

**CEQA ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION  
FOR THE FOSTER CLEAN POWER PROJECT**

**Foster Clean Power Project Mitigated Negative Declaration  
(State Clearinghouse # 2022110533), November 2022**

**APNs 505-151-012, 506-231-019 and 506-231-022; Arcata Area, County of Humboldt**

**Applicant  
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## **Summary of Document**

This addendum assesses the environmental impact(s) of the proposed modification to a Conditional Use Permit to establish a 30-acre community-scale solar energy and storage project as required by the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (Title 14 California Code of Regulations 15000 et seq.). The original Conditional Use Permit (Project), which was submitted by Renewable America, LLC (Applicant), was approved by the Humboldt County (County) Planning Commission on January 19, 2024.

The County, as the lead agency under CEQA, will consider the potential environmental impacts of the modified Project when it considers whether or not to approve these changes as part of the original Project. This Addendum is an informational document, intended to be used in the planning and decision-making process as provided for under Section 15164 of the CEQA Guidelines. This Addendum neither recommends approval or denial of the proposed modification to the Project nor will it be the sole basis for the County's action on the modified Project.

The fundamental conclusion of this addendum is that the proposed changes to the original Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the original Project. Thus, a subsequent or supplemental Negative Declaration need not be prepared.

## **California Environmental Quality Act (CEQA)**

This addendum analyzes the proposed Project modification as required under the CEQA Guidelines, Sections 15162 and 15164. Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent Negative Declaration or Environmental Impact Report (EIR) have occurred. Under Section 15162, the lead agency shall prepare a Negative Declaration if there are any new significant environmental effects associated with the refined Project. With respect to the proposed Project, the modifications are only footprint reconfigurations within the project parcel and minor technical changes that do not result in any new significant environmental effects. The modified Project is consistent with the adopted MND for the Foster Clean Power Project because it does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

## **Background**

### **Project History and Modified Project Description**

On January 19, 2022, the Humboldt County Planning Commission adopted a Mitigated Negative Declaration (MND) for the Foster Clean Power Project. The Project consisted of a Conditional Use Permit for the proposed construction and operation of a two phased community-scale solar energy and storage project referred to as: Foster Clean Power A (Phase 1) & Foster Clean Power B (Phase 2). Phase 1 would involve the construction of a 3-megawatt alternating current (MWac), photovoltaic (PV) solar energy facility with associated inverters, fencing, and access road. The access for Phase 1 would be approximately 15 feet wide and have a total length of approximately 164 feet, approximately 73 feet of which would be a new road that connects Foster Avenue to an existing agricultural road located on the south and east perimeters of the Project site. The equipment pad would be approximately 50 feet by 100 feet in size. Phase 1 would also include a 1.25-MW battery energy storage system. The Project footprint (fence line boundary) for Phase 1 would be approximately 12 acres in size. Phase 2 would involve the construction of an additional 4-MWac PV solar energy facility immediately north of the Phase 1 site with an additional 3.75-MW battery energy storage system. The Project footprint (fence line boundary) for Phase 2 would be approximately 18 acres in size. Phase 2 would utilize the same equipment pad area identified for Phase 1. The Project proposes ongoing agricultural uses on the property through establishing and maintaining pollinator habitat within the Project boundaries. Other agricultural uses on the property may include, but not be limited to grazing and the keeping of honeybees. Development of the Project has not yet commenced.

The Modification to the approved Project is to allow for the design change and reconfiguration of the solar panels and the equipment pad. The new design will include approximately 493,389 square feet of solar panels and two equipment pads, 2,500 and 2,156 square feet in size within pollinator habitat, in an area of approximately 27.43 acres. In addition, the layout of the panels will now shift from the west and extend north to within 50 feet of the northern parcel boundary. The new solar panels will be configured like those proposed in the approved permit; however, they are approximately 9.75 feet in height instead of 14 feet. Other minor modifications to the Project are included below.

All of the proposed modifications to the previously approved Project are listed below. All other elements of the previously approved Project remain unchanged.

1. The total project area will change from approximately 30 acres to approximately 27.43 acres.

2. The Phase I project footprint will change from approximately 12 acres to approximately 12.97 acres.
3. The Phase II project footprint will change from approximately 18 acres to approximately 14.46 acres.
4. The total square footage of solar panels will change from approximately 549,696 square feet to 493,389 square feet.
5. The layout of the panels for Phase II will now shift from the west and extend north to within 50 feet of the northern parcel boundary.
6. The 5,000 square-foot equipment pad originally proposed to be located north of Phase I will now consist of two equipment pads, 2,500 and 2,156 square feet in size, creating 344 square feet less impervious surface area. One will be located north of Phase I, and one will be in the center of Phase II.
7. The proposed 3.75-MW battery energy storage system proposed for Phase II will now have a capacity of 1.25-MW.
8. Both Phases of the project will be constructed concurrently as opposed to the two-year phasing originally proposed.
9. The solar panels will be approximately 9.75 feet in height instead of 14 feet as originally proposed.
10. The solar panels will be approximately 7 feet apart instead of 10-12 feet apart as originally proposed.
11. The existing access between the existing perimeter road and equipment pads will be utilized as opposed to creating a new 15-foot-wide access road as originally proposed.

## Project Impacts

A comparison of the original and the modified Projects' potential impacts is shown in Table 1.

**Table 1:** A Comparison of the Original and Modified Project Impacts

	Original Project	Modified Project
Agriculture and Forestry Resources & Land Use and Planning	<p><b>Impact:</b> Potential net reduction in agricultural production.</p> <p><b>Mitigation:</b> Maintain continual operation of agricultural uses on the property, including, but not limited to, grazing and the keeping of honeybees. Submit Agricultural Management Plan to the County of Humboldt Planning Director for review and approval.</p>	2.35-acre reduction in project footprint, reducing the potential net reduction in agricultural production.
Biological Resources	<p><b>Impacts:</b> Potential construction related impacts to nesting birds, northern red-legged frog, and aquatic resources.</p> <p><b>Mitigation:</b> Preconstruction nesting bird and northern red-legged frog clearance surveys.</p> <p>In the event that aquatic resources cannot be completely avoided due to unforeseen circumstances, the necessary permit authorizations would be obtained from USACE, CDFW, RWQCB, and/or the County. Appropriate protection measures would be implemented in coordination with the applicable jurisdictional agencies to ensure any such impacts are minor and</p>	<p>The layout of the panels for Phase II will now shift from the west and extend north to within 50 feet of the northern parcel boundary.</p> <p>The reconfiguration of the project footprint will not cause or increase the potential for the project to impact nesting birds or northern red-legged frog and per the Jurisdictional Wetland Delineation Report prepared for the previously approved Project, there are no aquatic resources in the northern portion of the project parcel where</p>

	<p>adequately mitigated and permitted in accordance with all Federal, State, and Local regulations. Such protection measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Avoiding any work within the water features during wet periods.</li> <li>• Installing fencing and or flagging to avoid the features.</li> <li>• Installing stabilization materials.</li> <li>• Implementing best management practices to manage the potential for erosion, sedimentation, or inadvertent damage.</li> </ul>	<p>project reconfiguration/relocation is proposed.</p>
<p>Cultural Resources, Cultural Resources &amp; Tribal Cultural Resources, and Geology and Soils</p>	<p><b>Impacts:</b> Potential construction related impacts to archaeological and paleontological resources.</p> <p><b>Mitigation:</b> Archaeological monitoring and inadvertent discovery protocols.</p>	<p>2.35-acre reduction in project footprint, reducing the chance of potential impacts to archaeological and paleontological resources.</p>

The most potential significant impact from the proposed revision would be to aesthetics as the Project is proposed to shift to the north of the project parcel. As such the potential impacts to aesthetics are discussed below; specifically, whether the modified Project would have more severe impacts than what was anticipated in the original Mitigated Negative Declaration.

### **Aesthetics**

The original Project analysis had the following findings pertaining to aesthetics:

- For purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the

benefit of the general public. In addition, some scenic vistas are officially designated by public agencies, or informally designated by tourist guides. A substantial adverse effect to such a scenic vista is one that degrades the view from a designated view spot. No governmentally designated scenic vistas or specific scenic view spots have been identified within the vicinity of the Project. Further, the Project site is not accessible to the public and is surrounded by privately-owned lands. Therefore, the Project would have no impact on a scenic vista.

- According to the California Scenic Highway Mapping System, there are no designated state scenic highways in Humboldt County. The nearest eligible scenic highway (as listed in Sections 263.1 through 263.8 of the California Streets and Highways Code) is approximately 1 mile west of State Route 1 (SR-1), meaning it has scenic values but has not been officially designated as a State Scenic Highway (Caltrans, 2017). In addition, the Project does not involve removal or damage to scenic resources such as trees, rock outcroppings, or historic buildings. Therefore, the Project would result in no impacts to scenic resources within a state scenic highway.
- Visual character or quality refers to the visual attributes of the elements in a landscape and the relationships between those elements. The predominant land uses in the vicinity of the Project include mixed commercial, agricultural, and scattered rural residential uses. The Project site has a long history of heavy industrial and agricultural use. The site was in agriculture (hay or livestock) production until Simpson Lumber Company constructed an industrial mill site in the late 1940's or early 1950's. The site has been modified many times with the addition of warehouses and lumber storage racks. Between 1988 and 1993, the storage racks were removed. The fields have since been graded and are currently used for agriculture.

The surrounding vicinity of the Project site is sparsely populated with approximately 18 residences located within 1,000 feet of the Project. The closest offsite residences are located across Foster Ave approximately 150 feet from the site. Another residence on Janes Road is located approximately 300 feet from the Project. All other residences are located approximately 400 feet or greater from the Project. Public views of the Project site are generally limited to areas along Foster Ave and 27th Street. A large vegetative buffer of tall trees generally screens views of the Project site and little of the Project site is visible from the closest viewing areas (refer to the figures and drone images in Appendix A). Views of the site along 27th Street would be approximately 800 feet or greater from the

proposed development and additional vegetative buffer along the roadway would screen views south toward the site.

The height of the solar panels would change throughout the day as they move to track the sun's position. Their maximum height position would be up to approximately 14 feet when the sun is closest to the eastern and western horizons. The relatively low profile of the solar panels would not be noticeable due to distance and partial or complete visual screening. A portion of the proposed solar panels and other supporting infrastructure may be visible to some viewers at nearby residences within 1,000 feet and travelers on adjacent roadways; however, the visibility of such structures would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts would be less than significant.

- The Project would not add or create substantial new sources of light or glare. The solar PV panels function by absorbing radiation rather than reflecting radiation. Solar PV panels are constructed of dark-colored materials and covered with anti-reflective coatings to minimize optical reflection. Reflection from PV panels is typically comparable to, or less than, reflection from water surfaces and building windows. The potential for glare associated with reflection from the PV panels would be minimal during the day and the facility would not be lighted at night. No nighttime glare would occur as a result of the Project. Therefore, the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area and a less than significant impact would occur.

Overall, visual impacts expected from the original Project are anticipated to be minor and not considered significant. The modified Project would not result in any effects to visual resources that are more severe than those described in the original Mitigated Negative Declaration. The modified Project proposes to reconfigure the Project footprint shifting the development from the west and extending solar panels north to within 50 feet of the northern parcel boundary. This would move part of the Project closer to residences to the north and northeast. However, public views of the Project site are generally limited to areas along Foster Ave to the south, 27th Street to the north, a private drive off 27th Street, and Wyatt Lane, both to the east. Large vegetative buffers of trees generally screen views of the Project site from the north and south and a vegetative buffer is proposed along the eastern parcel boundary as part of another approved project on the parcel. The modified Project also proposes solar panels with a height of approximately 9.75 feet, as opposed to the 14 feet high solar panels approved as part of the original Project. A portion of the proposed solar panels and other supporting infrastructure may be visible to some viewers at 28 nearby residences within 1,000 feet of the site (10 more

within 1,000 feet than that of the original Project) and travelers on adjacent roadways; however, the visibility of such structures would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. It remains true that the solar panels are much less visually intrusive than other historic and compatible uses of the site.

As with the approved Project, the modified Project's residual impact would be less than significant. Also consistent with the approved Project, the modified Project's contribution to cumulative visual impacts would not be considerable.

**No other potentially significant impacts are identified with regards to the proposed revisions**

### **Planning Department Findings**

It is the finding of the Planning Department that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new Negative Declaration is not required for the issue areas discussed above.

Discretionary processing of the modified Project on APNs 505-151-012, 506-231-019 and 506-231-022, Record No. PLN-2024-17922-MOD01 may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.