



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: WTE Riverdale, LLC.
- APPLICATION NOS.: Initial Study No. 7872 and Unclassified Conditional Use Permit Application No. 3679
- DESCRIPTION: Allow construction of a dairy digester facility and allow connection to an existing pipeline to deliver renewable natural gas. The dairy digester facility will be located on a 613.07-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The pipeline will span approximately 2 miles west of the digester facility to connect with an existing California Energy Exchange pipeline.
- LOCATION: The project site is located on the north side of West Kamm Avenue and is approximately 2.01 miles west of its nearest intersection with South Jameson Avenue and is approximately 8 miles southeast of the City of San Joaquin (APN 041-060-60S).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The subject property is located in a mainly agricultural area. There are no scenic vistas or scenic resources affected by the project proposal. Per Figure OS-2 of the Fresno County General Plan, there are no scenic roadways near the project site.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does propose development that could potentially degrade the existing visual character. Proposed development however, will be located approximately 2,700 feet north of public right-of-way. In considering the amount of space between the proposed development and public right-of-way that would be the source of the public views of the site, a less than significant impact is seen. As the use of the surrounding area is for agricultural use and an existing dairy is located in close proximity of the project site, the existing visual character of the area would not be negatively impacts by the proposed development.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement, proposed development will utilize outdoor lighting to illuminate key areas related to facility operations. It was also noted that lights would be directed downward and designed not create a nuisance. To ensure that a nuisance is not created from the utilization of outdoor lighting, a mitigation measure shall be implemented.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the 2016 Fresno County Important Farmland Map, the project site is located on or near land designated for Confined Animal Agriculture, Unique Farmland, and Prime Farmland. Proposed development related to the digester equipment will be located on land designated to Confined Animal Agriculture. The proposed pipeline is proposed to be located on land designated for Confined Animal Agriculture, Unique Farmland, and Prime Farmland. The pipeline will be constructed underground and will not convert Unique or Prime Farmland to non-agricultural use.

B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Policy Planning Section the project site encompasses multiple parcels currently enrolled in the Williamson Act Program. The portion of the parcel that will be utilized for the digester facility and related equipment will be required to be removed from the Williamson Act Program through the Nonrenewal process. Land that will be utilized for the biogas pipeline require review and clearance from the Policy Planning Section for compliance with provisions of the Williamson Act prior to construction. The nonrenewal process for the digester facility has been started by the Applicant and will be concluded if the project proposal is approved. Review of the Statement of Intended Use submitted for review has been cleared by the Policy Planning Section and was determined to be consistent with the Williamson Act. With the project compliant with the Williamson Act Program, there is no conflict with the zoning for agricultural use or Williamson Act Contract.

C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or

D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not located on or near forest land, timberland, or timberland zoned Timberland Production and will not result in the loss of forest land or conversion of forest land to non-forest use.

E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT:

The project intends to utilize resources produced from the existing dairy and convert those resources into biogas. The digester facility and pipeline would not result in further conversion of farmland to non-agricultural use. An expansion of the proposed use could occur but would require further evaluation. In considering the existing Williamson Act Contract on the subject parcel, review of those impacts would be required, therefore a less than significant impact is currently seen as the proposed use would not propagate

further conversion, but any future expansion of the digester facility would be reviewed further for any impacts to farmland.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan?

FINDING: NO IMPACT:

The subject application was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD did not express concerns with the project to indicate that the project will conflict with or obstruct implementation of an applicable Air Quality Plan.

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or

- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The SJVAPCD did not provide concerns in the construction or operation of the proposed use in terms of increases in criteria pollutants. Descriptions of the proposed operation provided by the Applicant indicate that the use will reduce odors and emissions associated with the adjacent dairy and will have a beneficial impact compared to existing conditions. A backup/emergency flare system is proposed with the project and will be permitted by the SJVAPCD to ensure compliance with local regulations.

- D. Expose sensitive receptors to substantial pollutant concentrations; or

- E. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The nearest sensitive receptors are employee housing for the existing adjacent dairy. The employee housing is located approximately 2,965 feet south of the proposed digester facility and is not likely to be affected by the project proposal. Per the Applicant's description of the project, the facility will be processing the manure produced from the adjacent dairy and reduce odors and emissions when compared to existing

conditions. The proposed backup/emergency flare is proposed to be utilized only in needed circumstances and is only expected to be used less than 5% of the system operating time and during times of maintenance or unplanned events. The flare will require permitting from the SJVAPCD and Fresno County Department of Public Works and Planning.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

Per the California Natural Diversity Database, the project site and pipeline site are not encompassed within reported occurrences of a special status species. The project site is located in agricultural utilized land. A portion of the project site is used in conjunction with the existing dairy that is located adjacent to the project site. The pipeline will run westerly through agricultural land also. Due to the existing conditions of the project sites and human disturbance related to the existing uses, there is minimal likelihood that a special status species inhabits the project site.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the National Wetlands Inventory, the main digester facility and associated equipment is not located on or near identified wetlands. The pipeline, however, will cross through identified wetlands. The pipeline will be built underground along dirt access roads utilized for the surrounding agricultural operations. Aerial images and photographs of the proposed siting of the pipeline do not indicate the presence of wetlands as depicted by the National Wetlands Inventory. The identified wetlands are located within agricultural utilized land with the pipeline crossing through small portions of the wetland and will be constructed underground. Therefore, a less than significant impact is seen as the pipeline is constructed underground and after construction is completed, the disturbed ground will be designed back to pre-improvement conditions. No riparian habitat or other sensitive natural community was found on or near the project site.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The project site is located in the midst of agricultural operations including an existing dairy. The pipeline will be built underground and will not interfere with movement of a native resident or wildlife species. Therefore, the project will have no impact on the movement of a native resident or wildlife species. No wildlife corridor or native wildlife nursery site was identified on or near the project site.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

No local or state policies or ordinances protecting biological resources were identified as being in conflict with the project proposal. No Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state Habitat Conservation Plan were identified on the project site and being in conflict with the project proposal.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No historical or archaeological resources has been identified on the project site. A Cultural Survey Report prepared by ASM Affiliates, Inc. in December 2020. The study includes a background records search and literature review, an on-foot inventory of the study area, and preliminary assessment of any resources found within the subject property. Based on the results of the cultural resources survey conducted, no historical or archaeological resources of any kind were identified within the study area. Although

unlikely to occur, a mitigation measure will be implemented to properly address cultural resources should they be unearthed during ground-disturbing activities.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation;
or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project proposes to develop a renewable energy facility utilizing dairy refuse from the nearby dairy operation. The facility will convert the resource to biogas and will be delivered via pipeline ultimately into the PG&E statewide gas grid. The facility will have a beneficial impact on energy resources by providing renewable natural gas into the state grid for utilization. Therefore, the project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources and will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

Pre the Earthquake Hazard Zone Application and Figure 9-3 of the Fresno County General Plan Background Report, the project site is not located on or near a rupture of a known earthquake fault or earthquake hazard zone.

- 2. Strong seismic ground shaking?
- 3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the project site is located in a low probabilistic seismic hazard area with a 10% probability in 50 years. Associated development will be built to current building code, which will take into account safe building practices that will decrease adverse effects resulting from seismic ground shaking and seismic-related ground failure.

- 4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in area identified as moderate or high landslide hazard.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in development that will increase the amount of impervious surface which will amount to some loss of topsoil. The project site is located in flat agricultural land, therefore hazardous conditions due to soil erosion is not expected to occur. The pipelines aspect of the project will not result in substantial soil erosion or loss of topsoil as the pipeline is proposed to be underground and buried with native fill.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

No geologic unit or soil was identified on the project site as being considered unstable.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-1 of the FCGPBR, the project site could potentially be located on or near areas identified as containing Expansive Soils. Development would be dictated by the current building code for safe construction. Further review of the proposed development will occur to ensure that construction of the proposed improvements will meet building code and safety standards while also addressing safety standards should high potential of expansive soils be identified on the project site. The existing dairy use also suggest that safe development on the site can occur.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

Soils on the project site were not identified as being incapable of support the use of septic tanks or alternative wastewater disposal systems. The current proposal does not include the development of a septic system or alternative wastewater disposal system. There were no paleontological resource or site or unique geologic feature identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

Per the Applicant, the project will have a beneficial impact on greenhouse gas emissions by reducing the amount of GHG emissions from the existing dairy by 152,654 Metric Tons of Carbon Dioxide Emissions (MTCO_{2e}). The calculations were derived from the GHG Benefits Calculator Tool found on the California Department of Food and Agriculture (CDFA) and developed by the California Air Resources Control Board (CARB). This model has been developed by CARB for use as a GHG avoidance calculator as part of the CDFA dairy digester grant program. The model is designed as a two step process that utilized project-specific data to forecast GHG avoidance as express in metric tons over a 10-year period. As stated, the results of the modeling for the project show that a GHG avoidance over a ten-year period is 152,654 MTCO_{2e}. This analysis and modeling data has been routed to the San Joaquin Valley Air Pollution Control District. Due to the reduction of GHG emissions from existing conditions, and no concerns expressed from reviewing agencies and departments, the

project could have a net beneficial impact on GHG emissions and will have not generate GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

FINDING: NO IMPACT:

The project proposes to utilize refuse produced from the cattle on the adjacent dairy site to produce pipeline quality and compliant biomethane gas for delivery via a proposed pipeline to an existing California Energy Exchange (CEE) pipeline connection point. The project proposal will be made to comply with state and local regulations for the handling of any hazardous materials. In addition to state and local regulations for handling hazardous materials, the digester process is subject to additional standards and permitting to ensure safe handling and operation of the proposed facility. Therefore, a significant hazard to the public or environment is not expected.

- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

Aerial images of the site suggest that the nearest sensitive receptor is located approximately 2,965 feet south of the subject site. Per the Department of Public Health, Environmental Health Division, the project proposal will be subject to local and State regulations. Those regulations include the proper handling and reporting of any hazardous material to be utilized on the property with reports filed with the Department of Public Health. There are no existing or proposed schools within a one-quarter mile of the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the NEPAAssist database, the project site is not a listed hazardous materials site on the subject site. Additionally, there are no listed hazardous material sites located within a half-mile of the project site.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

There is no public airport or public use airport within two miles of the project site and therefore would not result in a safety or excessive noise issue for people residing or working in the project area.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

Reviewing agencies and departments provided no indication that the project would result in impairment of implementation of physically interfere with an adopted emergency response plan or emergency evacuation plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project proposal to indicate that the project would result in significant risk of loss, injury or death involving wildland fires. The project site is located in an agricultural area with a dairy operation located directly south. There is no indication of increased wildland fire risk.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Central Valley Regional Water Quality Control Board (RWQCB) has reviewed the subject application and provided comments regarding waste discharge requirements pertaining to the dairy operation that will be fueling the proposed digester facility. The requirements provided by the RWQCB will be implemented as mitigation measures to ensure water quality and waste discharge requirements are met and that the project will not violate any state or local standard. No other reviewing agency or department expressed concern with the project to indicate that the project would violate water quality standards or waste discharge requirements.

* **Mitigation Measure(s)**

1. *The subject Maddox Dairy facility is currently regulated under the Central Valley Regional Water Quality Control Board adopted Waste Discharge (WDR) for Maddox Dairy LTD et.al, Order No. R5-2008-003. Per the Provision E.3 of the WDR Order R5 2008-003, the discharger (Dairy owner/Operator) shall submit a complete Report of Waste Discharge in accordance with the CWC 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge including an expansion of the facility, addition of waste storage facilities or equipment, closure of the facility, or development of any new treatment technology. The operational statement provided for the project indicates that a different digester treatment technology to be developed than the technology in the WDR Order R5-2008-003. Due to this change in treatment technology, the Discharger shall submit Report of Waste Discharge in accordance with Provision E.3 of the WDR Order R5-2008-003.*

B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant, water utilization is expected to be minimal as the operation of the facility does not utilize water outside of maintenance of the site. The water source will be the onsite well. Review of the estimated water usage by the State Water Resources Control Board, the North Fork Kings Groundwater Sustainability Agency (GSA), and the Water and Natural Resources Division did not express concern with the project in terms of the project resulting in substantial decreases in groundwater supply or interference of groundwater recharge. Therefore, the project is expected to have a less than significant impact.

C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?

1. Result in substantial erosion or siltation on- or off-site;

FINDING: NO IMPACT:

The project does propose development that would introduce additional impervious surfaces to the subject site. The project site is located on flat agricultural land with an existing dairy operation located directly south. The project will be built to current building and safety code standards. There is no stream or river that would be affected by the project and would not result in substantial erosion or siltation. The proposed pipeline project will be built underground with after construction conditions being similar to existing conditions.

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project development will be subject to building and grading permits to ensure compliance with state and local standards. Although the addition of impervious surface will occur, this will not result in substantial amounts of surface runoff which could result in on-site or off-site flooding or exceed capacity of stormwater drainage systems or provide substantial additional sources of polluted runoff. The digester facility and other equipment will be enclosed within buildings and would not increase polluted runoff.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

Per FEMA FIRM Panel C2575H, the project site is not located within a special flood hazard area and is designated Zone X, Area of Minimal Flood Hazard. Therefore, the project will not impede or redirect flood flows.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The subject site per FEMA FIRM Panel C2575H is not located in an identified flood hazard area. There are no bodies of water located in vicinity of the project site that would indicate tsunami or seiche zone risk.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State Water Resources Control Board, the Regional Water Quality Control Board, the North Fork Kings Groundwater Sustainability Agency and the Water and Natural Resources Division did not express concern with the project proposal to indicate a conflict with a water quality control plan or sustainable groundwater management plan. Per the Regional Water Quality Control Board, waste discharge permit requirements will need to be addressed as there is a change in the current operation of the existing dairy in conjunction with the current proposal. Compliance is sought via a Mitigation Measure, and therefore would not be conflicting with a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The subject site is located directly north of an existing dairy operation and among agricultural operations. There is no established community that would be physically divided by the project site.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development in Fresno County is required to be consistent with the Fresno County General Plan. Goal LU-A reads "To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County' economic development goals." This goal relates to the environmental impacts of the loss of farmland.

The subject parcel is enrolled in the Williamson Act Program. Review of the proposed use by the Policy Planning Section resulted in the determination that the anaerobic digester facility is no considered a compatible use on land enrolled in the Program. Therefore, the areas proposed for the anaerobic digester and biogas upgrading facility within the subject parcel must be removed from the program through the Nonrenewal Process. It was determined by review of the Statement of Intended Uses for parcels affected by the pipeline project that the pipeline are allowed without any further Williamson Act requirements.

As the proposed use has been determined to be incompatible with the Williamson Act Program, the nonrenewal process for the contract establishes a 10-year wind-down period during which time the applicant is still subject to the terms of the agreement. The Applicant has already filed the non-renewal. The loss of approximately 2.23 acres for the digester and biogas upgrading facility of contracted agricultural land is not a significant loss of agricultural resources and has a less than significant impact based on the identified goal of conservation of agricultural productive land.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-7 and 7-8 of the Fresno County General Plan Background Report, the project site is not located on or near identified mineral resource locations of mineral producing locations. Therefore, the project will not result in the loss of availability of a known mineral resource or mineral resource recovery site.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, the facility will be running continuously when operation commences. The project does have the potential to generate a permanent increase in ambient noise levels. However, all potential noise generating equipment related to the operation will be conducted within an enclosed building. The Department of Public Health, Environmental Health Division has reviewed the application and noted that the use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance. No concerns were expressed by reviewing agencies and departments to indicate the proposed operation and equipment would exceed established ambient noise level standards. Aerial images of the subject site indicate that there are no sensitive receptors in the immediate vicinity of the project site. The nearest sensitive receptor are single-family residences located approximately 2,970 feet south of the project site. In considering comments provided by reviewing agencies and departments and the distance between the project site and nearest sensitive receptor, a less than significant impact is seen due to the increase in noise levels likely to occur from the proposed operation.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

No private airstrip, airport land use plan, public airport or public use airport is located within two miles of the project site.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project proposes an anaerobic digester and biogas upgrade facility. Per the Operational Statement, the operation will employ up to one person to operate the facility. The use takes advantage of the existing dairy operation. The project will not induce a substantial unplanned population growth and will not displace people or housing necessitating construction of replacement housing elsewhere.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

- 1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District has reviewed the project proposal and did not express concern to indicate that the project will result in the provision or construction of government facilities to maintain acceptable service ratios, response times or other performance objectives.

- 2. Police protection;

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that project development will adversely affect public services.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project proposes to create a digester facility and is not expected to result in population growth in the area to increase use of parks or recreational facilities. The project would not increase the use of existing neighborhood and regional parks and would not require the construction or expansion of recreational facilities.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: NO IMPACT:

Review of the project by the Road Maintenance and Operations Division and the Design Division did not provide determination that the project proposal would conflict with a program, plan, ordinance, or policy addressing the circulation system. Kamm Avenue is a County-maintained road and is classified as an Arterial Road in the Fresno County General Plan. Per the Applicant, there is minimal traffic generated from operation of the proposal with one full time employee being on site to oversee and manage the digester facility. The minimal increase of traffic generated from the proposal would not conflict with the County's maintained circulation system.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the proposed traffic generation did not trigger any thresholds that would require the preparation of a Traffic Impact Study. In considering that one full time

employee is associated with the project, an increase in vehicle miles traveled will technically occur. However, the increase as stated, did not trigger a threshold to require the preparation of a Traffic Impact Study and is expected to have a less than significant impact in terms of traffic generation and vehicle miles traveled. The project does not conflict with or be inconsistent with CEQA Guidelines Section 15064.3 subdivision(b).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Reviewing agencies and departments did not express concern with the project proposal to indicate that design of the facility would increase hazards due to a design feature or incompatible use. The Design Division did provide recommendation of a Traffic Management Plan to address potential impacts during the construction phase of this project, this recommendation will be implemented as a Condition of Approval. Aerial images of the project site indicate that the proposed site is located approximately 2,620 feet north of West Kamm Avenue. There appears to be an access road off Kamm Avenue that will provide access to the project site. Although a Traffic Management Plan is recommended, the project site is located distant from County right-of-way and would have little impact on traffic during project construction. Therefore, a less than significant impact is seen during project construction.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that the proposal will result in inadequate emergency access. The Fresno County Fire Protection District did not provide comment to suggest that the project will result in inadequate emergency access. Additionally, the project will be subject to current fire and building code for emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per Assembly Bill 52 (AB 52), the subject application was routed to participating California Native American Tribes and given the opportunity to enter into consultation with the County on the project. A request for consultation was received by the Santa Rosa Rancheria Tachi Yokut Tribe. A Cultural Survey was prepared by the Applicant and submitted to the Santa Rosa Rancheria Tachi Yokut Tribe for review. The prepared Cultural Survey conducted a records search with the Southern San Joaquin Valley Archaeological Information Center and the NAHC Sacred Lands Files, and also conducted a field survey of the site. The study concluded that no historical or archaeological resources of any kind were identified within the study area. No additional concerns were received from the Santa Rosa Rancheria Tachi Yokut Tribe after review of the prepared Cultural Survey and consultation was closed. Although no tribal cultural resources were discovered during the Cultural Survey, a mitigation measure will be implemented to address a cultural resource in the event they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., C., Mitigation Measure #1

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project consists of an anaerobic digester and biomethane facility that will produce pipeline quality and compliant biomethane gas for delivery to a California Energy Exchange (CEE) point of pipeline interconnection. The produced biomethane will ultimately be delivered by CEE into the PG&E statewide gas grid. A pipeline is also proposed with the project connecting the proposed facility to the existing CEE pipeline and will span approximately two miles. The construction of the pipeline is not expected to have a significant impact on the environment. The pipeline will be compliant with current building code standard. Land under Williamson Act Contract has been identified as being affected by the pipeline. The proposal has been found to be compliant with the Williamson Act and would not have an impact on the agricultural land. Additionally,

consultation under Assembly Bill 52 determined that the pipeline project would not have a significant impact on cultural resources on or near the project site.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

The State Water Resources Control Board and the Fresno County Water and Natural Resources reviewed the subject application and did not express concern to indicate that the project would not have sufficient water supplies available to serve the project.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, the project does not anticipate the construction of additional wastewater treatment systems. Liquid waste, as a product of the proposed use will be repurposed for the dairy-owner farmlands in proximity of the project site and is not destined for the existing private wastewater treatment system.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The subject proposal does anticipate an increase in solid waste. A portion of the solid waste produced from the project will be repurposed for the existing dairy operation and surrounding farmland. Other portions of the solid waste will be recycled or disposed of in accordance with applicable laws and regulations. Review of the proposal did not indicate that the project will generate solid waste in excess of state or local standards and will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

Per the 2007 Fresno County Fire Hazard Severity Zones in LRA Map prepared by the California Department of Forestry and Fire Protection, the subject site is not located in areas designated as very high fire hazard severity zone and is not located in a state responsibility area.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

The subject site is located on disturbed land utilized for the existing dairy operation. The surrounding area is used for agricultural operations further indicating human disturbance that would deter occupation of the site by special status species. The project would not substantially degrade the quality of the environment or reduce habitat for a wildlife species below self-sustaining levels. It was also determined that there were no identified historical or cultural resources in proximity of the project site.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulative considerable impact were identified in this analysis. Identified impacts related to Aesthetics, Cultural Resources, Hydrology and Water Quality, and Tribal Cultural Resources were determined to have a less than significant impact on the environment with implementation of mitigation measures.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse effects on human beings, either directly or indirectly were identified in this analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3679, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.

Potential impacts related to Agriculture and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Land Use Planning, Noise, Transportation, and Utilities and Services Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Hydrology and Water Quality, and Tribal Cultural Resources have determined to be less than significant with compliance with listed Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

TK

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