

Responses to Comments Made at January 27, 2015, Public Hearing (Comment Set C1)

Ronneberg

- C1-1 The commenter asks why he has not been contacted with regard to how the project would affect his business. In a CEQA process, members of the public are solicited for input into an EIR through a Notice of Preparation of an EIR, or a Notice of Availability for a Draft EIR. The commenter has received notices regarding the PVSP and several public comment periods in both 2010 and in 2014. In addition, both the 2010 Final EIR and the DSEIR considered the potential impacts of the PVSP on the Mercey Hot Springs facility.
- C1-2 The commenter is concerned that traffic on Little Panoche Road would result in noise disturbing the guests at Mercey Hot Springs Resort. The SEIR in Section C.11.3.1 under Impact NS-1 (Construction noise would result in a substantial temporary or periodic increase in ambient noise levels which would substantially disturb sensitive receptors), does identify that construction traffic would create a significant and unmitigable impact. Several mitigation measures are recommended to reduce the severity of the impact, including: Mitigation Measures NS-1.1 through NS-1.4, Mitigation Measure BR-16.2, Mitigation Measures TR-1.1 and TR-1.4, and Applicant Proposed Measure (APM) N-1 (restrict use of fuel-operated generators between 7:00 p.m. and 7:00 a.m.). However, the residual construction noise levels from the Revised Project would exceed ambient noise levels by more than 5 dBA Ldn and would remain significant and unavoidable (Class I).
- C1-3 The Fresno County Clerk and Fresno County Public Works Departments received the 2010 notices, and a copy of the DSEIR was sent to the Fresno County Sheriff in December 2014 EIR.
- C1-4 The commenter is concerned that Little Panoche Road is currently in poor condition. Mitigation Measure TR-1.2 (from the 2010 Final EIR) requires that the Applicant implement a series of road improvements prior to the start of construction, including pavement repairs and roadway striping improvements. In addition, this measure requires coordination with Caltrans and the Counties of Fresno and San Benito to implement road improvements that may be needed to ensure safe culverts. Finally, the Applicant would be required to monitor and evaluate the condition of the pavement throughout construction period and undertake repairs as necessary to ensure that it safely accommodates construction traffic loads.
- C1-5 Please see the Response C1-3.
- C1-6 The discussion in the Draft and Final SEIR regarding traffic safety and provision of emergency services along roadways used by project vehicles has been expanded. Mitigation Measure TR-1.4, presented first in the Draft SEIR, has been expanded and strengthened in the 2010 Final SEIR to ensure that impact would be less than significant.
- C1-7 As described in SEIR Section B.7.6 (Increase in Peak Construction Personnel), the maximum number of construction personnel would be about 500 people. As described for the originally proposed project, a septic tank and leach field would be constructed near the laydown area along Little Panoche Road. Temporary sanitary facilities (port-o-potties) will be utilized during construction. The traffic associated with hauling these

facilities as well as the trucks required to service and clean these facilities was accounted for in our overall traffic numbers presented and analyzed in the DSEIR. Moreover, the proposed septic tank will handle only waste from personnel stationed at the facility during operations and maintenance. Temporary facilities will be used during construction.

- C1-8 The air emissions of project traffic driving along Little Panoche Road are included in the emissions data in Section C.4, Air Quality. As discussed in the 2010 Final EIR, on-road emissions and annual emissions are not considered when determining the significance of construction impacts pursuant to Monterey Bay Unified APCD guidance because temporary construction emissions are accommodated in the AQMP inventory of construction emissions that are assumed to occur by the Monterey Bay Unified APCD in demonstrating maintenance of the ozone standards. In addition, the Project will not cause or attract motor vehicle trips once construction is complete; therefore it would not be considered an indirect source of emissions. Further, as shown in Tables C.14-3 and C.14-4, the peak trips for employees and construction traffic have increased as part of the Revised Project, the shortened construction schedule will result in a net decrease in total vehicle and construction traffic trips; demonstrating a net decrease in estimated exhaust emissions during construction of the Revised Project.
- C1-9 The commenter's concern about effects of the project on his business is acknowledged. CEQA does not allow consideration of economic impacts in the consideration of the physical impacts associated with project construction and operation. The 2010 EIR and the SEIR do fully disclose impacts related to recreation, air quality, and noise, as addressed in previous responses to this commenter.

[Note: Comments C1-10 through C1-13 are separate speakers; see below]

- C1-14 Please see Response C1-9.
- C1-15 The commenter acknowledges that the project would create jobs and bring money into the County. He states concerns about dust during construction and the potential for workers or residents to become ill with Valley Fever. Please see General Response GR-4 regarding Valley Fever.
- C1-16 The commenter indicates his support for solar generation on commercial building rooftops.
- C1-17 The commenter indicates a general concern for the biological resources in the Panoche Valley. Both the 2010 EIR and the SEIR have evaluated potential effects on biological resources in detail, and lengthy mitigation measures are recommended to protect these resources during construction and operation of the project. Please see EIR and SEIR Sections C.6, Biological Resources.
- C1-18 The commenter's opposition to the project in the proposed location is acknowledged.

Reyna

- C1-10 The commenter indicates a general concern for the biological resources in the Panoche Valley. Both the 2010 EIR and the SEIR have evaluated potential effects on biological resources in detail, and lengthy mitigation measures are recommended to protect these resources during construction and operation of the project. Please see EIR and SEIR Sections C.6, Biological Resources.

Woods

C1-11 The commenter questions the number of individual solar panels that would be used for the project. The change in the number of panels from 2010 to 2014 results primarily from a difference in panel dimensions. As defined in Table B-1 of Section B, the project as defined in 2010 would include an estimated 1 million panels (3 feet by 6 feet), whereas the 2010 EIR defined 3 million panels of 2 by 4 feet).

The commenter also is concerned about quantities of cement for panel installation. Table B-1 shows that approximately 1-million panels will be installed as part of the Revised Project, which is a substantial decrease in the number of panels proposed as part of the Approved project. Accordingly, the amount of concrete necessary for installation of the panels and associated equipment has been reduced as part of the Revised Project.

With regard to soil erosion, the EIR and SEIR evaluated the potential for erosion, and determined that the Applicant Proposed Measures to control erosion would adequately prevent significant erosion impacts. Please see the discussion of Impact GE-1 (Results in triggering or acceleration of geologic processes, such as landslides, substantial soil erosion or loss of topsoil) in Section D.8, Geology, Minerals Resources, and Soils.

C1-12 The commenter indicates a general concern for the biological resources in the Panoche Valley. Both the 2010 EIR and the SEIR have evaluated potential effects on biological resources in detail, and lengthy mitigation measures are recommended to protect these resources during construction and operation of the project. Please see EIR and SEIR Sections C.6, Biological Resources.

Chavez-Wyatt

C1-13 The commenter's support for the project is acknowledged.