



KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY

Gregory R. Gatzka, Director

PLANNING DIVISION

Chuck Kinney, Deputy Director – Planning

Web Site: www.countyofkings.com/planning/index.html

April 8, 2013

Kiti Buelna
Westlands Water District
3130 N. Fresno Street, P.O. Box 6056
Fresno, CA 93703-6056

RE: Notice of Preparation of a Draft Environmental Impact
Report for the Westlands Solar Park Master Plan and
Related Transmission Facilities Project

Dear Ms. Buelna:

I am writing in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Westlands Solar Park Master Plan and Related Transmission Facilities Project. Comments on the NOP were requested to be submitted by 5:00 P.M. on April 15, 2013. The NOP states that Westlands Water District (District) will be the Lead Agency and will prepare an EIR. The NOP goes on to state that the District needs to know the views of our agency as to the scope and content of the environmental information which is germane to our agency's statutory responsibilities in connection with the proposed project. The NOP also stated that our agency will need to use the EIR prepared by the District when considering our permit or other approval for the project.

The Kings County Community Development Agency (KCCDA) is the land use authority for the unincorporated area of Kings County and a Conditional Use Permit (CUP) would need to be obtained from the KCCDA for the solar generation and transmission projects. An Indemnification and Reimbursement Agreement would also be required.

In order for the KCCDA to be able to rely on the EIR as a Responsible Agency, the KCCDA would need to review and comment on the Administrative Draft EIR prior to circulation of the Draft EIR by the District for public review and comment. All issues identified by the KCCDA would need to be addressed, to the satisfaction of the KCCDA, in order for the KCCDA to be able to rely on the EIR as a Responsible Agency. The CUP would need to be filed with the KCCDA and a deposit would need to be submitted prior to the KCCDA beginning its review and comment on the Administrative Draft EIR. The filing fee for a CUP is \$2,530.00. The 2013 California Department Fish and Wildlife (formerly the California Department of Fish and Game) filing fee for an EIR is \$2,995.25. The District would be responsible for the KCCDA's full cost of reviewing the EIR and an initial deposit of \$10,000.00 would also be required.

If you have any questions concerning this matter, please contact me at (559) 852-2685.

Sincerely,

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY
Gregory R. Gatzka, Director


Sandy Roper
Principal Planner

h:\planning\land development section\solar photovoltaic\westlands\comments on nop.doc

Subj: **FW: NOP for EIR on Westlands Solar Park and Planned Transmission Corridor**
Date: 4/8/2013 1:04:35 P.M. Pacific Daylight Time
From: kbuelpna@westlandswater.org
To: BVerrips@aol.com
FYI

Kiti Buelna, E.I.T.

From: Johnson, Lee [mailto:Lee.Johnson@co.kings.ca.us]
Sent: Monday, April 08, 2013 1:03 PM
To: 'Katarina Buelna'
Subject: RE: NOP for EIR on Westlands Solar Park and Planned Transmission Corridor

Katarina,

Thank you for the opportunity to review this NOP. Our office has the following comments regarding the project:

If hazardous materials at or above threshold reporting quantities (55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a gas) will be kept on site, the facility must file a Hazardous Materials Business Plan online at <http://cers.calepa.ca.gov> within 30 days of beginning operations. Hazardous materials are broadly defined, and include fuel, lubricants, antifreeze, motor vehicle batteries, welding gases, paints, solvents, glues, agricultural chemicals, transformer fluids, etc. Please contact our office if you require assistance with the online registration process.

Any quantities of hazardous wastes generated by the facility operation must be managed in accordance with Federal, State, and local laws and regulations. Hazardous wastes cannot be disposed of into the municipal waste stream or onsite sewage disposal system. The owner/operator must contact our office at with any questions regarding proper management and reporting of any hazardous wastes associated with this operation.

Any plumbing fixtures, such as hand wash sinks, used by employees for personal use must have bacteriologically safe water. Sinks should be limited to handwashing only and should be posted with signage indicating that the water is suitable for washing and general cleaning, but not recommended for drinking. Bottled water or other potable source must be provided for drinking. If drinking water will be provided to 25 employees or more for 60 days or more over a calendar year, then the facility may require a public water system permit from our office. Portable toilets must be serviced at an adequate frequency so as not to create nuisance conditions.

Three copies of any septic system plans proposed for the site(s) must be submitted to our office for review and approval prior to construction of the system(s).

Given the proximity of LNAS and frequent air traffic over the site, as well as adjacent highway and road traffic, the sites must be designed and constructed so as to minimize light reflectivity that might be hazardous for aircraft or vehicles.

Please contact me if you have any questions.

Sincerely,

Lee

Monday, April 15, 2013 AOL: BVerrips

Lee Johnson, MPH, REHS
Environmental Health Officer IV
Kings County Dept. of Public Health
Environmental Health Services Division
330 Campus Dr.
Hanford, CA 93230
Tel: 559-584-1411
Cell: 559-639-3778
Fax: 559-584-6040
Lee.Johnson@co.kings.ca.us
www.countyofkings.com/health/ehs

From: Katarina Buelna [<mailto:kbuelna@westlandswater.org>]
Sent: Friday, March 15, 2013 2:32 PM
To: Katarina Buelna
Cc: Russ Freeman; Jose Gutierrez
Subject: NOP for EIR on Westlands Solar Park and Planned Transmission Corridor

To Reviewing Agencies and Interested Parties,
Please see the attached Notice of Preparation (NOP) to prepare an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) on the Westlands Solar Park Master Plan and Planned Transmission Corridors. The Westlands Solar Park (WSP) is planned for the Westlands Competitive Renewable Energy Zone (CREZ) located in northwestern Kings County south of SR-198 and west of SR-41. The WSP includes the phased development of utility-scale solar photovoltaic generating facilities with a total capacity of approximately 2,400 MW on about 24,000 acres of drainage-impaired lands in Kings County. The EIR will also address three planned transmission corridors in the region which are intended to facilitate the conveyance of renewable energy in the region.

Kili Buelna, E.I.T.
Junior Engineer
Westlands Water District
559-241-6226

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

April 12, 2013

Westlands Water District
Kiti Buelna
3130 North Fresno Street
Fresno CA 93793-6056

SUBJECT: Westlands Water District: Notice of Preparation of an Environmental Impact Report for the Westlands Solar Park Master Plan and Related Transmission Facilities

Dear Ms. Buelna:

The County of Fresno appreciates the opportunity to review and comment on Westlands Water District Notice of Preparation of an Environmental Impact Report (EIR) for the Westlands Solar Park Master Plan and Related Transmission Facilities. Based on the County's review of the project, the following comments are offered for your consideration:

Zoning:

- Please note that Westlands Solar Park is considered a private entity that will require an approved Unclassified Conditional use Permit that would address land use, and waiving building height requirements for the transmission lines per our Ordinance Sections attached. Additionally per the California Building Code Section 105.1 the proposed project requires building permits. For additional information, call Zoning at (559) 600-4540.

Williamson Act:

- The DEIR needs to identify the Williamson Act contracted parcels that will be affected by each of the proposed electrical power transmission line easements on a map and list the parcels with their Williamson Act contract number, acreage and soil quality on a table.
- Staff would like to note that Fresno County is not implementing the provision of SB 618 (Solar Easement) that is mentioned on page 14 of the DEIR for areas that will be taken out of Williamson Act contract. Williamson Act restricted land within the proposed electrical power transmission line easements will need to be removed from contract restrictions by cancellation or through eminent domain or the threat of eminent domain.
- Petitions for cancellation of the Williamson Act contracts would need to be completed prior to the property's conversion to a non-agricultural use such as a solar power generation facility.

Sincerely,

Briza Sholars, Planner
Development Services Division

c: Chris Motta, Development Services

DEVELOPMENT SERVICES DIVISION

SECTION 816

"AE" EXCLUSIVE AGRICULTURAL DISTRICT

The "AE" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district.

The "AE" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designations of 640, 320, 160, 80, 40, 20, 5 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District.

(Amended by Ord. 490.38 adopted 11-21-67)

SECTION 816.1 - USES PERMITTED

The following uses shall be permitted in the "AE" Districts, except as otherwise provided in Subsection K of Section 816.2 for Interstate Interchange Impact Areas. All uses shall be subject to the Property Development Standards in Section 816.5

(Amended by Ord. 490.95 adopted 11-27-73; Ord. 490.174 re-adopted 5-8-79)

- A. The maintaining, breeding, and raising of livestock of all kinds, except as provided in Sections 816.2 and 816.3.
(Amended by Ord. 490.117 adopted 10-5-76; Ord. T-038-306 adopted 5-22-90)
- B. The maintaining, breeding, and raising of poultry of all kinds, subject to the provisions of Section 868.
(Added by Ord. T-038-306 adopted 5-22-90)
- C. The raising of tree, vine, field, forage, and other plant life crops of all kinds.
(Amended by Ord. T-077-352, adopted 3-2-04)
- D. One family dwellings and accessory buildings and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.
- E. Home Occupations, Class I, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- F. The harvesting, curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, subject to the provisions of 855-N.32
(Amended by Ord. T-077-352, adopted 3-2-04).
- G. When carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten (10) percent of the total land is used and where no more than three (3) persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises, any of the following uses:

1. The manufacturing, maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements and equipment of all kinds.
 2. The manufacture, storage or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals and insecticides.
 3. The transportation of agricultural products, supplies or equipment together with the maintenance, storage, repair and servicing of the necessary trucks and equipment therefor.
 4. Horticultural and landscaping services, when operated in conjunction with horticultural nurseries.
(Added by Ord. 490.65 adopted 8-4-70)
- H. The maintenance of temporary and permanent farm labor camps when carried on as a secondary function in conjunction with a bona fide agricultural operation. The density standards of Section 816.5-C shall not apply.
(Amended by Ord. 490.31 adopted 10-11-66)
- I. The use, storage, repair and maintenance of tractors, scrapers, and land leveling and development equipment when operated in conjunction with, or as part of, a bona fide agricultural operation;
(Amended by Ord. 490.117 adopted 10-5-76)
- J. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- K. Signs, subject to the provisions of Section 816.5-K.
- L. Temporary or permanent telephone booths.
- M. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- N. Trailer house occupancy consisting of one or more trailers, subject to the provisions of Section 856 and 816.1-C.
(Amended by Ord. 490.18 adopted 12-29-64; Ord. 490.81 adopted 10-24-72)
- O. Breeding and personal kennels.
(Added by Ord. 490.36 adopted 7-25-67)
- P. Historic and monument sites.
(Added by Ord. 490.117 adopted 10-5-76)
- Q. Water-well drilling or pump installation service.
(Added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.157 adopted 9-19-78)
- R. Welding and blacksmith shops and farm equipment and machinery sales, rental storage, and maintenance facilities when in conjunction with welding and blacksmith shops.
(Added by Ord. 490.117 adopted 10-5-76)
- S. Value-added agricultural uses and facilities subject to the provisions of Section 855-N.32 and Section 874.
(Added by Ord. T-077-352, adopted 3-2-04)

SECTION 816.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval as provided for in Section 872.

- A. Churches, parsonages and other religious institutions.
- B. Commercial stables and riding academies.
- C. Communications equipment buildings and microwave relay structures.
- D. Electrical transmission substations and electric distribution substations.
- E. Commercial specialty animal raising, including fish, fur-bearing animals, wild or undomesticated animals, amphibians, insects and birds for products, numerical increase, or, value increase.
(Amended by Ord. 490.117 adopted 10-5-76)
- F. Wineries and distilleries – Small, subject to the provisions of 855-N
(Added by Ord. T-075 adopted 3-25-03)
- G. Philanthropic and eleemosynary institutions where agriculture is carried on to a substantial degree.
- H. Public schools, private or parochial schools of an elementary or secondary level, colleges, and day nursery large.
(Amended by Ord. 490.188 adopted 10-29-79)
- I. Public buildings and yards, fire stations.
- J. Sale of food products produced off the premises provided that the sale of such products is incidental and secondary to the sale of agricultural products produced upon the premises when not authorized under Section 816.1-S.
(Added by Ord. 490.2 adopted 7-25-61, Amended by Ord. T-077-352, adopted 3-2-04)
- K. Veterinarian offices and animal hospitals.
(Amended by Ord. 490.195 adopted 2-26-80)
- L. All uses listed in Section 816.1, except as provided in Subsection B thereof, located within an Interstate Interchange Impact Area identified in Section 816.7.
(Added by Ord. 490.95 adopted 11-27-73)
- M. Home Occupations, Class II, subject to the provisions of Section 855-N.
(Added by Ord. T-288 adopted 2-25-86)
- N. Off-site directional signs for major recreational uses, hospitals and colleges subject to the criteria set forth in Section 855-K.
(Added by Ord. 490.105 adopted 4-22-75)
- O. Farm labor contractor services.
(Added by Ord. 490.117 adopted 10-5-76)
- P. Antique sales.
(Added by Ord. 490.117 adopted 10-5-76)

- Q. The maintenance and storage of agricultural equipment designed to be used solely for the harvesting of crops, which equipment must be located by the owner thereof upon his own premises when not operated as a secondary occupation in conjunction with, or as part of, a bona fide agricultural operation.
(Added by Ord. 490.117 adopted 10-5-76)
- R. Commercial land leveling and development establishments when they are not operated in conjunction with, or as part of, a bona fide agricultural operation.
(Added by Ord. 490.117 adopted 10-5-76)
- S. Commercial crop planting, cultivating, and soil preparation service establishments when they are not operated in conjunction with, or as part of, a bona fide agricultural operation.
(Added by Ord. 490.117 adopted 10-5-76)
- T. The maintenance and storage of trucks and trailers, when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment.
(Added by Ord. 490.117 adopted 10-5-76)
- U. Temporary mobilehome occupancy subject to the provisions of Section 856 A.1.b.
(Added by Ord. 490.145 adopted 2-14-78; amended by Ord. 490.194 adopted 1-28-80)
- V. Dog grooming in conjunction with a single-family residence limited to a maximum of eight dogs per day.
(Added by Ord. 490.146 adopted 2-28-78)
- W. Second dwelling units, subject to the provisions of section 855-N.
(Added by Ord. T-269 adopted 5-24-83; amended by Ord. T-280 adopted 12-18-84)
- X. The maintaining, breeding, and raising of poultry of all kinds, when not permitted by 816.1-B.
(Added by Ord. T-038-306 adopted 5-22-90)
- Y. Existing facilities intended for the commercial storage of agricultural products, equipment, and supplies where such activity is not conducted as a secondary occupation in conjunction with, or part of, a bona fide agricultural operation provided that such facilities were legally established with building permits prior to the adoption of this ordinance section.
(Added by Ord. T-057-326 adopted 6-4-96)

SECTION 816.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to a Conditional Use Permit as provided for in Section 873.

- A. Value-added agricultural uses and facilities that are not authorized under Section 816.1-S. This section may also include ancillary uses and facilities that are operated in association with a value-added agricultural processing facility.
(Amended by Ord. 490.155 adopted 9-5-78; Ord. 490.161 adopted 10-2-78; Ord. 490.179 re-adopted 6-26-79, Amended by Ord. T-077-352, adopted 3-2-04)
- B. Commercial grain elevators when not operated as a secondary occupation in conjunction with, or as part of, a bona fide agricultural operation.
- C. Commercial stock feeding yards and feed lots when not operated as a secondary occupation in connection with, or as part of, a bona fide agricultural operation.

- D. Commercial meat processing plants. Such plants may include all phases of meat processing including slaughtering, meatpacking, canning, stuffing, smoking, rendering and hide curing.
(Added by Ord. 490.103 adopted 2-18-75; amended by Ord. 490.137 adopted 9-6-77)
- E. Community auction and sale yards for sale of farm animals, products, implements, supplies, or equipment.
- F. Guest ranches.
- G. Mushroom growing.
- H. Temporary and permanent farm labor camps that are not carried on as a secondary function in conjunction with a bonafide agricultural operation.
(Amended by Ord. 490.31 adopted 10-11-66)
- I. Permanent roadside stands for the sale of agricultural products and the sale of wine to be consumed off the premises in conjunction with and secondary to such roadside stands for the sale of agricultural products.
(Amended by Ord. 490.107 adopted 6-5-75)
- J. The sale of beer to be consumed off the premises in conjunction with and secondary to a permanent roadside stand for the sale of agricultural products; that the percentage of beer sales to total roadside stand sales shall be determined as a condition to the Conditional Use Permit.
(Added by Ord. 490.142 adopted 12-6-77)
- K. Private use airports, heliports and crop dusting strips.
(Amended by Ord. 490.161 adopted 10-2-78)
- L. Sewage disposal and treatment plants.
- M. The commercial slaughtering of poultry or rabbits not raised upon the premises.
- N. Wineries and distilleries except as provided for in 816.2
(Amended by Ord. T-075-349 adopted 3-25-03)
- O. Commercial establishments for the processing, storage, sale, and off-site application of agricultural chemicals, including but not limited to fertilizers, insecticides (flammable and inflammable types) and pesticides.
(Added by Ord. 490.35 adopted 5-16-67)
- P. Boarding and training kennels
(Added by Ord. 490.36 adopted 7-25-67)
- Q. Horticultural and landscaping services in conjunction with horticultural nurseries, when carried on as a primary use of the property.
(Added by Ord. 490.65 adopted 8-4-70)
- R. Off-road vehicle areas consisting of recreational facilities for the driving, testing and racing of motorcycles, trail bikes, 4-wheel drive vehicles, or similar vehicles which are principally designed or commonly used for off-highway recreation purposes. features of such sites may include hill climb areas, race courses, or motor-cross/auto-cross. Such sites shall not be located on land which is productive or potentially productive agricultural land as defined in the General Plan.

(Added by Ord. 490.107 adopted 9-8-75; amended by Ord. 490.125 adopted 12-7-76; and Ord. T-275 adopted 4-24-84)

- S. Swine, sheep, or goat feed lots or yards.
- T. Commercial dehydration operations.
- U. Liquefied petroleum gas distribution and storage, retail.
(Amended by Ord. 490.179 adopted 6-26-79)
- V. Feed and farm supply sales.
- W. Farm equipment and machinery sales, rental, storage, and maintenance.
- X. Irrigation systems administrative offices.
- Y. Building materials sales.
- Z. Racetracks for non-motorized and motorized vehicles including bicycles, motorcycles, automobiles, and similar vehicles when conducted on land which is not productive or potentially productive agricultural land as defined in the General Plan. Off-road vehicle areas are excluded.
(Added by Ord. No. 490.125 adopted 12-7-76; amended by Ord. No. T-275 adopted 4-24-84)
- AA. Swim schools operated in conjunction with a single-family residence with a maximum of fifteen (15) students at one time.
(Added by Ord. 490.143 adopted 1-24-78)
- BB. Off-site rock, sand, and gravel trucking operations which may include a newly created parcel size of not less than five acres (See Section 816.5-A.4) on sites located outside the Sphere of Influence of any City or community and not located on productive agricultural land as defined in Section 204-02:3.02a of the General Plan.
(Amended by Ord. No. T-240 adopted 8-17-81; amended by Ord. No. T-033-299 adopted 6-7-88)
- CC. Agricultural Commercial center development subject to the provisions of Section 867.
(Added by Ord. T-034-297 adopted 9-20-88)
- DD. Assembly of equipment for the post-harvest processing of agricultural products provided such equipment is sold directly to the farmer or processor.
(Added by Ord. T-044-312 adopted 6-30-92)

SECTION 816.4 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited in the "AE" District. However, enumerating of these prohibited uses shall not by implication enlarge upon the scope of permitted uses specified in Section 816.1, 816.2, and 816.3, above, their enumeration herein being for purposes of clarity only.

- A. All manufacturing, service, and commercial uses not specifically permitted in Sections 816.1, 816.2, 816.3, 860, and 867.
(Amended by Ord. 490.60 adopted 4-28-70; amended by Ord. T-034-297 adopted 9-20-88)
- B. Advertising structures, except freestanding signs for produce stands.
(Amended by Ord. 490.202 adopted 5-20-80)

- C. Art, craft, music, or dancing schools or businesses, professional or trade schools or colleges.
- D. Columbaria, crematoriums, and mausoleums.
(Amended by Ord. 490.117 adopted 10-5-76)
- E. Residential subdivisions.
- F. Truck yards, terminals or facilities unless devoted exclusively to the transportation of agricultural products, supplies and equipment.
- G. Sawmills, pulp mills, and similar establishments for the processing of logs, wood, and lumber.
- H. Any use that utilizes coal, coke, or other coal-based fuel as an industrial fuel source, excluding blacksmith shops.
(Amended by Ord. T-039-307 adopted 2-26-91)

SECTION 816.5 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 shall apply to all land and structures in the "AE" District. For additional lot exceptions in the Sierra-North and Sierra-South Regional Plan areas, see Section 855-A.

A. LOT AREA

1. Each lot shall have a minimum acreage as indicated by the district acreage designation. However, for the purpose of complying with minimum lot area requirements, sections of land containing less than 640 acres shall be deemed to be equivalent to 640 acres. Parcels resulting from the division of sections with less than 640 acres into units of 1/2, 1/4, 1/8, 1/16, or 1/32 of said section shall also be deemed to be equivalent to the corresponding and respective lot areas required by the acreage designations (320, 160, 80, 40, or 20) of the AE District. The acreage shall be measured from the center of any abutting roadway, stream, railroad, or other public right-of-way that serve as a boundary line.

A nonconforming lot of record under separate ownership at the time it became nonconforming may be used for or occupied by any use permitted in this District. An existing parcel of land under one ownership, when divided by a developed public right-of-way in such a manner that one or both portions of the parcel are substandard as a lot area, shall be considered as two separate lots under the provisions of this Section.
(Amended by Ord. 490.117 adopted 10-5-76; Ord. 490.132 adopted 5-27-77, Amended by Ord. T-248 adopted 9-16-80; Amended by Ord. T-068-344 adopted 4-23-02)

2. The creation of homesites less than the minimum acreage indicated by the District acreage designation, but not greater than 2.5 gross acres (5 gross acres in the Sierra-North and Sierra-South Regional Plan areas designated Eastside Rangeland) may be permitted in the Exclusive Agricultural Zone District, excluding the AE-5 Zone District, subject to the following criteria:
(Amended by Ord. 490.172 adopted 4-24-79)
 - a. The minimum lot size shall be 60,000 square feet of gross area (two (2) acres in the Sierra-North and Sierra-South Regional Plan areas) as measured from the center of any abutting roadway, stream, railroad, or other public right-of-way forming a

boundary line, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the California Regional Water Quality Control Board guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and

b. One of the following conditions exist:

- (1) The lot is to be created by the conveyance of a security instrument to finance a single family residence to be occupied by the owner thereof where the existing lot before division is not less than twenty (20) gross acres; that said lot, together with the remaining acreage, shall not be separately conveyed or devised without meeting the district acreage designation, except for the purpose aforesaid, unless such division occurs by judicial foreclosure, trustee's sale or other legal proceedings which discharge the lien of the security instrument. (Amended by Ord. 490.132 adopted 5-25-77; amended by Ord. T-067-338 adopted 6-26-01)
- (2) The lot or lots to be created are intended as a conveyance or devise exclusively for use by a person related to the owner by adoption, blood, or marriage within the second degree of consanguinity and only for persons involved in the farming operation; the existing lot before division contains a minimum of twenty (20) gross acres; there is only one (1) lot per related person, or per related married couple, and there is no more than one lot per each twenty (20) gross acres, or
(Amended by Ord. 490.132 adopted 5-24-77; amended by Ord. T-067-338 adopted 6-26-01)
- (3) Outside of the Sierra-North and Sierra-South Regional Plan areas, the present owner owned the property prior to adoption of the Exclusive Agricultural Zone District and wishes to retain his homesite and sell the remaining acreage for agricultural purposes where the remaining acreage is not less than fifteen (15) acres, or
(Amended by Ord. 490.132 adopted 5-24-77)
- (4) Outside of the Sierra-North and Sierra-South Regional Plan areas, a homesite is to be retained from an existing lot of less than fifteen (15) acres with the remaining acreage to be added to an abutting lot, which with the addition will have a total lot size of at least fifteen (15) acres, and is to be used for agricultural purposes, or
- (5) The lot to be created is intended as a life estate.
- (6) In the Sierra-North and Sierra-South Regional Plan areas the present owner owned the property at the time of Plan adoption (May 4, 1982, for Sierra-North, September 25, 1984 for Sierra-South), and wishes to retain his homesite and sell the remaining acreage for agricultural purposes where the acreage exceeded 15 acres.

c. Each homesite created pursuant to Section 816.5-A.2b(2)(3)(4) and (6) shall be subject to execution of a Declaration of Intent and Acknowledgement of Penalty for Unlawful Conveyance.
(Added by Ord. T-067-338 adopted 6-26-01)

- d. Creation of homesites listed above excepting those for financing purposes or life estates shall not be permitted in addition to the divisions permitted pursuant to Section 855A-5.c. and 855A-6.b.
(Sec. 816.5-A.2 added by Ord. 490.117 adopted 10-5-76; amended by Ord. T-265 adopted 11-16-82; Ord. T-025-281 adopted 6-25-85; Ord. T-067-338 adopted 6-26-01)
3. The creation of lots less than the minimum parcel size of the zone district, but not less than five (5) acres, may be considered as a part of the Conditional Use Permit for off-site rock, sand, and gravel trucking operations.
(Amended by Ord. 490.198 adopted 4-21-80; Ord. No. T-033-299 adopted 6-7-88; and Ord. T-067-338 adopted 6-26-01)
4. All parcels approved for creation through the former Agricultural Assessment process shall be deemed conforming and all legally created parcels shall not merge.
(Added by Ord. T-275 adopted 4-24-84)
5. Despite any other provision of this Division, all parcels not in compliance with 816.5-A.2b shown on map applications accepted for processing prior to the effective date of this provision (August 1, 2001), shall upon subsequent recordation of the map and/or certificate be deemed conforming.
(Added by Ord. T-067-338 adopted 6-26-01)

B. LOT DIMENSIONS

1. No requirements for lots greater than five (5) acres in size or parcels created for financing purposes. The provisions of the "RR" District, Section 820.5B, shall apply for all lots less than five (5) acres in size. Public road frontage shall not be required for lots created by Subsection A.2.b.(3), (4), and (5) of this Section from an existing landlocked parcel.
(Amended by Ord. 490.117 adopted 10-5-76; Ord. T-011-265 adopted 11-16-82)
2. The ratio of lot depth to lot width shall not exceed four (4) to one (1) for lots created by Section 816.5-A.3.
(Added by Ord. 490.172 re-adopted 4-24-79)

C. POPULATION DENSITY

1. Not more than one (1) residence may be constructed or placed upon a parcel of land which is less than five (5) acres in size in the AE-5 District, less than twenty (20) acres in size in the AE-20 District, and less than forty (40) acres in size in the AE-40 District through the AE-640 District, except that one of the following may be permitted:
(Added by Ord. T-067-338 adopted 6-26-01)
 - a. A temporary mobilehome, subject to the provisions of Section 816.2.
 - b. A second dwelling unit, subject to the provisions of Section 816.2.
(Amended by Ord. T-269 adopted 5-24-83)
 - c. Residential uses subject to the provisions of Section 867.
(Added by Ord. T-034-297 adopted 9-20-88).
2. Not more than one (1) additional residence may be constructed or placed upon a parcel of land for each five (5) acres in excess of five (5) acres in the AE-5 District, each twenty (20)

acres in excess of twenty (20) acres in the AE-20 District, and each forty (40) acres in excess of forty (40) acres in the AE-40 through the AE-640 District.
(Added by Ord. T-067-338 adopted 6-26-01)

3. Each homesite created pursuant to Section 816.5-A.2b (2) shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.
(Added by Ord. T-067-338 adopted 6-26-01)
4. Despite any other provision of this Division, all residences authorized for construction for which an application was accepted for processing prior to the effective date of this provision (August 1, 2001) that exceed the density standards herein, shall be deemed conforming and not subject to the provisions of Section 876 (Nonconforming buildings and Uses).
(Added by Ord. T-067-338 adopted 6-26-01)

D. BUILDING HEIGHT

No building may exceed thirty-five feet (35) feet in height. If the building exceeds two (2) stories, an emergency exit (door or window no less than two (2) feet wide and having a minimum area of six (6) square feet) shall be provided to the uppermost story no more than twenty-eight (28) feet above the finished grade below the opening. Non-dwelling structures and other accessory farm buildings are excepted.

(Amended by Ord. T-243 adopted 7-28-80)

E. YARDS

1. General Yard Requirements

- a. All required yards shall extend the full width or depth of the lot and shall be open from the ground to the sky, except as provided for below.
- b. Swimming Pools
 - (1) Swimming pools shall not be located in any required front yard or side yard and its projection to the rear property line when abutting a street.
 - (2) Swimming pools shall not be located within five (5) feet of any required front yard setback or within five (5) feet of any required side yard setback and its projection to the rear property line when abutting a street.
 - (3) Swimming pools may be located in any required interior side yard and rear yard provided a space of not less than five (5) feet is maintained from the side and rear property lines.

(For swimming pool enclosure requirements see "Fences, Hedges, and Walls."
Section 816.5-H)

(Amended by Ord. T-245 adopted 4-27-81)

2. Front Yard

Each lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot.

3. Side Yard

- a. Each lot shall have a side yard on each side of not less than twenty (20) feet except for special conditions provided for below.

b. Corner Lots

On corner lots, unless otherwise specified in this Division, the side yard abutting the street shall be not less than thirty-five (35) feet in width.

c. Accessory Buildings In Side Yards

- (1) Any accessory building located less than one hundred (100) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.
- (2) An accessory building may be located on a side property line when said building is located one hundred (100) feet or more from the front property line.
- (3) Accessory buildings located in the side yard or its projection to the rear property line when abutting a street shall be at least twenty (20) feet from the property line on the side street.
- (4) Any accessory building permitted on a side property line shall have provisions for all roof drainage to remain on the subject lot.
(Amended by Ord. 490.153 adopted 9-5-78)

4. Rear Yard

The provisions of the side yard, Section 816.5-E.3.a, b, and c, shall apply.

5. Exceptions: Permitted Projections Into Required Yards

The provisions of the "R-A" District, Section 821.5-E.5.a through c, shall apply.

F. SPACE BETWEEN BUILDINGS

No animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation.
(Amended by Ord. 490.153 adopted 9-5-78)

G. LOT COVERAGE

No requirements.

H. FENCES HEDGES AND WALLS

The provisions of Section 855-H.2 shall apply.
(Added by Ord. 490.123 adopted 12-7-76)

I. OFF-STREET PARKING

1. For value-added agricultural uses and facilities involving retail sales, there shall be at least two (2) square feet of off-street parking area for each one (1) square foot of retail floor space, or fraction thereof.
2. For value-added agricultural uses and facilities, there shall be at least one (1) off-street parking space for each two (2) permanent employees. In addition, there shall be at least one (1) parking space for each truck operated by the concern and one parking space for each sales person permanently employed.
3. The provisions of the General Standards, Section 855-I, shall apply.
(Added by Ord. T- 077-352, adopted 3-2-04)

J. ACCESS

No requirements for lots greater than five (5) acres in size except those lots created by 816.5-A.3. The provisions of the "A-2" District, Section 819.5-J, shall apply for all lots less than five (5) acres in size and those created by 816.5-A.3.
(Amended by Ord. 490.172 re-adopted 4-24-79)

K. OUTDOOR ADVERTISING

1. One (1) non-flashing sign for each street frontage, total area of such sign to contain not more than forty (40) square feet and pertaining only to products for sale upon the premises or services rendered thereon or therefrom, shall be permitted in this District.
2. Name signs shall be permitted but shall display only the following conditions:

Name signs shall display only the:
 - (1) Name of the premises upon which it is displayed;
 - (2) Name of the owner, lessee of said premises;
 - (3) Address of said premises;
 - (4) Nature of the occupation engaged in on said premises.
3. "For Rent" and "For Sale" signs shall be permitted.
4. Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted subject to the provisions of Section 855-K.
5. Off-site directional signs for major recreational uses, hospitals, and colleges permitted under Section 816.2 shall be subject to the provisions of Section 855-K.
6. Off-site freestanding signs for produce stands shall be permitted subject to the following conditions:
 - a. Produce stand directional signs:
 - (1) The number of such signs shall be limited to two per each use, excepting that stands located on properties adjacent to intersections shall be permitted a maximum of four such signs.

- (2) Each sign shall not exceed forty (40) square feet in area, exclusive of architectural features. The sign shall not exceed twelve (12) feet in height.
- (3) Each sign shall contain only the name and address of the produce stand, a directional arrow, approximate distance to the produce stand, and listing of the produce available for sale, not including the prices thereof.
- (4) Internally illuminated or floodlighted signs shall be prohibited, but reflective materials may be used.
- (5) The signs shall be located within 2,500 feet of the produce stand structure.
- (6) Each sign shall be located a minimum of ten (10) feet from the paved portion of the adjacent road and outside of the public road right-of-way. In no instance shall signs be located within required rear or interior side yards.
- (7) Such signs shall be prohibited in corner cut-off areas, the location of which are described in Section 822.5-H.2. For purposes of establishing corner cut-off areas, the property line shall be considered to be not less than thirty (30) feet from the centerline of the adjacent roadway.
- (8) Before any sign is erected on any parcel in this District, a Site Plan shall have been submitted to and approved by the Director, pursuant to the provisions of Section 874.

b. Temporary Produce Stand Approach Signs:

- (1) The number of such signs shall be limited to two along each public roadway to which the produce stand has direct access.
- (2) Each sign shall not exceed sixteen (16) square feet in area, exclusive of architectural features. The sign shall not exceed ten (10) feet in height.
- (3) Such signs shall be limited to advertising produce in season and the price thereof.
- (4) Internally illuminated or floodlighted signs shall be prohibited, but reflective materials may be used.
- (5) The signs shall be located within 1,300 feet of the produce stand structure.
- (6) Each sign shall be located a minimum of ten (10) feet from the paved portion of the adjacent road and outside of the public road right-of-way. In no instance shall signs be located within required rear or interior side yards.
- (7) Such signs shall be prohibited in corner cut-off areas, the location of which are described in Section 822.5-H.2. For purposes of establishing corner cut-off areas, the property line shall be considered to be not less than thirty (30) feet from the centerline of the adjacent roadway.
(Section 816.5-K.6 added by Ord. 490.202 adopted 5-20-80)

L. LOADING

No loading shall be permitted on a public road, street or highway.

SECTION 816.6 - PERMITS REQUIRED

The establishment of any use in the "AE" District which requires Director Review and Approval or a Conditional Use Permit may be established only after such approval or permit and shall be subject to all restrictions or conditions thereof.

(Amended by Ord. 490.38 adopted 11-21-76; Ord. 490.174 re-adopted 5-8-79)

SECTION 816.7 – INTERSTATE INTERCHANGE IMPACT AREAS

The following areas are determined to be Interstate Interchange Impact Areas and are described as follows:

A. Nees Avenue Highway Interchange Plan Area.

All those portions of Section 28, 29, and 32, T. 12 S., R. 11 E., M. D. B. & M., lying within Fresno County, and Sections 27, 33 and 34, T. 12 S., R. 11 E., M. D. B. & M.

B. Panoche Road Highway Interchange Plan Area.

Sections 1, 2, 11, 12, 13, and 14, T. 15 S., R. 12 E., M. D. B. & M.

C. Derrick Avenue Highway Interchange Plan Area.

Sections 13, 24, and 25, T. 17 S., R. 14 E. M. D. B. & M., and Sections 18, 19, and 30, T. 17 S., R. 15 E., M. D. B. & M.

D. Dorris Avenue Highway Interchange Plan Area.

Sections 20, 21, 22, 27, 28 and 29, T. 19 S., R. 16 E., M. D. B. & M.

E. Jayne Avenue Highway Interchange Plan Area.

Sections 31 and 32, T. 20 S., R. 17 E., M. D. B. & M., and Sections 4, 5, and 6, T. 21 S., R. 17 E., M. D. B. & M.

(Sec. 816.7 added by Ord. 490.95 adopted 11-27-73)

(Sec. 816.8 deleted by Ord. T-275 adopted 4-24-84)

F. Lassen Avenue Highway Interchange Plan Area

All those portions of Sections 24 and 26, T.21 S., R.17E., M.D.B.&M. lying within Fresno County, and Sections 22, 23, and 27 of Town 21, Range 17, M.D.B.&M.

(Added by Ord. T-065-337 adopted 03-27-01)

G. Manning Avenue Highway Interchange Plan Area

Sections 19, 20, 29, and 30, T.15 S., R. 13 E., M. D. B. & M.

(Added by Ord. T-076-350, adopted 11-25-03)

SECTION 853

USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

A. CLASSIFIED CONDITIONAL USE PERMITS

Certain uses listed in the districts are permitted only when subject to Conditional Use Permit. Such uses shall be subject to all applicable property development standards of the district in which they are to be located and to the provisions of Section 873.

B. UNCLASSIFIED CONDITIONAL USE PERMITS

In addition, to those uses permitted subject to Classified Conditional Use Permit, the following uses may be permitted by Unclassified Conditional Use Permit except for any use, including a power generating plant, that utilizes coal, coke, or other coal-based fuel as an industrial fuel source, or where expressly prohibited:

(Amended by Ord. T-039-307 adopted 2/26/91).

1. Airport or aircraft landing facilities, provided, however, no review of such permit shall be required in any of the following areas: Section 28, T. 13 S., R. 14 E.; Section 4, T. 15 S., R. 17 E.; Section 21, T. 17 S., R. 17 E.; Section 34, T. 19 S., R. 17 E.; M.D.B. & M.

2. Ambulance substations.

(Added by Ord. 490.151 adopted 6-20-78)

3. Cemeteries.

4. Convents and rectories when connected with other religious institutions such as schools or churches.

5. Development of natural resources with necessary buildings, apparatus, or appurtenances thereto. For surface mining operation see provisions of Section 858.

(Amended by Ord. 490.55 adopted 6-17-69; amended by Ord. T-061-332)

6. Golf courses and driving ranges.

7. Governmental facilities.

8. Health spas.

(Added by Ord. 490.175 re-adopted 5-29-79)

9. Hospitals.

10. Interstate freeways interchange commercial development as identified in Section 860.

(Added by Ord. 490.95 adopted 11-27-73; amended by Ord. T-066-337 adopted 3-27-01)

11. Oil and gas development uses subject to the provisions of Section 857.
(Amended by Ord. No. T-240 adopted 8-17-81)
12. Parks, including facilities appropriate and incidental to parks.
(Added by Ord. 490.125 adopted 12-7-70; amended by Ord. 490.175 re-adopted 5-29-79)
13. Private clubs and lodges.
(Added by Ord. T-010-267 adopted 10-20-82)
14. Public utility and public services, structures, uses and buildings, except as otherwise provided in this Division.
15. Radio or television antennas and transmitters (commercial).
16. Residential facilities caring for seven or more, subject to the population density standards of Rest Homes (855-N.).
(Added by Ord. T-244 adopted 4-19-83)
17. Rest Homes.
(Amended by Ord. T-244 adopted 4-19-83)
18. Rifle and pistol practice range, skeet field, archery range or other similar place.
19. Solid waste disposal facilities.
(Added by Ord. 490.200 adopted 5-5-80)
20. Solid waste processing facilities.
(Added by Ord. 490.200 adopted 5-5-80)
21. Solid waste transfer stations.
(Added by Ord. 490.200 adopted 5-5-80)
22. Small oil refineries limited to removal of entrained crude oil from natural gas; separation of crude oil into naphtha, kerosene, fuel oil, and diesel oil; blending of naphtha and kerosene to produce jet fuel and gasoline; and reforming of heavy naphtha in the presence of a catalyst to produce unleaded gasoline.
(Added by Ord. 490.136 adopted 9-24-79)
23. Stadia.

Calif. Building Code
105.1

Def. of A Structure



INTER OFFICE MEMO

Fresno County Public Library

Date: March 25, 2013

To: Kiti Buelna

From: Laurel Prysiaczny, County Librarian

Subject: Westlands Solar Park Master Plan and Related Transmission Facilities.

Pursuant to the Requirements of the California Environmental Quality Act (CEPA).

Previous Atlas indicates property was in Kings County, Fresno County border.

Thompson, Thos. H. 1891, *Atlas of Fresno County California*.

Harvey, William Sr., 1907, *Atlas of Fresno County California*.

Progressive Map Service, 1935, *Progressive Atlas of Fresno County*.

Vacant lot, no buildings exist on the Fresno County side, no impact on any historic properties within the affected area.

****If upon construction and digging there are any archaeological findings, they should not be disturbed until the right authorities are contacted.**



CHIEF EXECUTIVE OFFICE

Monica Nino
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Stan Risen
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

April 11, 2013

Kiti Buelna
Westlands Water District
3130 N. Fresno Street
PO Box 6056
Fresno, CA 93703

**SUBJECT: ENVIRONMENTAL REFERRAL – WESTLANDS WATER
DISTRICT – WESTLANDS SOLAR PARK MASTER PLAN AND
RELATED TRANSMISSION FACILITIES**

Ms. Buelna:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Mark Loeser, Management Consultant
Environmental Review Committee

ML:ss

cc: ERC Members



James Chuang
Environmental Specialist/Land Planner

Natural Resources & Land Planning
Mail Location GT17E2
555 W. Fifth Street
Los Angeles, CA 90013-1036

Tel: 213.244.5817
Fax: 323.518.2324
E-mail : WCChuang@semprautilities.com

April 11, 2013

Ms. Kiti Buelna
Resource Division
Westlands Water District
3130 N. Fresno Street, P.O. Box 6056
Fresno, CA 93703

Re: Westlands Solar Park Master Plan and Related Transmission Facilities

Dear Ms. Buelna:

Southern California Gas Company (SCG) appreciates the opportunity to review and respond to the Project's Notice of Preparation of a Draft Environmental Impact Report. We respectfully request that the following comments be incorporated in the subsequent Draft Environmental Impact Report (DEIR).

SCG recommends that the DEIR include a discussion of the following items:

- The presence and condition of existing utility infrastructure on the project site, including right-of-ways and/or easements.
- Identification of any existing natural gas infrastructure that would need to be relocated and/or abandoned, in order to provide natural gas service to the proposed project.

Once again, we appreciate the opportunity to comment on the NOP. If you have any questions, please feel free to contact me at (213) 244-5817 or WCChuang@semprautilities.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James Chuang", with a stylized flourish at the end.

James Chuang
Environmental Specialist
Southern California Gas Company



**Southern
California
Gas Company**

A  **Sempra Energy** company

May 6, 2013

Westlands Water District
Attn: Kiti Buelna
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056

Subject: Notice of Preparation of DEIR - Kern
Avenal Cutoff Rd and Nevada Hdg Ely to Hwy 41
PPF 46-13x

**Southern California
Gas Company**

9400 Oakdale Avenue
Chatsworth, CA
91313

Mailing Address:
P. O. Box 2300
Chatsworth, CA
91313-2300
ML9314

*tel 818-701-4546
fax 818-701-3441*

Southern California Gas Company, Gas Transmission Department has received your request for pipeline locations within the general area of your proposed project. The Gas Company operates and maintains **(20)**-inch high pressure natural gas lines **(800)** within the limits of your construction project. Attached are copies of our pipeline Leak Survey Area sheets **(F1-25, 35)** which show the location of our pipelines. While we cannot guarantee the accuracy of these maps they are included to assist you in your planning and design.

One design parameter The Gas Company requires is that:

- **Consideration be given to the safety of our pipeline during the design and construction stages.**
- **Power-operated or power-driven excavation or grading shall not be allowed closer than two feet from any unexposed portion of pipeline or valve.**
- **A representative of The Gas Company must observe the excavation, when working within 10' of our facilities, to insure protection and to record pertinent data necessary for our operations.**

Upon request, at least two (2) working days prior to the start of construction, we will locate and mark our active underground facilities for the contractor at no cost. Please call Underground Service Alert (USA) at (800) 422-4133.

Arrangements for someone to stand-by and observe can be made by calling **(661) 763-2825** two working days prior to the start of construction. We would appreciate it if you would place a note on your plans to that effect.

Westlands Water District
Attn: Kiti Buelna
Page 2

**Subject: Notice of Preparation of DEIR - Kern
Avenal Cutoff Rd and Nevada Hdg Ely to Hwy 41
PPF 46-13x**

We will also require "final" grading plans and construction profiles prior to the start of construction.

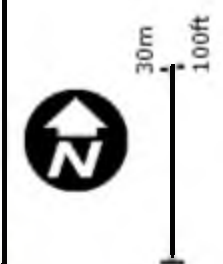
Within the limits of your proposed construction, if you have not already done so, please contact the **Northern Distribution Region** of The Gas Company for information on their pipelines. You can contact them at **(559) 739-2308** and they will furnish you with any information you may require.

If a conflict is identified and can only be resolved by the relocation of our facilities, please be advised that the projected timetable for the completion of this relocation is one year. This includes planning, design, material procurement, cathodic protection, permits, environmental issues and construction.

Upon receipt of your construction plans, our group will review the plans to see if a conflict can be identified. If a conflict cannot be identified, you will be sent a "Letter of No Conflict." If a conflict has been identified, to monitor your project, a Document Control Plan File will be prepared, and assigned to a Project Manager. All future project correspondence is to be sent to the Project Manager.

Sincerely,


Rosalyn Squires
Pipeline Planning Assistant
Transmission Department



Map Title:
Printed By:
Printed Date:

LIABILITY STATEMENT The facilities and their depiction on these maps are believed to be reasonably accurate, but the maps are not to be used in lieu of field verification or calling (USA at 800-427-4333). **NO WARRANTY** (including of merchantability or fitness for a particular purpose) is made as to any matter, including but not limited to, the design, size, shape, color or location of the facilities, their presence or absence, the accuracy of the maps, the means used to transmit the data (transmitted electronically, by disk or otherwise), data translations or transmission errors or omissions, compatibility with the user's system or its ability to store the data correctly or at all, or any other matter. The Gas Company has no liability for damages (direct, indirect, consequential, residential or non-residential) arising from the transmission, receipt or use by others of the maps or information contained in the maps. Certain technology and related features are from ANSYS Intellectual Property, L.L.C. Copyright © 2019. All rights reserved.





April 15, 2012

Kiti Buelna
Westlands Water District
PO Box 6056
Fresno, CA 93703-6056

Delivered via email to kbuelna@westlandswater.org

RE: NOP – Draft EIR for Westlands Solar Park Master Plan and Related Transmission Facilities

Dear Ms. Buelna:

Thank you for the opportunity to provide scoping comments for the Draft Programmatic Environmental Impact Report (DEIR) being prepared for the Westlands Solar Park Master Plan and Related Transmission Facilities (Project). These comments are submitted on behalf of Defenders of Wildlife (Defenders) and our more than one million members and supporters in the United States - 200,000 of which reside in California.

Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

Defenders strongly supports the emission reduction goals found in the Global Warming Solutions Act of 2006 (AB 32), including the development of renewable energy in California. However, we urge that in seeking to meet our renewable energy portfolio standard in California, project proponents design their projects in the most sustainable manner possible. This is essential to ensure that project approval moves forward expeditiously and in a manner that does not sacrifice our fragile landscapes and wildlife in the rush to meet our renewable energy goals.

As we transition toward a clean energy future, it is imperative for our future and the future of our wild places and wildlife that we strike a balance between addressing the near term impact of industrial-scale solar development with the long-term impacts of climate change on our biological diversity, fish and wildlife habitat, and natural landscapes. To ensure that the proper balance is achieved, we need smart planning for renewable power that avoids and minimizes adverse impacts on wildlife and lands with known high-resource values.

The proposed Project includes the Westlands Solar Park (WSP) and associated transmission facilities. The WSP would be located in the unincorporated area of west-central Kings County and the transmission facilities would traverse portions of Fresno, Madera and Merced Counties. The components of the Project area as follows:

Westlands Solar Park Generating Facilities

The Westlands Solar Park (WSP) consists of the development of approximately 24,000 acres for a utility-scale solar energy generation facility. The WSP Master Plan area consists almost entirely of highly disturbed and chemically impaired cultivated agricultural land. There are no dwellings or agricultural buildings within the plan area. The solar generating facilities will consist solely of photovoltaic solar arrays and associated electrical equipment and interconnections, along with support facilities,

California Program Office
1303 J Street, Suite 270
Sacramento, CA 95814
Telephone 916-313-5800
Fax 916-313-5812
www.defenders.org/california

substations, and other utilities infrastructure. At buildout the WSP would have an estimated generating capacity of approximately 2,400 Megawatts (MW) with an average of 2,000 acres (or 200 MW) developed per year over 12 years.

Henrietta-Gates Transmission Upgrades

A new 11 ± mile, 230-kV transmission line would be constructed in Fresno County which would run parallel and adjacent to the existing 230-kV Henrietta-Gates transmission line between the WSP site and the Gates Substation.

Westlands Transmission Corridor

Full buildout of the WSP plan area would require the addition of transmission capacity to the existing 500-kV Central California Transmission Corridor along I-5. A new 87± mile, 500-kV transmission line would be constructed running generally parallel to the existing transmission corridors from the Gates Substation in Fresno County north to the Los Banos Substation in Merced County.

Helm to Gregg Transmission Corridor

This new 36± mile transmission corridor in Fresno County would branch off the planned Westlands Transmission Corridor at the Helm Substation near the City of San Joaquin and head northward across the San Joaquin River, and then eastward to the Gregg Substation located north of Fresno and east of State Route 99.

The proposed Project represents a comprehensive approach to renewable energy development on highly disturbed land which, due to drainage and chemical complications, is severely impaired for continued agricultural use and is being retired from farming. Defenders has long advocated for just this type of master planned renewable energy development and is pleased to see WSP moving forward. At the same time, the Project, if built, would entail the significant conversion of open lands to the light industrial nature of a solar power plant. Although the WSP plan area is highly disturbed and impaired, the site does provide some habitat for special status species. The 134± miles of new and/or upgraded transmission lines also traverse the habitat of a variety of special status species. The proposed Project could result in the loss of habitat and displacement of State and Federally listed wildlife species such as San Joaquin kit fox (*Vulpes macrotis mutica*), blunt-nosed leopard lizard (*Gambelia sila*), Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), Nelson's antelope squirrel (*Ammospermophilus nelsoni*), black-crowned night heron (*Nycticorax nycticorax*), and burrowing owl. The DEIR should provide the following:

Science Based Baseline Biological Information

The proposed Project is located within the known territory of special status species. Additionally, the open, lands located immediately adjacent to the WSP planning area and transmission facilities must be taken into consideration as the proposed Project sites may be utilized by special status species occurring on those lands. Biological field surveys for these species must be completed. The analysis, and any mitigation strategies, in the DEIR must be based on these studies. Without survey information, any impact analysis would be tenuous and incomplete and it would not be possible to ascertain if any proposed mitigation measures are appropriate. We recommend the applicant and the County engage in full consultation with the US Fish and Wildlife Service (FWS) and the California Department of Fish and Wildlife (CDFW) for guidance on impact assessment and mitigation and that the appropriate level of surveys be completed.

Whole Project Addressed

The DEIR must address the whole of the project including the construction, operation and maintenance of tap lines, telco/fiber optic lines, and substations located both on and off-site.

Compensatory Mitigation for Loss of Habitat

Habitat loss is the primary cause of San Joaquin Valley upland species endangerment (U.S. Fish & Wildlife 1998). It is essential that habitat for endangered and special status species in the Project area is protected to ensure survival and recovery of the species. To ensure habitat protection, land uses must maintain or enhance the value of the land. The recommended approach for safeguarding such habitat is to protect land in large

blocks whenever possible. This minimizes edge effects, increases the likelihood that ecosystem functions will remain intact and facilitates management.

The proposed Project including the transmission facilities has the potential impact habitat for a number of State and Federal threatened and endangered species. This loss of habitat could be significant and must be mitigated through the establishment of compensatory mitigation at prescribed ratios. Again, this mitigation should be determined through consultation with FWS and CDFW.

Project Construction and Operation Protocols Must be Wildlife Friendly

The DEIR, in consultation with FWS and CDFW, must identify project construction and operation protocols to avoid and minimize impacts to wildlife. Protocols could include San Joaquin kit fox construction protocols, buffer zones, shielded lighting, and a prohibition on the use of rodenticides.

Security Fence Must be Wildlife Friendly

The proposed Project includes security fences around each site's perimeter. This would result in over seven miles of miles of fencing. This represents a significant barrier to wildlife. The security fences must be designed to be wildlife friendly and allow safe passage of San Joaquin Valley kit fox and other species. In the event that chain-link fencing is used, the bottom of the fence must be raised 5-7 inches off the ground and knuckled under along the entire perimeter of the Project, thereby permitting easy under-passage by foxes at any location.

Transmission Lines

The Project proposes 134± miles of new or upgraded transmission lines. While there is a clear need for additional transmission capacity to facilitate renewable energy development in the region, development of that capacity carries the potential for both direct and indirect impacts. The siting of the additional transmission and associated facilities will directly affect where renewable energy development occurs. "Smart from the Start" transmission facility siting which avoids high value farmland and habitat lands will foster future renewable energy development which also avoids high value farmland and habitat. The DEIR must address both alternatives to routing as well as the potential for grow-inducing impacts resulting from additional capacity.

Cumulative Impact Analysis


The proposed Project is just one of approximately 50 solar projects proposed or permitted in the southern San Joaquin Valley which have the potential to convert over 75,000 acres from agricultural and open lands to the light industrial land use of a utility scale solar power plant. This is in addition to impacts resulting from residential, industrial, and infrastructure development, and other types of energy development including the expected fracking within the Monterey Shale Formation. The cumulative loss of agricultural, habitat, and foraging lands must be addressed in the DEIR.

Conclusion

Defenders is very pleased to see the proposed Westlands Solar Park and related transmission facilities project moving forward into CEQA review. We strongly encourage the applicant and the District to coordinate and work closely with CDFW and FWS to incorporate the necessary biological analysis and to develop appropriate strategies to avoid, minimize and mitigate any impacts to biological resources from the proposed Project.

We look forward to reviewing the DEIR for this Project. Please include us in any notices for the proposed Project. Thank you once again for the opportunity to provide scoping comments on the Westlands Solar Park project and for considering our comments. If you have any questions, please me at (530) 902-1615 or via email at kate@kgconsulting.net.

Respectfully submitted,



Kate Kelly
Project Manager

Cc:
Ken Sanchez, USFWS
Thomas Leeman, USFWS

Julie Vance, CDFW
Bob Doud, Westlands Solar Park
Dan Kim, Westlands Solar Park

Memorandum

To: Kiti Buelna and Bert Verrips, Westlands Water District
3130 N. Fresno Street, P.O. Box 6056. Fresno, CA 93703-6056

From: Laura Crane, The Nature Conservancy

Date: April 15, 2013

Subject: Comments on the Notice of Preparation (NOP) to prepare an Environmental Impact Report (EIR) on the Westlands Solar Park Master Plan and Planned Transmission Corridors in Central California.

On behalf of The Nature Conservancy of California (the Conservancy), we are writing to provide comments on the Notice of Preparation (NOP) to prepare for an Environmental Impact Report (EIR) on the Westlands Solar Park Master Plan and Planned Transmission Corridors in Central California.

The Nature Conservancy is a global, non-profit organization dedicated to the conservation of biodiversity. We seek to achieve our mission through science-based planning and implementation of conservation strategies that provide for the needs of people and nature. We strongly support the development of renewable sources of energy to mitigate the increasing threat of climate change. However, if not located, built, and operated responsibly, energy projects can negatively impact biodiversity, harm wildlife and their important habitats, and diminish water resources, especially in fragile desert environments. The Conservancy supports siting renewable energy facilities in locations where ecological impacts can be minimized, contained, or mitigated. Generally, these locations are close to economic centers and existing transmission lines, and do not displace productive agriculture and ranching operations.

We have been following the development of the Westlands Solar Park (WSP) and have found that the WSP is an example of a location that meets many, if not all of these criteria. The WSP is located on drainage-impaired farmland and, biological surveys conducted to date indicate that WSP is absent of special-status species with the exception of western burrowing owl. The solar operations would also use significantly less water than is currently used for the agricultural operations, thereby providing a more sustainable long-term land use.

The Conservancy encourages the continued development of the Westlands Solar Park Master Plan and Planned Transmission Corridors. We are supportive of the programmatic approach that is being taken to plan for both solar energy and transmission corridors. Furthermore, we encourage

the Westlands Water District (WWD) to consider broadening their approach and continue to programmatically plan for solar energy development on other WWD lands outside of the WSP.

We recognize that this Environmental Impact Report is for adoption of the WSP Master Plan and transmission corridors, and that the solar generating projects and transmission projects subsequently brought forward pursuant to the plan and adopted transmission alignments will be permitted by the respective public agencies that have jurisdiction. That said we feel it important to mention that future transmission projects within the Helm-Gregg transmission corridor should plan for and minimize impacts to the San Joaquin River and the Fresno Slough.

If you have any questions, please do not hesitate to contact me at (760) 399-7275 or lcrane@tnc.org.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Crane", followed by a horizontal line.

Laura Crane
The Nature Conservancy

April 15, 2013

Comments of the California Consumers Alliance (CCA) regarding:

The Westlands Water District (WWD) Notice of Preparation (NOP) of an Environmental Impact Report (EIR) Pursuant to the requirements of the California Environmental Quality Act (CEQA) and Notice of Public Scoping Meeting for:

The Westlands Solar Park (WSP) Master Plan and Planned Transmission Facilities

Introduction:

The CCA is an organization established for the purpose of providing consumers with access to the technical and analytical expertise and tools needed to fully and effectively participate in transmission planning processes. CCA supporters are electricity consumers who reside and work in the service territories of the State's Investor Owned Utilities (IOUs): PG&E, SCE, and SDG&E. The IOU's transmission facilities comprise a major portion of California's integrated high voltage electrical grid; our organization involves subject matter experts and analysts with experience in the complex fields of energy markets, transmission planning, generation technologies, and regulatory policy who advocate for efficient, cost effective and environmentally sensitive solutions to the identified needs of the State's electrical grid.

The CCA is a participant in the California Independent System Operator's (CAISO) regional transmission processes, and other regulatory decision making processes that affect the provision of electricity. CCA supporters and consultants are also contributors to transmission studies performed by the Renewable Energy Transmission Initiative (RETI) and the California Transmission Planning Group (CTPG). RETI and CTPG examined potential electricity infrastructure developments in the context of meeting California's RPS goals, and published what CTPG characterizes as a "statewide transmission plan." RETI's and CTPG's transmission plans are available to decision makers.

CCA strives to be involved meaningfully in processes that determine electricity infrastructure needs. We are familiar with the topics and the objectives described in the Westlands Water District Notice of Preparation of an Environmental Impact Report, and discussed by the WWD representatives at the April 9, 2013 Scoping Meeting. We appreciate the opportunity to offer the following requests for clarification, perspectives and comments, for the Westland Water District's consideration.

1) Concerning the WWD NOP of an EIR and Public Scoping Meeting:

Overview of Planned/Related Transmission Facilities:

The WWD NOP indicates that the WSP "Overall Project" includes three related transmission facilities. We have initial questions and concerns regarding these planned/related transmission facilities. We also have concerns regarding some of the

information relayed to attendees of the April 9, 2013 Public Scoping Meeting. We ask that WWD address, and to the extent possible, alleviate these concerns in preparation of the EIR.

The WWD NOP, and scoping meeting presentation on behalf of WWD do not specify how the three related transmission facilities would be paid for. A review of costs for similar projects reveals that the bill for the three WSP proposed transmission facilities could likely exceed a billion dollars. Furthermore, unless the transmission is built as merchant project—where users of the transmission facilities pay for the facilities through contractual wheeling arrangements—costs will have to be recovered through the CAISO’s Federal Energy Regulatory Commission (FERC) jurisdictional Transmission Access Charge mechanism. This is the typical method of recovering the costs of new transmission facilities in the CAISO balancing authority area. It appears that the described WSP overall project would be within the CAISO balancing authority. Accordingly, recovery of the transmission facilities’ costs will have a direct and significant impact on consumers within the CAISO balancing authority. For the sake of clarity, we request that the WWD includes, as a topic in the EIR, a description and discussion of the costs, and the anticipated method of cost allocation for the WSP related transmission facilities.

The Project Location section of the NOP describes WSP upgrades to Path 15 as needed. According to the Detailed Project Description section of the NOP, a full buildout of the WSP will require transmission additions. The NOP also leads the reader to believe that the transmission facilities are cost effective. As discussed at the public scoping meeting, and reiterated here; the WWD should provide evidence in the form of publicly available data that shows that the described transmission facilities are determined to be needed, required, and cost effective.

Note that to determine a facility is “needed” or “required,” it is necessary to find that other feasible alternatives for accommodating additional generation development in the Westlands area have been considered and found less desirable. The WWD has, thus far, not identified other feasible alternatives and has not provided analysis indicating that the proposed project is, in comparison with such alternatives, preferred. Similarly, to determine that a facility is “cost effective,” it is necessary to show that the parties ultimately responsible for paying for the proposed project are economically better off with the proposed project than if any of the other feasible alternatives were pursued. Again, WWD has not identified other feasible alternatives and has not provided analysis demonstrating that the proposed project will result in lower costs to consumers than any of the other alternatives.

We are additionally concerned by WWD representative's statement at the scoping meeting that there is “insufficient power” for the Fresno area and that this deficiency is increasingly causing outages. Likewise the Project Objectives section of the NOP describes the Fresno area as “electrically constrained.” We are unaware of any information that indicates the Fresno area transmission system is failing to meet applicable reliability standards, or, that available generating capacity in the Fresno load

pocket is inadequate. If the WWD has data showing otherwise, we request reference to the evidence of such findings. Furthermore, we urge an abundance of caution since unsubstantiated claims of this nature are potentially misleading and could result in skewed views on actual electricity infrastructure needs, and consequently, the type, magnitude and range of solutions that should be considered.

2) Scope and Content of the EIR:

Socio-economic impacts

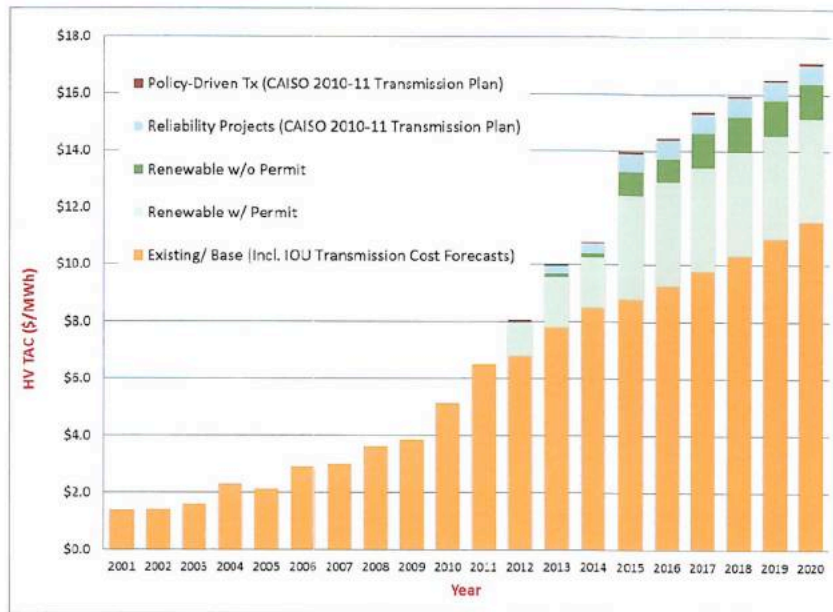
We recognize that except for limited circumstances, CEQA does not require a discussion of socio-economic impacts. Nevertheless CCA recommends that WWD identifies alternatives to the proposed project and considers evaluating the socio-economic impacts of the WSP planned/related transmission facilities versus alternatives. An evaluation of the socio-economic impacts of alternatives would provide greater insight to decision makers who may need to consider economic impacts in the performance of their statutory obligations in subsequent permitting and siting proceedings.

We note that the overall goal and specific objectives of the WSP Master Plan contain targets that are clearly centered upon social and economic ideals. CCA supports some of these targets and ideals. It should be recognized, however, the likelihood of the commerce-derived benefits materializing in the targeted local community identified in the NOP increases when significant impacts on surrounding communities are eliminated or reduced.

With respect to the socio-economic impacts, WWD should consider that since 2001, the High Voltage Transmission Access Charge (HV TAC) allocated to consumers in PG&E service territory has increased 6.2 fold (as of January, 2013). By 2020 the HV TAC is projected to be approximately \$17.00/ MWh. This represents a 1200 percent increase in the HV TAC from \$1.40/MWh in 2001. Accounting for the 2020 projected Low Voltage Transmission Access Charge (LV TAC); the combined Transmission Access Charges allocated to PG&E consumers is projected to be nearly \$25.00/MWh in 2020.

The exponential increase in FERC jurisdictional transmission revenue requirements, a socialized cost, is unprecedented and sufficient cause for alarm. Overbuilding or adding unnecessary transmission capacity to accommodate potential build-out of generation adds the risk of stranded investment to ratepayer commitments that are already staggering. Network upgrades that do not enhance the efficient use of transmission needlessly add to the growing costs of conveying electricity; siphoning away capital, planning resources, and jobs that should be directed towards needed projects and efficient solutions. Furthermore it is not just utility ratepayers who pay for transmission infrastructure; the increasing costs are also rolled into the purchases of goods and services, spreading across every segment of the communities where the costs are allocated.

Exhibit A
Historical PG&E Area and CAISO-wide HV TAC (\$/MWh) for 2001-2011 and Projected CAISO-Wide HV
TAC (\$/MWh) for 2012-2020 Based on the CPUC/E3 LTPP Evaluation Metric Calculator,
Dated April 29, 2011



January 03, 2013 TAC Rates
Based on Filed Annual TRR/TRBA and Load Data

TAC Components:

	Filed Annual TRR (\$) [1]	Filed Annual Gross Load (MWh) [2]	HV Utility Specific Rate (\$/MWh) [3] = [1] / [2]	TAC Rate (\$/MWh) [4] = total [1] / total [2]	TAC Amount (\$) [5] = [2] * [4]
PGE	\$ 378,006,106	89,530,000	\$ 4.2221	\$ 8.6805	\$ 777,165,812
SCE	\$ 785,506,776	90,531,472	\$ 8.6766	\$ 8.6805	\$ 785,859,097
SDGE	\$ 395,832,436	21,266,400	\$ 18.6130	\$ 8.6805	\$ 184,603,139
Anaheim	\$ 29,551,469	2,507,620	\$ 11.7847	\$ 8.6805	\$ 21,767,414
Azusa	\$ 2,060,904	257,416	\$ 8.0061	\$ 8.6805	\$ 2,234,501
Banning	\$ 1,195,554	144,652	\$ 8.2650	\$ 8.6805	\$ 1,255,653
Pasadena	\$ 14,264,576	1,231,980	\$ 11.5786	\$ 8.6805	\$ 10,694,211
Riverside	\$ 29,304,431	2,180,985	\$ 13.4363	\$ 8.6805	\$ 18,932,056
Vernon	\$ 2,359,594	1,180,000	\$ 1.9997	\$ 8.6805	\$ 10,242,999
Atlantic P15	\$ 28,123,812	-	\$ -	\$ 8.6805	\$ 0
Startrans	\$ 4,217,794	-	\$ -	\$ 8.6805	\$ 0
Trans-Bay Cable	\$ 122,664,066	-	\$ -	\$ 8.6805	\$ 0
Citizens Sunrise	\$ 12,786,745	-	\$ -	\$ 8.6805	\$ 0
Colton	\$ 3,234,577	372,179	\$ 8.6909	\$ 8.6805	\$ 3,230,702
VEA	\$ 11,607,359	544,970	\$ 21.2991	\$ 8.6805	\$ 4,730,616
ISO Total	\$ 1,820,716,199	209,747,674			\$ 1,812,754,881

Environmental Impacts

We appreciate the preliminary efforts to summarize the probable environmental effects. As described by the WWD representative at the scoping meeting, the effort to site and route the related transmission facilities in a manner that avoids impacting residences, businesses, productive farmland, and environmentally sensitive areas is laudable.

We also appreciate Dr. James Reed's, (California Energy Commission) advice that WWD considers developing project alternatives that comport with Garamendi Principles--for reference, the relevant Section of SBX1 2 (mandating the 33% RPS) is provided here:

SEC. 33. Section 1005.1 is added to the Public Utilities Code, to read:

1005.1. (a) The commission shall issue a decision on an application for a certificate within 18 months of the date of filing of the completed application, when all of the following are true:

(1) The application is for a certificate for building or upgrading an electrical transmission line that the commission finds necessary to provide transmission to load centers for electricity generated in a high priority renewable energy zone or is reasonably necessary to facilitate achievement of the renewables portfolio standard established in Article 16 (commencing with Section 399.11) of Chapter 2.3.

(2) The commission has considered all of the following:

(A) The utilization of rights-of-way by upgrading existing transmission facilities instead of building new transmission facilities, where technically and economically justifiable.

(B) The expansion of existing rights-of-way, if technically and economically feasible, when construction of new transmission lines is required.

(C) The creation of new rights-of-way when justified by environmental, technical, and economic reasons.

(D) The availability of cost-effective alternatives to transmission, such as energy efficiency measures and distributed generation.

(3) The commission has not expressly found any of the following:

(A) That the investment is not reasonable and necessary to maintain or enhance reliability of the transmission grid.

(B) That the building or upgrading of the electrical transmission line will not maintain or enhance efficient use of the transmission grid.

(C) That the transmission line fails to meet other applicable standards and requirements for approval and construction.

(b) An extension of time may be granted by the commission if it finds the extension is necessary for completion of review pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

We note that the location of the proposed Westland Solar Park is described in the NOP as generally void of significant biological, historical and cultural resources, the primary reason being attributed to the conversion of site to agricultural use decades ago. Because the site is on the brink of being converted again, we believe it is worthwhile to search historical records for information relevant to the site. Historical records provide valuable insights on benchmarks of the past, causes of environmental degradation, and reasons for decline/loss of cultural artifacts and heritage. Moreover, from a land use perspective, history can tell us what needs to be prepared for in the future.

We offer the following information and perspectives on issues that we observe are lacking in both discussion and dissemination in the NOP; the CCA believes that issues contained within these bullets may be considered germane to the Probable Environment Effects, and worth evaluating categorically within the applicable CEQA Appendix G checklist items.

Historical Records of Hydrological, Ecological, Seismological, Cultural Significance:

- ✓ Before Sierra watershed diversions, the Tulare Lake was, by surface area, the largest body of freshwater in the continental United States, west of the Mississippi: https://gsa.confex.com/gsa/2005AM/finalprogram/abstract_91270.htm
- ✓ The Sierra watersheds feeding the Tulare Lake were the destination of the Western Hemisphere's southernmost Chinook salmon run:
R. Raines Oct. 14, 1992, Friant Water Users Authority.
<http://www.epa.gov/wed/pages/staff/lackey/pubs/illusion.htm>
- ✓ The lake and surrounding wetlands were an important stop for hundreds of thousands of migratory birds along the Pacific Flyway:
http://en.wikipedia.org/wiki/Tulare_Lake
- ✓ For centuries, prior to colonization, indigenous people lived, visited, and traded at the Tulare Lake. The Tache, and other Yokuts people are estimated to have numbered 70,000. The people hunted and subsisted on deer, elk, antelope, native plants and the abundant fishery. Resident and visiting tribes built rafts for fishing, hunting, and migration by use of the tule rush growing at Tulare Lake and surrounding wetlands: Heizer, Robert F; Elsasser, Albert B (1980). *The Natural World of the California Indians*. Berkeley: University of California Press.
- ✓ A detailed historical account of traditional life of the Choinumne (Sierra Yokuts) and conditions when they visited the Tulare Lake (1853-1854) California Historical Society/Heyday Books (1993); *Indian Summer*, told by Thomas Jefferson Mayfield (1929) prepared by Malcolm Margolin and Frank Latta.
- ✓ A historical account by John Barker, ca.1900 of a massive earthquake witnessed at Tulare Lake is referenced in Documentary Study of the Felt Affects of the Great California Earthquake of 1857 the Bulletin of the Seismological Society, of America Vol. 68, No.6, (Dec.1978). John Barker's reminiscence:

http://geology.about.com/od/geology_ca/ig/saf1857/saf1857pinospinemtn.htm

✓ During periods of high runoff, the dry Tulare Lake basin floods and reappears (i.e. El Nino events of 1983, and 1997), creating environmental impacts and concerns: <http://www.epa.gov/region9/water/wetlands/tulare-hydrology/tulare-summary.pdf>

We highly recommend a review of the recently released report, *Floods and Droughts of the Tulare Lake Basin*, authored by John T. Austin and published by the Sequoia Natural History Association (2013). This report presents a detailed historical record of floods and droughts that have occurred within the Tulare Lake Basin over the last 2000 years. Two of the purposes of this report are to provide the reader, (i.e. land managers) with information regarding the risks associated with storm precipitation, and, preparing for floods and droughts in the Tulare Lake Basin. The document is available at the URL below:

http://tularebasinwatershed.org/sites/default/files/sites/all/default/files/pdf/Floods-Droughts-Tulare-Lake-Basin_JAustin_20130109.pdf

CCA offers the following info regarding the aesthetic, cumulative, and operations and maintenance impacts of transmission:

- ✓ High voltage tower lines (HVTL) are long lasting industrial infrastructure, rarely if ever removed. In California, there are examples of HVTLs approaching nearly a century of service; transmission tower lines are an essentially permanent feature of our landscape.
- ✓ State law prioritizes expansion of existing rights of way (ROWS), when new transmission facilities-network upgrades are required.
- ✓ Establishing a new HVTL ROW has potential for cumulative impacts by mandates directing future needed facilities into existing corridor(s).
- ✓ FERC requires Transmission Owners (TOs) to develop and implement a Transmission Vegetation Management Plan (TVMP) pursuant to Order No.777 and guidelines of NERC Reliability Standard FAC--003-02
- ✓ Long conductor spans, terrain, high or near capacity flows during heat events that are typical in Central Ca. are factors that TOs consider in the implementation of their TVMP. TO's implementation of TVMP has recently resulted in clear-cutting and wholesale removal of vegetation in areas of some ROW's.
- ✓ TVMPs impact native, non-native, and cultivated/commercial value shrubs and trees.
- ✓ Herbicides are utilized in the implementation of TO's TVMP

3) Alternatives to the WSP "Overall Project":

CEQA requires that the WWD EIR identifies a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the objectives of the proposed project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. CCA asks that WWD gives consideration to the following suggested alternatives.

(I) Alternative involving the Pre-contingency Redispatch of Thermal Generation.

This alternative may minimize the need for new transmission--yet still accommodate generation development within the Westlands area. This alternative would likely have minimal adverse environmental impacts compared to the proposed project and from a CEQA perspective, would therefore be preferred.

Although this alternative may not meet all of the transmission projects objectives, it may achieve the overall goal since it accommodates the generation development, and the most "preferred" transmission route; the most "preferred" transmission route being the one that is not needed. The CCA believes this alternative, involving the pre-contingency redispatch of thermal generation, strikes the right balance between costs, and overall goals of the master plan while reducing environmental impacts and GHG emissions.

(II) Alternative duplicating CAISO-CPUC 33% RPS Commercial Interest Case

This alternative duplicates the determinations involved in the CAISO 2012/2013 TPP 33% RPS policy driven transmission assessment. The CPUC and CEC recommended that 1500 MW of renewable capacity build-out in the Westlands CREZ be analyzed by CAISO in three out of four of the IOUs' 33% RPS generation portfolios, including Commercial Interest Base Case. The CAISO board approved network upgrades supportive of 1500 MW of calculated generation build-out in the Westlands CREZ, as part of its 2012/2013 Transmission Plan--available at:

<http://www.caiso.com/Documents/20122013%20transmission%20planning%20process%20-%20Board-approved%20plan%20and%20appendices>

(III) Alternative duplicating CAISO-CPUC 33% RPS High DG portfolio sensitivity case:

This alternative duplicates the determinations involved in the CAISO 2012/2013 TPP 33% RPS policy driven transmission assessment. The CPUC and CEC recommended that 990 MW of renewable capacity be accounted for in the Westlands CREZ be analyzed in the High DG portfolio sensitivity study. Again the CAISO board approved network upgrades supportive of 990 MW of calculated renewable generation build-out in the Westlands CREZ, as part of its 2012/2013 Transmission Plan. The description of this alternative is available at the same URL provided above.

Summary:

The CCA believes that achieving California's clean energy goals is best facilitated by collaborative efforts on the part of agencies, utilities, generation and energy resource providers, system operators, affected land owners, and, the general public who are tasked with ultimately paying for the transformation. While uncertainties remain, we believe that efforts to collaborate are on the increase and resulting in clearer paths towards identifying and implementing economically efficient and environmentally considerate means to meet the State's energy needs.

The CCA is willing to support the programmatic development of Westlands Solar Park to the extent that the project is sensitive to impacts on the environment and the concerns of consumers. In closing, we request that WWD provide at its website a page for accessing and reviewing submitted comments and information related to the matter. The CCA looks forward to collaborating with WWD in preparing the EIR.

Respectfully Submitted,

Ron Dickerson,
California Consumers Alliance
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Phone: (559) 392-7850



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Via Email and/or U.S. Mail as Indicated

April 30, 2013

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Ms. Kati Buelna
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Mr. Michael L. Connor, Commissioner
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Bureau of Reclamation
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Washington DC 20240-0001

Mr. David Murillo, Regional Director
U.S. Bureau of Reclamation
Mid Pacific Regional Office
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tboyd@co.madera.ca.gov

Re: **NEPA/CEQA and Land Use Notice Request for the Westlands Solar Park
Master Plan and Planned Transmission Facilities (SCH # 2013031043)**

April 30, 2013

CEQA and Land Use Notice Request for Westlands Solar Park Master Plan and Planned Transmission Facilities

Page 2 of 3

Dear All:

I am writing on behalf of the Laborers International Union of North America, Local Union 294 and its members living in Fresno County ("LiUNA" or "Commenters") regarding the Westlands Solar Park Master Plan and Planned Transmission Facilities (SCH # 2013031043), including all actions referring or related to: 1) the development of a 2,400 MW solar PV generating facility on 24,000 acres of land, phased in 200 MW projects; 2) the construction of a second transmission line along the existing 230-kV Henrietta-Gates line; 3) an upgrade to connect the Gates Substation to the Los Banos Substation (the transmission route will diverge from the existing transmission corridor near SR 198, run through the interior of the Westlands Water District, and rejoin the corridor at Panoche Substation); and 4) the construction of a new transmission route running north from Gates substation, over the San Joaquin River, swinging northeast and east through Madera County, then crossing SR-99 on its approach to Gregg Substation (collectively, "Project").

In particular, we hereby request that the Westlands Water District, the U.S. Bureau of Reclamation, and the Counties of Fresno, Kings, Merced, and Madera (collectively, "Agencies") send by mail and electronic mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the Agencies and any of their subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the Agencies, including, but not limited to the following:

- Any and all notices prepared pursuant to the National Environmental Policy Act ("NEPA"), including, but not limited to:
 - Notices of any public hearing in connection with the Project held pursuant to NEPA.
 - Notices of Intent that an Environmental Impact Statement ("EIS") or supplemental EIS is required for the Project, pursuant to NEPA, to 40 CFR § 1508.22, or any other title under the Code of Federal Regulations.
 - Notices of availability of an environmental assessment ("EA"), Draft EIS, or a finding of no significant impact ("FONSI") under NEPA for the Project.
 - Notices of any Record of Decision of any EIS, a FONSI, or other approval and/or determination to carry out the Project, prepared pursuant to NEPA or any other provision of law.
 - Notice of categorical exclusion from NEPA.
 - Notice of any Final EIS prepared pursuant to NEPA.
- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report ("EIR") or supplemental EIR is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of availability of an EIR or a negative declaration for a project prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.

April 30, 2013

CEQA and Land Use Notice Request for Westlands Solar Park Master Plan and Planned
Transmission Facilities

Page 3 of 3

- Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notice of approval or certification of any EIR or negative declaration prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notice of exemption from CEQA prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.

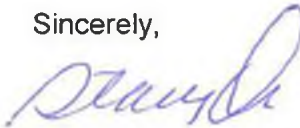
This request is filed pursuant to **40 CFR § 1506.6(b)(1)**, which requires the lead NEPA agency to mail notice to those who have requested it on an individual action of all NEPA-related hearings, public meetings, and the availability of environmental documents, as well as under **California Public Resources Code Sections 21092.2, and 21167(f)** and **California Government Code Section 65092**, which require local agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by mail and electronic mail to:

Richard Drury
Christina Caro
Stacey Osborne
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
richard@lozeaudrury.com; christina@lozeaudrury.com; stacey@lozeaudrury.com

Please call should you have any questions. Thank you for your attention to this matter.

Sincerely,



Stacey Osborne
Paralegal
Lozeau | Drury LLP



8711 21st Avenue, Lemoore, California 93245, (559) 924-0148, FAX (559) 924-0150

April 14, 2013

Westlands Water District
Attention: Kiti Buelna
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056

Dear Kiti Buelna,

I am writing in regards to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Westlands Solar Park Master Plan and Related Transmission Facilities.

Under Section 8. Description of Project, sub-heading *Project Objectives of the Henrietta-Gates Transmission Upgrades*, the NOP states that the project is to "provide delivery of renewable solar power [...] in a cost-effective manner while minimizing impacts to the environment and the agricultural community" (page 8). The proposed Westlands Transmission Corridor fails to "minimize impacts to the [...] agricultural community" for various reasons.

The proposed Westlands Transmission Corridor does not follow the existing transmission corridor of Path 15, but instead passes through new land that has not yet been devalued by the presence of a transmission corridor. By having the proposed Westlands Transmission Corridor run parallel to the existing transmission corridor, it would minimize impacts on the agricultural community by not devaluing land that is currently clear of a transmission corridor.

The creation of the proposed Westlands Transmission Corridor will also create new maintenance access sites that have not yet been identified, resulting in land owners being unaware and unable to determine the negative and detrimental impact it will have on property owners.

By having the proposed Westlands Transmission Corridor pass through the interior of Westlands Water District, it creates a new transmission structure that will pass through approximately forty miles of land that is not drainage impaired and impede farming activities along its route (page 10). These lands that are not drainage impaired receive no benefit from this transmission corridor. This proposed Westlands Transmission Corridor will impede farming activities such as crop dusting and will cause economic damage to land owners property.

The proposed Westlands Transmission Corridor will pass through already developed high density permanent vineyard plantings and other permanent crops. It could also prevent future permanent crop plantings that provide valuable economic resources to California and in particular to the County of Fresno.

The proposed Westlands Transmission Corridor did not take into account the presence of deep agricultural irrigation wells that it may pass through and the damage that may occur to those wells with the presence of the proposed corridor. And whether it will hinder the ability of land owners to maintain and repair their existing or future facilities.



Under Section 8. Description of Project, sub-heading *Overall Goals*, the NOP states that "the paths are aligned in a manner that best facilitates the economic development of the drainage-impaired lands" (page 7). However, much of the proposed Westlands Transmission Corridor from Marmon Avenue north to Highway 145 does not pass through drainage impacted lands.

Also under Section 8. Description of Project, sub-heading *Project Objectives of the Henrietta-Gates Transmission Upgrades*, the NOP, one of the major goals is to "provide utility-scale solar generation in a location that is already traversed by high-voltage lines" (page 8). Yet Westlands Water District is proposing approximately over one hundred miles of new transmission lines to accomplish this. Aside from the negative agricultural impacts on land and operations, by having the proposed Westlands Transmission Corridor not follow the existing transmission corridor on Path 15 it decreases the aesthetic value of land that has not yet been tainted by the presence of a transmission corridor.

On page 10 of the NOP under the sub-heading *Westlands Transmission Corridor* and alternative route parallel to "the existing Path 15 transmission corridor for the entire distance between the Gates and Los Banos substations" is being rejected by the Westlands Water District Board of Directors (page 10). It is pertinent that it be publicly noted how many Westlands Water District Board Members have property that they or their families own or operate that the proposed Westlands Transmission Corridor pass through.

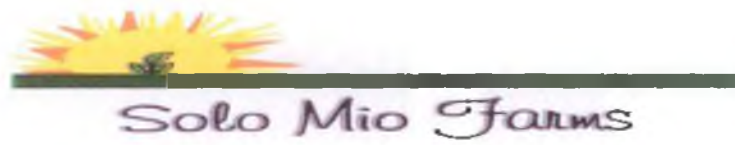
The NOP for the proposed Westlands Transmission Corridor has not adequately addressed the potential fly path of private air strips located on adjacent properties that the proposed transmission corridor will pass through. The negative effects on flight paths that private pilots may experience due to the presence of the proposed transmission corridor have not yet been determined.

The NOP that Westlands Water District has issued did not provide adequate maps detailing the exact locations of the proposed Westlands Transmission Corridor so that individuals whose property is impacted by this project can adequately determine where and how much negative impact they will be exposed to because of this project.

It is my understanding from the April 9, 2013 Scoping Meeting that Westlands Water District proposes a multi-year build out of the Westlands Solar Park with an unknown length of time. However, Westlands Water District talks about installing new transmission corridors to service this proposed Westlands Solar Park that may never be needed if the build out of the solar park is never completed.

It is also my understanding that there has been no analysis of why they need to upgrade a 500-kV. If an analysis has not been completed, how has Westlands Water District determined that the 500-kV line needs to be upgraded?

There may be other issues and concerns that I may raise in the future, but due to the short notice, the lack of information and detailed maps that Westlands Water District failed to provide, I have been unable to fully analyze the problems caused by the proposed Westlands Transmission Corridor that would personally impact my property.



If you should have any questions regarding my comments and concerns of the Notice of Preparation of a Draft Environmental Impact Report, please do not hesitate to contact me at my office phone at (559) 924-0148 or on my cell phone at (559) 288-1428.

Sincerely,

A handwritten signature in purple ink, which appears to read "Ed Coelho".

Ed Coelho