-appropriate wildlife exclusion fencing will be located and installed as specified in the permits issued for the project by CDFW and USFWS.
- Exclusion fencing will be inspected on a weekly basis for signs of tears, sagging, or other damage, and any such damage will be repaired immediately.
33. **BIO-5,** The developer shall apply CDFW's "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CNRA, 2009) to determine the presence or infer the absence of special-status plants in and near the project site, to evaluate potential impacts, and to design ways to mitigate project impacts. If state-listed plants are detected during surveys, they shall be protected with a 50-foot no disturbance buffer and the developer shall consult with the CDFW to discuss the potential for "take" under CESA. If other special status plant species are detected on the project site, each individual or local population shall be protected by a minimum no-disturbance buffer of 50 feet that will be delineated on the ground using construction fencing, flagging or other highly visible material. If a 50-foot buffer around special-status plants is not feasible, the project applicant will implement the applicable compensatory mitigation measures provided for in Mitigation Measure BIO-6.
34. **BIO-6,** If special-status plant species are found on the project site, then the project applicant shall prepare a mitigation plan that describes the avoidance or compensatory

mitigation measures that would be implemented for these populations prior to the start of ground disturbing activities. As a performance standard, the plan shall provide for no net loss in the quantity or quality of plant populations. The mitigation plan shall be submitted to the USFWS and/or CDFW for approval for federal and state-listed plants, respectively, and to CDFW for approval for all other special-status plant species. The mitigation plan shall include the mitigation measures, which are adopted from the CNPS Policy on Mitigation Guidelines Regarding Impacts to Rare, Threatened and Endangered Plants (CNPS, 1998), or equally effective alternative measures:

- A. Compensatory mitigation shall include replanting on site or propagation of plants at a nearby conservation site through seeding or translocation. Mitigation ratios shall be sufficient to achieve performance criteria of no net loss of plants. Post-project monitoring shall verify that avoidance and mitigation measures are successful.
- B. If mitigation for impacts to special-status plants occurs at a nonbank site, preference would be given to locating the mitigation site in an area as close to the project site as possible. If mitigation sites are not available in the vicinity of the project site, mitigation for listed plants may be accomplished at a suitable site in Stanislaus County that supports the impacted plant population.
- C. A long-term mitigation, monitoring, and management plan shall be developed for plant mitigation and submitted to the USFWS and/or CDFW for review prior to initiation of construction activities. Mitigation sites shall be monitored for 5 years after installation. Depending on the actual case-by-case circumstances, special-status plants in the Project footprint may be salvaged and/or transplanted to a mitigation site approved by the CDFW and/or USFWS. When feasible, seed from plants unavoidably impacted shall be collected and preserved for planting on an approved mitigation site.

Compensatory mitigation shall be completed prior to the start of ground-disturbing activities or within 18 months of starting the project if financial security in a form approved by CDFW and/or USFWS is posted prior to the start of ground-disturbing activities. If compensatory mitigation is not fulfilled by a CDFW and/or USFWS approved bank, then the project applicant shall obtain lands and/or place lands under a conservation easement, prepare a long-term management plan that includes monitoring and management actions to ensure the survival of special-status plants in perpetuity, submit the plan to CDFW and/or USFWS for review and approval, and provide CDFW-approved funding for the long-term monitoring and management actions.

- 35. **BIO-7.** To the maximum extent practicable, impacts on shrimp habitat as a result of the proposed project will be avoided by redesigning the project away from the vernal pools and implementing the following measures, based on existing mitigation standards (USFWS, 1996).
 - A. Establish a 250-foot buffer from the outer edge of all hydric vegetation associated with vernal pools and vernal swales. Buffer reductions may be approved by a qualified biologist for all or portions of the site whenever reduced setbacks will

maintain the hydrology of the vernal pool and achieve the same or greater habitat values as would be achieved by the 250-foot buffer.

- B. In the event that construction cannot maintain a 250-foot buffer from vernal pool features, and stormwater runoff from the project area has the potential to enter vernal pool features, BMPs (such as installation of straw wattles or silt fencing) would be implemented to avoid these impacts.
- C. In the event that construction cannot maintain a 250-foot buffer from vernal pool features, and construction activities would result in impacts to the hydrology of the site that would in turn result in temporary or permanent impact to vernal pool features, compensatory mitigation for those impacts would be required. Mitigation for temporary or permanent impacts to vernal pool habitat would be coordinated through Section 7 consultation with the USFWS, and would ensure that no net loss of vernal pool habitat would occur.

36. **BIO-8, Stop Work Authority:** A qualified biologist(s) shall be granted the authority to stop any work that may result in the take of listed species. If the biologist(s) exercises this authority, the CDFW and the USFWS shall be notified by telephone and electronic mail within 1 working day.

- A. **Seasonal Restrictions:** Where feasible, project activities will be timed to occur during the dry season (nonbreeding season for California tiger salamander) (April 15 through October 15), to minimize potential effects to salamander breeding and dispersal.
- B. **Avoid Burrows:** Portions of the project footprint that are suitable refuge habitats for California tiger salamander (i.e., grasslands and other natural habitats within 1.24 miles of potential breeding sites) will be surveyed prior to initiating ground-disturbing activities, to identify burrows or other potential sites that might be occupied by this species. To the extent feasible, potentially occupied refugia burrows in the project footprint will be fenced and avoided for the duration of the activity at that location.
- C. **Preconstruction Surveys:** Within 24 hours prior to initial ground-disturbing activities, portions of the project footprint where potential California tiger salamander habitat has been identified will be surveyed for salamanders by a qualified biologist, to clear the site of salamanders moving above ground or taking refuge in burrow openings or under materials that could provide cover, such as boards, scrap metal, woody debris, or other materials.
- D. **Biological Monitoring:** A qualified biologist will be present during initial ground-disturbing activities, to monitor the removal of the top 12 inches of topsoil at all project locations. A qualified biologist shall be on call and available by phone during all subsequent ground-disturbing activities. If California tiger salamanders are discovered during the initial ground-disturbing activities, work will be stopped immediately and the biologist will contact CDFW and USFWS within 1 working day. The biologist, in consultation with CDFW and USFWS, will use adaptive management to modify project activities as necessary to avoid or minimize impacts to listed species.

- E. Relocation: If individual animals are observed, work at that location will be temporarily halted while the qualified biological monitor excavates the occupied burrow by hand, and the individual salamander is moved to a natural burrow within 0.25 mile of the construction site. CDFW will be notified if California tiger salamanders are found and relocated. Any listed amphibian will be released at the mouth of a suitable burrow and then observed until it has safely entered the burrow.
37. **BIO-9, Avoid and Minimize Impacts to Nesting Birds**
- A. Project activities should be conducted outside the nesting season, which occurs between approximately February 15 and August 15.
 - B. If starting (or restarting after a lapse in activities of 7 days or more) project activities between August 15 and February 15 is infeasible and project activities must occur in the nesting season, a pre-construction nesting bird (both passerine and raptor) survey of the grasslands shall be performed by a qualified biologist within 7 days of starting or restarting project activities. If no nesting birds are observed, no further action is required and project activities shall occur within 1 week of the survey to prevent "take" of individual birds that could begin nesting after the survey.
 - C. If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest until the young have fledged, as determined by a qualified biologist.
 - D. The radius of the required buffer zone can vary depending on the species, (i.e., 75 to 100 feet for passerines and 200 to 300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFW. A 500-foot buffer shall be established around tricolored blackbird colonies, if detected during nesting bird surveys.
 - E. To delineate the buffer zone around a nest, orange construction fencing shall be placed at the specified radius from the nest within which no machinery or workers shall intrude.
 - F. After the fencing is in place, there will be no restrictions on grading or construction activities outside the prescribed buffer zones unless a qualified biologist determines that such activities are impacting and may result in take of nesting birds. If the qualified biologist determines project activities are impacting nesting birds, all activities shall cease until the bird's behavior normalizes and the qualified biologist has established a new no-disturbance buffer zone at a distance determined by the qualified biologist to be sufficient to eliminate the threat of take of nesting birds, their young or eggs.
38. **BIO-10, Prior to construction protocol-level surveys for burrowing owl must be conducted during the nesting season (February 15 – August 31). If any owls and their burrows are found during the surveys, project redesign to avoid individuals and their burrows is recommended.**

The following is based on the 2012 CDFG Staff Report on Burrowing Owl and consists of avoiding individuals and establishing buffers around occupied burrows:

- A. A primary goal is to design and implement projects to seasonally and spatially avoid negative impacts and disturbances that could result in take of burrowing owls, nests, or eggs. Other avoidance measures shall include but not be limited to:
1. Avoid disturbing occupied burrows during the nesting period, from February 1 through August 31.
 2. Avoid impacting burrows occupied during the nonbreeding season by migratory or nonmigratory resident burrowing owls.
 3. Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs), disking, cultivation, and urban, industrial, or agricultural development.
 4. Develop and implement a worker awareness program to increase the onsite worker's recognition of and commitment to burrowing owl protection.
 5. Place visible markers near burrows to ensure that farm equipment and other machinery does not collapse burrows.
 6. Prohibit the use of rodenticides.
- B. The following table presents the recommended restricted activity dates and setback distances in meters by level of disturbance for burrowing owls and will be determined on a site-by-site basis in consultation with CDFW.

Burrowing Owl Buffer Zones around Nesting Sites per Season

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting Sites	April 1 through August 15	656 feet (200 meters)	1,640 feet (500 meters)	1,640 feet (500 meters)
Nesting Sites	August 16 through October 15	656 feet (200 meters)	656 feet (200 meters)	1,640 feet (500 meters)
Nesting Sites	October 16 through March 31	164 feet (50 meters)	328 feet (100 meters)	1,640 feet (500 meters)

If construction activities would occur closer than the recommended setback distances, a monitoring program approved by CDFW would be implemented so that burrowing owls would not be detrimentally affected. Other minimization measures would be implemented as appropriate to reduce the potential loss of burrowing owl forage and burrowing surrogates (e.g., ground squirrels), or manage the presence of burrowing owl predators. Possible minimization measures may include reducing livestock grazing rates and/or changing the timing or duration of grazing or vegetation management to maintain suitable habitat characteristics for burrowing owl foraging and nesting.

- C. Permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat shall be mitigated by permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and nonbreeding seasons) comparable to or better than that of the impact area and of an acreage sufficient to offset the loss or modification of occupied burrowing owl habitat on the Project site. Permanent conservation of replacement habitat shall be provided either through the acquisition of mitigation credits from a CDFW and/or USFWS-approved mitigation bank or permanent conservation provided by development and implementation of a CDFW and/or USFWS-approved plan for project-specific preservation of lands that meet the performance criteria outlined above. Any necessary compensatory mitigation shall be completed prior to the start of ground-disturbing activities or within 18 months of starting the project if financial security in a form approved by CDFW is posted prior to the start of ground-disturbing activities.
39. **BIO-11, For Swainson's hawk**, the pre-construction survey shall be extended to within 0.5 mile of the project area. If an active Swainson's hawk nest is found within 0.5 mile of the project site, the project proponent shall implement a 0.5 mile no-disturbance buffer around the nest until consultation with CDFW occurs, and appropriate avoidance measures are approved by CDFW in writing and are implemented to prevent take of the species.
40. **BIO-12, Avoid and Minimize Impacts to San Joaquin Kit Fox**
- A. The biologist(s) shall have the authority to stop any work that may result in the take of listed species. If the biologist(s) exercises this authority, the CDFW and the USFWS shall be notified by telephone and electronic mail within 1 working day.
 - B. To prevent inadvertent entrapment of kit foxes or other animals during the project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks, at least 12 inches in width, placed at a maximum 45 degree slope, and placed one every 25 feet or as required by ITPs issued by CDFW and/or USFWS. A qualified biologist shall inspect all uncovered or covered excavation three times per day (morning, midday, and evening) each day. Immediately before such holes or trenches are filled, they shall be thoroughly inspected by a qualified biologist for trapped animals. If an animal is found trapped, CDFW and USFWS shall be notified immediately and consulted regarding what steps must be taken to ensure the animal is not harmed.

- C. Prior to starting ground disturbing activities associated with construction, operation and maintenance or decommissioning, a qualified biologist shall survey the Project to detect the presence of SJKF. Surveys shall involve walking transects spaced 10-meters apart and adjusting for vegetation height and density for 100 percent visual coverage. Observations of individuals, sign of individuals and known or potential dens shall be mapped using GIS. All individuals and dens shall be avoided according to the USFWS 2011 "Standardized Recommendations for the Protection of the Endangered San Joaquin Kit Fox prior to or during Ground Disturbance." Occupied dens shall not be disturbed unless a passive relocation plan is developed and submitted to CDFW for review and written pre-approval.
41. **BIO-13, San Joaquin Kit Fox Passage**
- A. A 5- to 6-inch gap shall be provided at the bottom of all perimeter fencing. The mesh material shall be knuckled back to create a smooth edge. This will allow for kit fox passage.
 - B. The ground under and between the solar arrays post-project will be allowed to return to pre-project conditions (i.e., dominant cover of grasses and herbs) to maintain a natural habitat that could support kit fox prey. Vegetation height would be controlled by pulse grazing sheep or other means not hazardous to kit fox.
 - C. Management practices will avoid the use of rodenticides.
 - D. Project night lighting will be minimized so as to not illuminate open space areas.
42. **BIO-14, Prior to initiation of onsite project activities, a SWPPP will be prepared. CS Solar will ensure that the erosion control plans are implemented to prevent erosion, sedimentation, and the discharge of runoff that violates agency-specified water quality standards. Erosion and sediment control measures will include, but are not limited to, those outlined below.**
- A. Existing vegetation will be preserved, where feasible.
 - B. Access roads will be maintained throughout onsite project activities. Temporary roads and project footprint entrances will be stabilized, using nontoxic materials, to minimize tracking of mud and dirt.
 - C. Erosion and sedimentation controls will be tailored to the site and project.
 - D. Stockpiled soils will be protected from wind and rain.
 - E. Silt fences, mulches, hydro-mulches, fiber rolls, erosion control fabrics, and other necessary erosion control devices will be properly installed and maintained.
43. **BIO-15. Project activities will avoid or minimize direct and indirect impacts on wetlands and other waters of the United States by implementing the following measures:**

- A. Prior to ground-disturbing project activities, the project Biologist will identify wetlands and other waters for avoidance on or within 500 feet of the project footprint, based on final maps of the project footprint.
 - B. All wetlands and other waters identified for avoidance will be protected with a 250-foot no disturbance buffers that will be clearly marked in the field throughout the duration of project activities.
 - C. Erosion control measures will be installed at least 250 feet from sensitive aquatic habitat to prevent soil erosion and prevent sediment from entering these areas, wherever feasible. If maintenance of a 250-foot buffer between the ground-disturbing activities and the sensitive aquatic habitat is not feasible, erosion control measures will be installed at the greatest distance possible from the sensitive aquatic habitat. At a minimum, all erosion control measures placed 250-feet from the top of bank or outer edge of floodplain.
 - D. If the 250-foot buffer distance cannot be maintained, the project applicant will consult with the RWQCB and CDFW to determine whether any additional permits are required, and no work shall occur within the 250-foot buffers until necessary permits or written verification that no permits are necessary are obtained from RWQCB and CDFW.
44. **BIO-16**, Mitigate for Unavoidable Impacts to Wetlands and Other Waters of the United States: The Section 404 process shall be completed and the acreage of affected jurisdictional habitat shall be replaced and/or rehabilitated. The acreage of jurisdictional wetland affected shall be replaced on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by feasible methods agreeable to USACE.
45. **CUL-1**, If unanticipated prehistoric or historic-period archaeological resources are encountered during ground-disturbing activities, work shall be temporarily halted in the vicinity of the discovered materials until a qualified archaeologist has evaluated, recorded, and determined appropriate treatment of the resource, in consultation with the County. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with PRC §21083.2. Native American resources include chert or obsidian flakes, projectile points, mortars and pestles; and dark, friable soil containing shell and bone dietary debris, heat-affected rock, or human remains. Historic-period resources include stone or adobe foundations or walls; structures and remains with square (cut) nails; and refuse deposits or bottle dumps, often located in old wells or privies. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with PRC §21083.2 and §15126.4 of the CEQA Guidelines, with a preference for preservation in place. This measure would reduce the potential impact on archaeological resources to a less-than-significant level.
46. **CUL-2**, If unanticipated paleontological resources are encountered during ground-disturbing activities, work shall be temporarily halted in the vicinity of the discovered materials until a qualified paleontologist has evaluated, recorded, and determined appropriate treatment of the resource, in consultation with the County. If it is determined

that the proposed development could damage a unique paleontological resource, further mitigation shall be implemented.

47. **CUL-3**, If human remains are uncovered during ground-disturbing activities, the contractor and/or the project applicant shall immediately halt all work in the immediate vicinity of the discovered remains, and the Stanislaus County Coroner and a qualified archaeologist must be notified immediately to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery (California Health and Safety Code §7050.5(b)). If the coroner determines that the remains are those of a Native American, the coroner must contact the NAHC by telephone within 24 hours of making that determination (California Health and Safety Code §7050.5(c)). The NAHC must be contacted by the coroner so that a Most Likely Descendant (MLD) can be designated.
48. **HM-1**, Before construction begins, the project applicant shall require the construction contractor to identify a staging area where hazardous materials will be stored during construction. The staging area shall not be located in an undisturbed area. The contractor shall also be required to prepare an accidental spill prevention and response plan, which shall be reviewed and approved by the project applicant and the County, that identifies measures to prevent accidental spills from leaving the site and methods for responding to and cleaning up spills before neighboring properties are exposed to hazardous materials.
49. **HM-2**, Prior to construction activity, the construction contractor shall contact Underground Service Alert to identify the precise location of the existing Shell Oil Pipeline as it traverses the project site. No excavation or substantial ground-disturbing activity shall encroach upon the pipeline easement. Prior to issuance of the building permit, the project applicant or construction contractor shall provide the County with documentation confirming that all applicable easement conditions and safety measures from Shell Oil have been incorporated into the project design and construction methods.
50. **HM-3**, Prior to project approval, the project applicant will prepare a vegetation management plan that would demonstrate how growth of the project site grasses would be limited once grazing activity has ceased. Intended methods include the introduction of sheep grazing at the project site to maintain vegetation to conditions substantially similar to existing conditions, thereby limiting excessive fuel loading and associated fire hazards.
51. **HM-4**, The Applicant will implement or, as a contract specification, require its contractors to implement, the Project's Fire Prevention and Protection Plan. The plan will be updated as necessary during detailed design and construction and throughout the life of the Project. The plan includes the following measures.
 - A. Entrance gates, emergency accesses, and perimeter and maintenance roads will have the required width to allow firefighters and their equipment to access each site and move around easily.
 - B. Internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters shall be in good working order.

- C. Contractor will keep all construction sites and staging areas free of grass, brush, and other flammable materials.
- D. Personnel will be trained in the practices of the plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires.
- E. Work crews shall have fire-extinguishing equipment on hand, as well as means of communicating with Cal Fire and/or the West Stanislaus County Fire Department in the event of an emergency.
- F. Smoking will be prohibited while operating equipment and shall be limited to paved or graveled areas or areas cleared of all vegetation. Smoking will be prohibited within 30 feet of any combustible material storage area (including fuels, gases, and solvents).

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

Attachment 10

State Clearinghouse and Planning Unit Letter



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

RECEIVED
JAN 24 2019
STANISLAUS CO. PLANNING & COMMUNITY DEVELOPMENT DEPT

January 22, 2019

Rachel Wyse
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354

Subject: Williamson Act Cancellation and Use Permit Application No. PLN2015-0081 - Sullivan Road Solar
SCH#: 2015122003

Dear Rachel Wyse:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 18, 2019, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015122003
Project Title Williamson Act Cancellation and Use Permit Application No. PLN2015-0081 - Sullivan Road Solar
Lead Agency Stanislaus County

Type MND Mitigated Negative Declaration
Description Request to construct a 40 megawatt (MW) solar facility on existing grazing lands west of I-5 in the southwestern portion of Stanislaus County. The proposed facilities would occupy approx 214+/- acres of three adjacent parcels totaling 1,049+/- acres. Project implementation includes interconnection to the existing Miller (electrical) Substation located on a separate parcel (APN: 028-007-049) and surrounded on three sides by the northernmost parcel of the project site. The project would operate for approx 35 years, after which the facilities would be decommissioned and removed, and the project site returned to existing conditions. A Williamson Act Cancellation is being requested for parcels 028-015-001 and 028-007-020 which contain approx 114,696 single-axis trackers, 38,232 fixed ground mount arrays, and appurtenant solar equipment. A Williamson Act Cancellation is not requested for parcel 028-007-054 since a power line from the array parcels, crossing Pete Miller Rd and connecting to the Miller Substation, is the only improvement proposed for this parcel. The power line is not expected to interfere with the agricultural use of the property, nor the Williamson Act Contract. A Williamson Act Non-Renewal has been filed for parcels 028-015-001 and 028-007-020.

Lead Agency Contact

Name	Rachel Wyse		
Agency	Stanislaus County		
Phone	(209) 525-6330	Fax	
email			
Address	1010 10th Street, Suite 3400		
City	Modesto	State CA	Zip 95354

Project Location

County	Stanislaus			
City	Newman			
Region				
Lat / Long				
Cross Streets	Eastin and Sparks Roads			
Parcel No.	028-015-001, 028-007-020, 028-007-054			
Township	8	Range	8	Section 7,8,9, Base MDB&M

Proximity to:

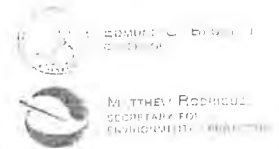
Highways	Hwy 99
Airports	
Railways	CA Northern RR
Waterways	Garzas Creek, CA Aqueduct & Delta Mendota Canal
Schools	
Land Use	PLU: Grazing Land; Z: A-2-40 (General Agriculture); GPD: AG (Agriculture)

Project Issues

Reviewing Agencies	Resources Agency; Central Valley Flood Protection Board; Department of Conservation; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Delta Stewardship Council; Native American Heritage Commission; California Energy Commission; Public Utilities Commission; Air Resources Board, Major Industrial Projects; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento)
---------------------------	---

Date Received	12/20/2018	Start of Review	12/20/2018	End of Review	01/18/2019
----------------------	------------	------------------------	------------	----------------------	------------

Note: Blanks in data fields result from insufficient information provided by lead agency.



Central Valley Regional Water Quality Control Board

31 December 2018

Governor's Office of Planning & Research

JAN 02 2019

CERTIFIED MAIL

7018 1830 0001 0062 6412

Rachel Wyse
Stanislaus County
Planning and Community Department
1010 10th Street, Suite 3400
Modesto, CA 95354

STATE CLEARINGHOUSE

clear
1/18/19
E

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, USE PERMIT APPLICATION NO. PLN2015-0081 - SULLIVAN ROAD SOLAR PROJECT, SCH#2015122003, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 7 December 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Use Permit Application No. PLN2015-0081 - Sullivan Road Solar Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

KARL E. LONGLEY SCD, P.E. CHAIR | PATRICIA PULUPA ESC. EXECUTIVE OFFICER

11020 Sun Center Drive #200 Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit

requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently \$1,277 + \$8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

31 December 2018


For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.


Jordan Hensley
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



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

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



clear
1/18/19

January 4, 2019

Rachel Wyse
Stanislaus County
1010 Tenth Street, Suite 3400
Modesto, California 95354

Governor's Office of Planning & Research

Subject: Mitigated Negative Declaration
Sullivan Road Solar Project
SCH No.: 2015122003

JAN 07 2019

STATE CLEARINGHOUSE

Dear Ms. Wyse:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) submitted by Stanislaus County (County) for the Sullivan Road Solar Project (Project). Project approval would allow the construction, operation, and decommissioning after 35 years of operation of a 40-mega-watt photovoltaic energy-generating facility on an approximately 214-acre portion of three parcels totaling approximately 1,049 acres of privately owned grazing land. The Project includes installation of solar panels, construction of interior access roads and perimeter service roads, a power collection system, overhead transmission lines, and perimeter security fencing. The Project site is located south of Peter Miller Road, west of Interstate 5, and north of Sullivan Road, approximately 5 miles west of the City of Gustine, in Stanislaus County, California.

In a letter dated December 11, 2015, the CDFW provided comments on the Early Consultation for the Project. In this letter, the CDFW had expressed concerns that the Project could result in potentially significant impacts to biological resources including wetlands, streams, species listed under the California Endangered Species Act (CESA) and/or the federal Endangered Species Act (ESA), plant species identified on the State Rare Plant Rank list, and wildlife species identified as State species of special concern and provided avoidance, minimization and mitigation recommendations to reduce potentially significant impacts to less than significant levels for the purpose of the California Environmental Quality Act (CEQA) analysis.

The CDFW appreciates the County efforts in considering our concerns and including many of our avoidance, minimization and mitigation recommendations in the MND.

To better ensure that the proposed mitigation measures (MM) included in the MND are effective and enforceable, the CDFW is providing additional recommended language as follows. The MM as worded in the MND is provided below with italicized/strike-out.

Mitigation Measure BIO-1. Worker Environmental Awareness Program

~~Before the start of ground-disturbing activities,~~ The project Biologist or designee will prepare and implement an Environmental Awareness Training session for *all Project-related personnel who will be workers who will be conducting the construction activities* at the project site. *Training will be given prior to being allowed onto the project site and a refresher course will be given annually for the life of the Project.* Training materials will include the following: discussion of the ESA, CESA, the Migratory Bird Treaty Act, and the CWA; the consequences and penalties for violation or noncompliance with these laws and regulations and project permits; identification and value of special-status plants, special-status wildlife, and jurisdictional waters and explanations about their value; hazardous substance spill prevention and containment measures; the contact person in the event of the discovery of a dead or injured wildlife species; and review of mitigation measures. In the training, project timing in relation to species' habitat and species' life-stage requirements will be detailed and discussed on project maps, which will show areas of planned minimization and avoidance measures.

Mitigation Measure BIO-4. Exclusion Fencing

Exclusion fencing will be used to establish non-disturbance exclusion zones to restrict project equipment and personnel from sensitive areas or restrict special-status wildlife species from entering the project footprint. Sensitive areas will include known populations of special-status plants, seasonal wetlands, and habitats that may support special-status wildlife species, such as small mammal burrows and burrow complexes or active San Joaquin kit fox dens. The non-disturbance zones will be determined through consultation and permitting with the various natural resources regulatory agencies.

Demarcation and exclusion fencing shall be of a material allowed by and shall be installed according to the Incidental Take Permits (ITP) issued by CDFW and/or United States Fish and Wildlife Service (USFWS). Two types of fencing—high-visibility construction fence and wildlife exclusion fencing (i.e., ERTEC)—will be used for these purposes. Exclusion fencing will be identified and depicted on the project plans and delineated in the field by the biologist. The contractor will ensure that all sensitive areas are off limits to project personnel and equipment. Species-appropriate wildlife exclusion fencing will be installed along the outer perimeter of environmentally sensitive areas, buried at least 6 inches below ground, to prevent

intrusion below the fence line *or as otherwise required in permits issued for the project by CDFW and USFWS.*

Exclusion fencing will be inspected on a weekly basis for signs of tears, sagging, or other damage, and any such damage will be repaired immediately.

Mitigation Measure BIO-5. Avoid Impacts to Special-Status Plants

The developer shall apply CDFW's "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CNRA, 2009) to determine the presence or infer the absence of special-status plants in and near the project site, to evaluate potential impacts, and to design ways to mitigate project impacts. *If state-listed plants are detected during surveys, they shall be protected with a 50-foot no disturbance buffer and consultation with the CDFW is warranted to discuss the potential for "take" under CESA. If other special status plant species are detected on the project site, each individual or local population shall be buffered with an at least 50-foot no disturbance buffer and delineated on the ground using construction fencing, flagging or other highly visible material.*

Mitigation Measure BIO-6. Prepare a Mitigation Plan for Special-Status Plant Species

If special-status plant species are found on the project site, then the project applicant shall prepare a mitigation plan that describes the avoidance or compensatory mitigation measures that would be implemented for these populations *prior to the start of ground disturbing activities.* As a performance standard, the plan shall provide for no net loss in the quantity or quality of plant populations. The mitigation plan shall be submitted to the USFWS and/or CDFW for approval for federal and state-listed plants, respectively, *and to CDFW for approval for all other special-status plant species.* The mitigation plan shall include the mitigation measures, which are adopted from the CNPS Policy on Mitigation Guidelines Regarding Impacts to Rare, Threatened and Endangered Plants (CNPS, 1998), or equally effective alternative measures:

1. Compensatory mitigation shall include replanting on site or propagation of plants at a nearby conservation site through seeding or translocation. Mitigation ratios shall be sufficient to achieve performance criteria of no net loss of plants. Post-project monitoring shall verify that avoidance and mitigation measures are successful.
2. If mitigation for impacts to special-status plants occurs at a nonbank site, preference would be given to locating the mitigation site in an area as close to the project site as possible. If mitigation sites are not available in the vicinity

of the project site, mitigation for listed plants may be accomplished at a suitable site in Stanislaus County that supports the impacted plant population.

3. A long-term mitigation, monitoring, and management plan shall be developed for plant mitigation and submitted to the USFWS and/or CDFW for review prior to initiation of construction activities. Mitigation sites shall be monitored for 5 years after installation. Depending on the actual case-by-case circumstances, listed *special-status* plants in the Project footprint may be salvaged and/or transplanted to a mitigation site approved by the CDFW and/or USFWS. When feasible, seed from plants unavoidably impacted shall be collected and preserved for planting on an approved mitigation site.

Compensatory mitigation shall be completed prior to the start of ground-disturbing activities or within 18 months of starting the project if security in a form approved by CDFW and/or USFWS is posted prior to the start of ground-disturbing activities. If compensatory mitigation is not fulfilled by an agency approved bank, then the project applicant shall prepare a long-term management plan that includes monitoring and management actions to ensure the survival of special-status plants in perpetuity, submit the plan to CDFW and/or USFWS for review and approval, and establish a non-wasting endowment to provide funding for the long-term monitoring and management actions.

California Tiger Salamander (CTS): The discussion on CTS, pages 32 through 34 of the MND, indicates that no known CTS occur within 5 miles of the project footprint and references Figure 5. Please be aware that the California Natural Diversity Database shows a new detection of CTS from April 2017, which is located less than 1 mile south of the project footprint in one of the southern ponds identified on Figure 5. CDFW recommends the County update their MND to account for this new occurrence and adjust the impacts discussion as necessary to account to this increased potential for CTS to be impacted by the Project in upland habitat.

The last paragraph of the discussion on CTS, page 34 of the MND, states that an ITP from CDFW and USFWS will have a set of avoidance and minimization measures as set forth in the County's Mitigation Measure BIO-8. While the CDFW appreciates the County including measures to reduce impacts to CTS, the conditions of approval contained in CDFW's ITP may vary from those identified in the MND. The CDFW recommends the County modify the language of the last sentence in the discussion as suggested here.

The project will apply for an ITP through the CDFW and consult with the USFWS through Section 7 consultation. These permits will *likely* include the following

measures to avoid or minimize potential impacts to CTS *similar to the following. If any of the following measures differ from what is included in the ITPs, the more stringent and protective requirement shall preside.*

Please note that certain activities included in the County's Mitigation Measure BIO-8. Minimize and Avoid Impacts to California Tiger Salamander, involve take of CTS in the form of capture (i.e., fencing around CTS burrows), pursuit (i.e., excavation of burrows) and catch (i.e., relocation of individuals) and are not authorized without having an executed ITP from the CDFW and USFWS. Without acquisition of the appropriate take authorization in the form of an ITP from the CDFW prior to initiating ground or vegetation disturbance activities, the only option is to avoid individuals and small mammal burrows by at least 50 feet ensure no take occurs and to remain in compliance with the CESA.

Tricolored Blackbird: Page 36 of the MND describes potential project-related impacts to tricolored blackbird. The MND states that tricolored blackbird have been observed off-site, but does not give a distance. The MND states that impacts to tricolored blackbird will be less than significant due in part to implementation of Mitigation Measure BIO-9, which requires a 75- to 100-foot no-disturbance buffer for passerines during the nesting season. Please note that tricolored blackbirds are listed under CESA and as such, no take of the species can occur without authorization from the CDFW through issuance of an ITP. Without benefit of an ITP, the project applicant must avoid take of the species. The CDFW does not agree that implementation of a 75- to 100-foot buffer is sufficient to do this. The CDFW recommends the County include an additional MM requiring implementation of a 500-foot no-disturbance buffer around tricolored blackbird colonies during their breeding season, should they be detected during nesting bird surveys.

Mitigation Measure BIO-10. Avoid and Minimize Impacts to Western Burrowing Owl

~~1. f. Do not fumigate, use treated bait, or use other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting owls and designated use areas). Prohibit the use of rodenticides.~~

~~1. g. Restrict the use of treated grain to poison mammals to the months of January and February.~~

Rodenticide use has the potential to directly and indirectly impact special status species such as borrowing owl and CESA listed species such as San Joaquin kit fox

(SJKF), Swainson's hawk, and CTS. As such, the CDFW recommends the County prohibit their use on the project.

Mitigation Measure BIO-10. Avoid and Minimize Impacts to Western Burrowing Owl

If burrowing owls are observed on the site and development will result in take of burrows, mitigate for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat. Such mitigation would consist of (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and nonbreeding seasons) comparable to or better than that of the impact area; and (b) sufficiently large acreage, and presence of fossorial mammals. The mitigation lands may require habitat enhancements, including enhancement or expansion of burrows for breeding, shelter, and dispersal opportunity, and removal or control of population stressors. If the mitigation lands are adjacent to the impacted burrow site, ensure that the nearest neighbor artificial or natural burrow clusters are at least within 210 meters (688 feet) (CDFG, 2012).

While the CDFW agrees with the need for this mitigation measure, we recommend the County include additional language indicating when the mitigation measure must be completed, such as that proposed below, to ensure the measure is enforceable.

Permanent conservation of replacement habitat, development and approval of a long-term monitoring and management plan, and full funding of a non-wasting endowment shall be completed prior to the start of project activities or within 18 months of starting the project if security is posted with the County.

Mitigation Measure BIO-12. Avoid and Minimize Impacts to San Joaquin Kit Fox

CDFW recommends the County include additional requirements for the protection of SJKF including the following:

1. To prevent inadvertent entrapment of SJKF or other animals during the project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks, *at least 12 inches in width, placed at a maximum 45 degree slope, and placed one every 25 feet. Immediately before* such holes or trenches are filled, they shall be thoroughly inspected by a qualified

biologist for trapped animals. If an animal is found trapped, CDFW and USFWS shall be notified immediately and consulted regarding what steps must be taken to ensure the animal is not harmed.

- 2. Prior to starting ground disturbing activities associated with construction, operation and maintenance or decommissioning, a qualified biologist shall survey the Project to detect the presence of SJKF. Surveys shall involve walking transects spaced 10 meters apart and adjusting for vegetation height and density for 100 percent visual coverage. Observations of individuals, sign of individuals and known or potential dens shall be mapped using GIS. All individuals and dens shall be avoided according to the USFWS 2011 "Standardized Recommendations for the Protection of the Endangered San Joaquin Kit Fox prior to or during Ground Disturbance". Occupied dens shall not be disturbed unless a passive relocation plan is developed and submitted to CDFW for review and written pre-approval.*

Page 40 of the MND states that 0.01 acres of Section 404 jurisdictional waters will be impacted by the Project. As such minimization and mitigation measures were included in the MND. Please be aware that the CDFW has a no net loss policy with regard to impacts to wetlands. CDFW recommends the County update the discussion section to include the need to consult with the Regional Water Quality Control Board (RWQCB) and the CDFW regarding permitting for impacts to waters outside of United States Army Corps of Engineers (USACE) jurisdiction. Additionally, Figure 6 of the MND shows the wetlands that were delineated for the purpose of determining USACE jurisdiction, but does not include additional "Waters of the State" that RWQCB would take jurisdiction over or streams and lakes that the CDFW has jurisdiction over through Fish and Game Code sections 1600 et seq. CDFW recommends the discussion, MMs, and relevant Figures be updated to include all types of waters known to occur on the Project and within 500 feet of the Project. Specifically, the stream to the north of the Project through which the gen-tie line crosses will likely require a Streambed Alteration Agreement from the CDFW prior to start of work in the identified wetland or the larger stream channel and associated floodplain.

Mitigation Measure BIO-15. Avoidance and Minimization Measures for Wetlands and Other Waters of the United States

Project activities will avoid or minimize direct and indirect impacts on wetlands and other waters of the United States by implementing the following measures:

1. Prior to ground-disturbing project activities, the project Biologist will identify wetlands and other waters for avoidance on or within ~~400~~500 feet of the project footprint, based on final maps of the project footprint.
2. All wetlands and other waters identified for avoidance *will be protected with 250-foot no disturbance buffers that* will be clearly marked in the field throughout the duration of project activities.
3. Erosion control measures will be installed at least ~~400~~250 feet from sensitive aquatic habitat to prevent soil erosion and prevent sediment from entering these areas, wherever feasible. If maintenance of a ~~400~~250-foot buffer between the ground-disturbing activities and the sensitive aquatic habitat is not feasible, erosion control measures will be installed at the greatest distance possible from the sensitive aquatic habitat. At a minimum, all erosion control measures will be ~~placed above the ordinary high water mark~~*placed 250 feet from the top of bank or outer edge of floodplain.*
4. *If the 250-foot buffer distance cannot be maintained, the project applicant will consult with the RWQCB and CDFW to determine what permits are necessary, if any, and no work shall occur within the 250-foot buffers until necessary permits or written verification that no permits are necessary are obtained from RWQCB and CDFW.*

Trustee Agency Authority

The CDFW is a Trustee Agency with the responsibility under the CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the CDFW is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Responsible Agency Authority

Incidental Take Permit: The CDFW has regulatory authority over projects that could result in the take of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081, part of CESA. If the Project could result in the take of any species listed as threatened or endangered under CESA, CDFW may need to issue an ITP for the Project. CEQA requires a

Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001{c}, 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Lake and Streambed Alteration Agreement: The CDFW also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code Section 1600 *et seq.* The CDFW is required to comply with CEQA in the issuance or the renewal of a Stream Alteration Agreement. Therefore, for efficiency in environmental compliance, we recommend that the stream disturbance be described, and mitigation for the disturbance be developed as part of the environmental review process. This would reduce the need for the CDFW to require extensive additional environmental review for a Stream Alteration Agreement for this Project in the future.

Fish and Game Code Jurisdiction

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

Fully Protected Species: CDFW also has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited except for necessary scientific research, and the CDFW cannot authorize their take under the Project. The CDFW recommends the CEQA document for this Project include appropriate species-specific measures to avoid take of these species.

Water Quality Protection: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into the Waters of the State any substance or material deleterious to fish, plant life, or bird life,

Rachel Wyse
Sullivan Road Solar Project MND
January 4, 2019
Page 10

including non-native species. Deleterious materials can include, but are not limited to, petroleum products, concrete, and sediment.

Thank you for providing CDFW the opportunity to comment on the Early Consultation request for this renewable energy Project. If you have any questions regarding these comments, please contact Lisa Gymer, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (559) 243-4014, extension 238, or by email at Lisa.Gymer@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

cc: Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, No. 200
Rancho Cordova, California 95670

Patricia Cole
United States Fish and Wildlife Service
2800 Cottage Way, W-2605
Sacramento, California 95825

San Joaquin Valley Office
United States Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

ec: State Clearinghouse, Office of Planning and Research
State.Clearinghouse@opr.ca.gov

California Department of Fish and Wildlife:
Annee Ferranti
Lisa Gymer

REFERENCES

- Department of Fish and Game, 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012.
- Department of Fish and Game, 2000. Guidelines for Assessing Effects of Proposed Projects on Rare, Threatened and Endangered Plants and Natural Communities. California Department of Fish and Game. May 2000.
- California Department of Fish and Game, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. Staff Report, November 1, 1994.
- Swainson's Hawk Technical Advisory Committee, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, May 31, 2000.
- United States Fish and Wildlife Service, 2011. Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance. Sacramento Fish and Wildlife Office, January 2011.
- United States Fish and Wildlife Service, 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander. Sacramento United States Fish and Wildlife Service, October 2003.
- United States Fish and Wildlife Service, 2000. Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants. United States Fish and Wildlife Service, January 2000.

2015122003



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

ENVIRONMENTAL REVIEW COMMITTEE REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
Governor's Office of Planning & Research

JAN 18 2019

FROM: Caltrans District 10: Metropolis Planning Branch
1976 East Dr. Martin Luther King Jr., Blvd.
Stockton, CA 95205

STATE CLEARINGHOUSE

SUBJECT: WILLIAMSON ACT CANCELLATION AND USE PERMIT APPLICATION NO.
PLN2015-0081 – SULLIVAN ROAD SOLAR

POSTMILE: Stan-5-0.8

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- ☒ Will not have a significant effect on the environment.
☐ May have a significant effect on the environment.
☐ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheets if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts *PLEASE BE SURE TO INCLUDE WHEN MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Any STAA truck exiting at I-5/SR-140 will require an encroachment permit. This interchange is not a STAA Terminal Access point. Applicants must complete a Standard Encroachment Permit Application (TR-0100), attach supporting documentation such as: plans, location map, environmental documentation, letter of authorization, surety bonds, liability insurance, any applicable fees, etc. and submit them to the District 10 Encroachment Permits Office (209) 948-7891.

Response prepared by:

Steven R. Martinez Associate Transportation Planner January 18, 2019
Name Title Date

STRIVING TOGETHER TO BE THE BEST!

**PG&E Gas and Electric
Advice Submittal List
General Order 96-B, Section IV**

AT&T	Downey & Brand	Pioneer Community Energy
Albion Power Company	East Bay Community Energy	Redwood Coast Energy Authority
Alcantar & Kahl LLP	Ellison Schneider & Harris LLP	Regulatory & Cogeneration Service, Inc.
	Energy Management Service	SCD Energy Solutions
Alta Power Group, LLC	Engineers and Scientists of California	
Anderson & Poole		
Atlas ReFuel	GenOn Energy, Inc.	SCE
BART	Goodin, MacBride, Squeri, Schlotz & Ritchie	SDG&E and SoCalGas
Barkovich & Yap, Inc.	Green Power Institute	SPURR
California Cotton Ginners & Growers Assn	Hanna & Morton	San Francisco Water Power and Sewer
California Energy Commission	ICF	Seattle City Light
California Public Utilities Commission	IGS Energy	Sempra Utilities
California State Association of Counties	International Power Technology	Southern California Edison Company
Calpine	Intestate Gas Services, Inc.	Southern California Gas Company
	Kelly Group	Spark Energy
Cameron-Daniel, P.C.	Ken Bohn Consulting	Sun Light & Power
Casner, Steve	Keyes & Fox LLP	Sunshine Design
Cenergy Power	Leviton Manufacturing Co., Inc.	Tecogen, Inc.
Center for Biological Diversity		TerraVerde Renewable Partners
		Tiger Natural Gas, Inc.
Chevron Pipeline and Power	Los Angeles County Integrated	TransCanada
City of Palo Alto	Waste Management Task Force	Troutman Sanders LLP
	MRW & Associates	Utility Cost Management
City of San Jose	Manatt Phelps Phillips	Utility Power Solutions
Clean Power Research	Marin Energy Authority	Water and Energy Consulting Wellhead
Coast Economic Consulting	McKenzie & Associates	Electric Company
Commercial Energy		Western Manufactured Housing
Crossborder Energy	Modesto Irrigation District	Communities Association (WMA)
Crown Road Energy, LLC	NLine Energy, Inc.	Yep Energy
Davis Wright Tremaine LLP	NRG Solar	
Day Carter Murphy		
Dept of General Services	Office of Ratepayer Advocates	
Don Pickett & Associates, Inc.	OnGrid Solar	
Douglass & Liddell	Pacific Gas and Electric Company	
	Peninsula Clean Energy	