



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: H2B2 USA, LLC

APPLICATION NOS.: Initial Study No. 7943 and Unclassified Conditional Use Permit Application No. 3691

DESCRIPTION: Allow a renewable hydrogen generation facility on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with South James Road and is approximately 7.4 miles east of the City of Mendota (APN 015-100-20S) (SUP. DIST.: 1).

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 project site is located in an area mainly utilized for agricultural purposes. An existing dairy operation is located directly west of the project site with the majority of the remaining parcels utilized for agricultural cultivation or is vacant. Per Figure OS-2 of the Fresno County General Plan, the project site is not located on or near any scenic roadways. There are no scenic vistas being affected by the project proposal. There are no identified scenic resources on or 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 proposes to develop a portion of the existing 324.66-acre parcel with a renewable hydrogen generation facility and other associated improvements. The proposed improvements will degrade the existing visual nature of the site as the site is mainly utilized for agricultural cultivation. The project site is approximately 510 feet south of the nearest right-of-way with crops located in between. Review of aerial and street views of the project site do not indicate any high scenic quality view that would be substantially degraded by the project. The construction of structure would degrade the existing visual character but is determined to not have a significant impact on existing visual character. Therefore, the construction of structures and improvements on this site would have a less than significant impact on the existing visual character or quality of public views of the site and its surroundings.

- 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 and indicated on their site plan, outdoor security lighting is proposed and would create a new source of light and glare. A Mitigation Measure will be implemented with this project to ensure that all outdoor lighting is hooded and directed downward so as not to shine on adjacent properties or public right-of-way.

* **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 prepared by the California Department of Conservation, the subject parcel is designated for Farmland of Statewide Importance, Unique Farmland, and Confined Animal Agriculture. The project is proposed to be sited on land designated Farmland of Statewide Importance. Farmland of Statewide Importance is defined as farmland “similar to Prime Farmland but with minor shortcomings such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production as some time during the four years prior to the mapping date.” The project will convert Farmland of Statewide Importance to a non-agricultural production use. However, in considering the size of the project site relative to the size of the subject 324.66-acre parcel, the project site size would have a less than significant impact on the overall agricultural production use of the parcel. The project site is proposed to be approximately 1.25 acres large and has been determined that the conversion of approximately 1.25 acres of farmland compared to the overall 324.66-acre parcel is less than significant.

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

FINDING: NO IMPACT:

The subject parcel is not under Williamson Act Contract. Per the Fresno County Zoning Ordinance, the proposal is subject to an Unclassified Conditional Use Permit and can be considered on the subject parcel which is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and designated under the Fresno County General Plan as Agricultural. Per the Applicant’s Operational Statement, the project proposes to receive manure from off-site sources and process said manure into hydrogen fuel for commercial sale. As the proposed use is a listed use under the provisions of the Unclassified Conditional Use Permit, the project does not conflict with the existing zoning for agricultural use.

- 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 in 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 IMPACT:

Per the design of the project proposal, the use will be powered by an anaerobic digester and biogas facility on the westerly adjacent parcel. The use proposes to have three employees to operate the plan with one person on site 24 hours a day. In considering the operational aspects of the project, it does not appear that the project will result in the conversion of additional farmland to non-agricultural use or the conversion of forest land to non-forest use. If expansion of the use were to occur after it has been established on the site, an amendment to the land-use permit may be required and further review of the expansion would occur to ensure no adverse impacts ensues.

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; or
- B. 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 San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the subject application and determined that based on the information provided, project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the District's significance thresholds. Therefore, based on this determination, the project would not conflict with or obstruct implementation of the applicable Air Quality Plan or result in a cumulatively considerable net increase of any criteria pollutants. The (SJVAPCD) also commented that construction-related emissions are expected to be less than significant, but suggests that construction-related exhaust emissions and activities utilize the cleanest reasonably available off-road construction fleets and practices to further reduce impacts from construction-related exhaust emissions and activities. These suggestions and comments from the SJVAPCD will be implemented as Project Notes to advise the Applicant comments provided by the SJVAPCD. Therefore, a less than significant impact is seen on criteria pollutants generated by the project proposal.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Health Risk Assessment (HRA) dated January 19, 2021 prepared by LSA for the project proposal was submitted to the SJVAPCD for review and comment. Based on the findings of the HRA, the SJVAPCD did not have any concerns regarding the

modeling and conclusions made. The prioritization scores for the project are below the SJVAPCD's recommended high-risk screening threshold and as a result would not have a significant adverse health risk to nearby off-site receptors. The project would not result in the installation of any other major stationary sources of Toxic Air Contaminants (TAC) and will result in a less than significant impact.

Aerial images of the project site and surrounding area suggest that the closest sensitive receptor is located approximately 4,900 feet west of site. There are two sites improved with confined bovine facilities and the sensitive receptor is employee housing for the bovine facility. In considering the existing conditions of the area already impacted by the large bovine facilities and the distance of the project site from the sensitive receptor, the project will likely have a less than significant impact on the sensitive receptor. Additionally, per the Applicant's Operational Statement, the use does not generate odors that would adversely affect sensitive receptors.

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: LESS THAN SIGNIFICANT IMPACT:

Per the California Natural Diversity Database, the project site is located within the radius of two reported occurrences. The Tricolored Blackbird is a state listed species and is designated threatened. The Sanford's Arrowhead non-listed species. As the Sanford's Arrowhead is a non-listed species, project review will focus on the special status Tricolored Blackbird. The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife were notified of the project proposal and no concerns were expressed after the initial routing.

According to the California Natural Diversity Database, the reported Tricolored Blackbird occurrence was reported on April 18, 2015 with an accuracy radius of three fifths of a mile and is presumed extant. The Species Account for the Tricolored Blackbird prepared by the California Department of Fish and Wildlife that Tricolored Blackbird nest heights range from a few centimeters to about 1.5 meters above water or ground at colony sites in freshwater marshes and up to 3 meters in the canopies of willows and other riparian trees. Their nests are rarely built on the ground. Basic requirements for selecting breeding sites are open accessible water, a protected nesting substrate, and suitable foraging space. With the loss of a natural flooding cycle and most native wetland and upland habitats in the Central Valley, Tricolored Blackbirds now forage primarily in artificial habitats which include areas that have shallow-flood irrigation, mowing, or grazing that keeps the vegetation at an optimal height. Foraging habitat also include crops such as rice, alfalfa, irrigated pastures, and ripening or cut grain fields, as well as annual grasslands, cattle feedlots and dairies. It has been seen that

vineyards, orchards, and row crops do not provide suitable nesting substrates or foraging habitat for Tricolored Blackbirds.

The project proposes to develop an approximately 1.25-acre portion of the existing 324.48-acre parcel. The subject parcel has historically been utilized for agricultural production with the property more recently improved with a ground mount solar array just south of the proposed hydrogen production site. Based on the information provided by the CDFW, the adjacent dairy operation could provide foraging habitat, but not nesting habitat for the Tricolored Blackbird. In considering the proposal, an approximately 1.25-acre portion of the overall 324.48-acre parcel would be converted to a non-agricultural use. This conversion is not expected to have a substantial adverse effect on the Tricolored Blackbird as the area being converted is small compared to the overall size of the subject parcel with the majority of it still being utilized for agricultural purposes. Therefore, a less than significant impact is seen.

- 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: NO IMPACT:

According to the National Wetlands Inventory provided by the U.S. Fish and Wildlife Service, there are no wetlands on the project site. There is no riparian habitat or other sensitive natural community on the project site. Therefore, the project will not have an adverse effect on riparian habitat or other sensitive natural community or on state or federally-protected wetlands.

- 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:

No established native resident, migratory wildlife corridor or native wildlife nursery site was identified on the project site. The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) were provided opportunities to comment on the project proposal and identify potential adverse effects of the project on native residents or wildlife species. No comments were received from the CDFW or the USFWS to indicate an impact on native residents or wildlife species.

- 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:

Reviewing agencies and departments did not indicate that the project would result in conflict with local, regional, or state policies or ordinances for protection biological resources or an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

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:

The Santa Rosa Rancheria Tachi-Yokut Tribe responded with a request for consultation under the provisions of Assembly Bill 52 (AB 52). A Cultural Study was produced for the project proposal and submitted to the Santa Rosa Rancheria Tachi-Yokut Tribe for review. No additional comments, concerns, or mitigation measures were received by staff from the consulting tribal government. Consultation with the Santa Rosa Rancheria Tachi-Yokut Tribe was concluded with no identification of a historical, cultural, or archaeological resource. Aerial photographs and field survey of the project site indicate that the site has been previously disturbed as a result of grading activities and agricultural use. A Mitigation Measure address cultural resources will be implemented in the unlikely event they are unearthed during ground-disturbing activities related to project construction and operation.

* **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:

Per the Applicant's Operational Statement, the project proposes to utilize energy produced from an anaerobic digester located on the westerly adjacent parcel. The anaerobic digester processes effluent produced from the existing dairy operation and will provide biogas to power the proposed hydrogen production facility. The project is also a renewable energy project which will produce hydrogen gas to provide energy for off-site sources including to be used as fuel for fuel cell electric vehicles. In considering the existing renewable energy source being utilized to power the proposed facility and scope of the project, there is no potentially significant environmental impact from the consumption of energy resources for project operation and will not conflict with or obstruct state or local plans 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:

Per the Earthquake Zone Hazard Application and Figure 9-2 and -3 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on or near a rupture of a known earthquake fault.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site, according to Figure 9-5 of the FCGPBR, the project site is located in or near land designated for probabilistic seismic hazard with a 10% probability in 50 years and a peak horizontal ground acceleration 0-20% and 20-40%. Associated development will be built to current building code standards, which will take into account safe building practices to reduce effects from seismic ground shaking and seismic-related ground failure. Per Figure 9-6 of the FCGPBR, the project site is not located on land designated for areas of subsidence.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the FCGPBR, the project site is not located in identified landslide hazard areas. Additionally, the project site and surrounding area is located on flat land utilized for agriculture. There are no large changes in elevation to indicate an increased risk to landslide.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the development of structures and placement of equipment on the site that will result in the loss of topsoil and increase in impervious surface. The project site is located on flat land and would not result in substantial soil erosion that would increase risk to the project site. The loss of topsoil will not result in increase hazard to the project site and has been determined to have a less than significant impact.

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 unstable soil has been identified on the subject property.

C. 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: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the subject site is not located on area identified with expansive soils.

D. 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

- E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that soils on the property would be incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. There was no paleontological resource 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: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, the proposed hydrogen production facility will be powered by biogas produced from an existing anaerobic digester located on the westerly adjacent parcel. The proposed equipment to power the facility will utilize biogas and would not generate additional greenhouse gas emissions. Generation of greenhouse gas emissions related to the transportation of the produced hydrogen fuel is likely to be the biggest emitter of greenhouse gasses. This however is expected to be less than significant as the number of transporting trucks is low and those trucks are considered to be compliant with all state regulations regarding emission standards. The San Joaquin Valley Air Pollution Control District did not express concern to indicate that there is a conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

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; or
- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the subject application and provided information regarding state and local requirements for reporting, handling, and permitting hazardous materials proposed to be use and/or stored on the subject site. These requirements will be listed as Project Notes with the application as they are state and local regulatory responsibilities that must be met.

- 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:

The subject parcel is not located within a one-quarter mile of an existing or proposed school.

- 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:

Per the NEPAAssist database, there are no listed hazardous material sites located on 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:

The subject site is not located within two miles of a public airport or public use airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- 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 to indicate that the project would result in impairing implementation or physically interfering with an adopted emergency response plan or emergency evacuation plan. According to the 2007 Fresno County Fire Hazard Map prepared by the California Department of Forestry and Fire Protection, the project site is not subject to an increased potential for fire hazard.

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; or
- 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:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concern with the project to indicate that the proposal will result in the violation of a water quality standard, waste discharge requirement, or substantially interfere with groundwater recharge. The project proposes to receive water from an existing well on the westerly adjacent parcel and is regulated by the State Water Resources Control Board (SWRCB). Per the Water and Natural Resources Division, the project site is not located in an area of the County defined as being a water short area and proposed water usage from the proposal is expected to have a less than significant impact on water resources.

- 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;
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

FINDING: NO IMPACT:

The project will result in the addition of impervious surface on land previously used for agricultural purposes. The surrounding area and project site are located on flat land and would not result in substantial erosion or siltation on- or off-site. With the addition of impervious surface to the site, there is potential for surface runoff, but is not expected to result in flooding that would have an adverse effect. No impact is seen resulting from the project proposal.

- 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: NO IMPACT:

There are no planned stormwater drainage systems in vicinity of the project site. The project is expected to meet County standards for stormwater runoff which requires all stormwater runoff to not cross property lines and be kept on the subject site.

4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per FEMA FIRM Panel C2050H, the project site is located within Special Flood Hazard Area Zone A. Review of the proposal by the Development Engineering Section indicates that special development standards will be applicable to the project which includes federal, state and local requirements for development in a special flood hazard area. These will be included as Conditions of Approval or Project Notes to ensure proper procedure is implemented with the project to ensure a less than significant impact on the flood zone.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As stated, per FEMA FIRM Panel C2050H, the project site is located within Special Flood Hazard Area Zone A. The project will be required via Conditions of Approval or Projects Notes to ensure special development standards for construction within an identified flood zone be implemented. With implementation of special development standards, the risk of release of pollutants due to project inundation will be less than significant.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide comments to indicate that the project would conflict with or obstruct implementation of 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 project site is located in an agricultural area with no established community in the vicinity. The project will not physically divide an established community.

- 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: NO IMPACT:

Review of relevant Fresno County General Plan policies indicate that there is no conflict with the subject proposal and the policies of the General Plan.

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:

According to Figure 7-7 and 7-8 of the Fresno County General Plan Background Report (FCGPBR), the subject site is not located on or near identified mineral resource locations or principal 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:

The Department of Public Health, Environmental Health Division (EHD) has reviewed the project proposal. The EHD did not express concern with the application to indicate that the project proposal would generate excessive ground-borne vibration or noise levels. The project is required to comply with the Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance. The nearest sensitive receptor to the project site is approximately 4,900 feet west of the site. The proposed use is not expected to have an adverse effect on sensitive receptors.

- 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:

The project site is not located in vicinity of a private airstrip or airport land use plan nor is it located within two miles of a public airport or public use airport.

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 subject property is not improved with residential development and the surrounding area is utilized for agricultural purposes. The project will not displace substantial numbers of existing people or housing. The project will not induce unplanned population growth in the area.

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 subject application and did not express concern with the project proposal to indicate the provision of new or physically-altered governmental 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 provide comments to indicate that the project will result in adverse impacts on the listed public services where a need for the provision of new or physically-altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives is required.

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:

There are no existing neighborhood or regional parks or other recreational facilities in the vicinity of the project. The project will not have a substantial impact on the population in the area that would increase the use of existing neighborhood and regional parks or other 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:

The subject parcel has frontage along State Route 180 (W. Whitesbridge Avenue). State Route 180 is not a County-maintained road with the County Road Maintenance and Operations Division and the Design Division not having any comments for the proposed use or traffic generation. Review of the proposal indicates that the proposed use will receive access off State Route 180 from an existing access point on the westerly adjacent parcel. This access road is located on the westerly adjacent parcel and is under common ownership with the subject site. The California Department of Transportation (Caltrans) was included on project routing with no concerns received. Therefore, it is determined that the project does not conflict with a program, plan, ordinance or policy addressing the circulation system.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, the proposed use will have between five and seven employees and have up to two trucks to be loaded with the produced hydrogen gas. The main access road will utilize State Route 180 which is a State maintained right-of-way. Review of the project proposal and traffic generation by Caltrans did not indicate a exceedance of an established threshold or the requirement for preparation of a traffic study. Therefore, based on the low trip generation from the project proposal, the vehicle miles traveled impact from the project will be less than significant.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?; or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Main access to the project site will occur off an existing access-point from State Route 180. The number of trips generated is not expected to have an adverse effect on existing traffic conditions of the roadway. The accessway is paved and traffic will travel approximately 500 feet south, away from the public right-of-way therefore traffic buildup is not likely to occur. Therefore, the project will not substantially increase hazards due to design features. Reviewing agencies and departments did not express concern to indicate that the project will result in inadequate 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) participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on the project proposal. The Santa Rosa Rancheria Tachi-Yokut Tribe requested consultation and a Cultural Study was prepared by the Applicant's and routed to the consulting tribal government for review and comment. The prepared Cultural Study dated January 21, 2021 by LSA concluded that based on the background search and field survey, no archeological deposits or human remains were identified on the project site. The field survey indicates that project site as being previously disturbed by road grading and agricultural use. A Mitigation Measure shall be implemented to ensure that in the unlikely event that tribal cultural resources are discovered during ground-disturbing activities, the resource is properly addressed.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources 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: NO IMPACT:

Per the Applicant's Operational Statement, the project proposes to obtain a majority of power from an existing anaerobic digester facility located on the westerly adjacent parcel. This proposed hydrogen production facility will be improved with specialized equipment to receive biogas produced from the digester and power the production facility. Additional connection with PG&E facilities will occur to ensure that there is an uninterrupted supply of energy in case the digester facility is offline. As the digester facility is existing, the project will not require or result in the relocation or construction of new or expanded electric power facilities. The project will not require new or expanded water, wastewater treatment or storm water drainage, natural gas, or telecommunication facilities which would cause significant effects.

- 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 Water and Natural Resources Division did not provide concerns to indicate that there are insufficient water supplies for 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, any proposed septic system or wastewater treatment system will be would be permitted in accordance with County LAMP requirements. The Applicant will be required to meet County permitting standards for the subject building and associated wastewater treatment system. Review of the proposal did not indicate a conflict with County standards for this system, but further review of the proposed system will be conducted if this project is approved.

- 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:

Reviewing agencies and departments did not provide comments to indicate that the project would generate solid waste in excess of State or local standards. There are no aspects of the project to suggest that the project would not be in compliance with federal, state, and local management and reduction statutes and regulations for 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:

The project site is not located within a State Responsibility Area (SRA). According to the 2007 Fresno County Fire Hazard Severity Map in LRA prepared by the California Department of Forestry and Fire Protection, the subject site is not located in land classified as a very high fire hazard severity zone.

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: LESS THAN SIGNIFICANT IMPACT:

The project will convert an approximately 1.25-acre portion of the 324.66-acre parcel from agricultural use to the proposed hydrogen production facility. That conversion has been determined to have a less than significant impact on habitat conversion as the majority of the parcel will still be agricultural production and not adversely effect wildlife species or cause wildlife populations to drop below self-sustaining levels.

- 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 WITH MITIGATION INCORPORATED:

Per the analysis conducted, cumulative impacts regarding Aesthetics, Cultural Resources, and Tribal Cultural Resources have been identified, but with implemented mitigation measures, the impacts have been reduced to a less than significant impact.

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

FINDING: NO IMPACT:

There were no identified environmental effects resulting from the project that will cause substantial adverse effect on human beings, either directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3691, 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, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of 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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