



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: CV Biogas DevCo (Jamie Terzulli)
- APPLICATION NOS.: Initial Study No. 8447 and Unclassified Conditional Use Permit No. 3771
- DESCRIPTION: Allow the installation of an anaerobic dairy digester with related biogas conditioning equipment and biogas generators (five existing) all of which connect to adjacent dairies via an approximately 10.5-mile underground pipeline (approved in 2019). The biogas will be transported to a biogas upgrading facility (currently under construction) to clean and condense the biogas before it is injected into the Pacific Gas and Electric's (PG&E) main natural gas transmission line located on the central hub site.
- LOCATION: The subject parcel is located on the southeast corner of W. Elkhorn Ave. and S Howard Ave., approximately 15.70-miles northwest from the City of Lemoore. (APN: 050-170- 48s) (12103 Elkhorn Ave., Riverdale) (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?

FINDING: NO IMPACT:

The project is located in an agricultural area and is not near any scenic vistas. The proposed project involves the installation of an anaerobic digester and related biogas storage tanks of which will connect to a previously approved 10.5-mile underground gas pipeline connecting to five existing dairies, to be ultimately injected into Pacific Gas and Electric's (PG&E) main natural gas line located on the central hub site. This area is characterized by large farming parcels and open space. The project will not add any structures that would obstruct any views from neighboring properties or from adjacent roadways. Project construction will be limited to the proposed underground pipeline and the installation of new gas conditioning equipment at the existing dairy sites. Therefore, the project will have no impact on scenic vistas.

- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

No scenic resources, including trees, rock outcroppings, or historic buildings were identified in the analysis or by any reviewing agencies. State Route 145 (South Lassen Avenue), which is not a Scenic Highway per the Fresno County General Plan, Figure OS-2, is located 3.80-miles west of 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 points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT:

The project area is entirely located in a rural area characterized by large-scale agricultural operations. As previously stated, the project does not entail the addition of any structures that would negatively impact viewsheds from surrounding properties or public roadways, or substantially degrade the visual character or quality of public views of any of the project sites. The proposed improvements are consistent with the existing dairy operations.

- 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:

The proposed project will not introduce substantial, new sources of light or glare. The proposed facilities will utilize outdoor security lighting and all lighting will be required to be hooded and directed downward so as not to shine on adjacent properties or roadways.

\* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.*

## 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 Department 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:

Farmland on the subject parcels has been classified as a mixture of farmland of statewide importance and confined animal agriculture. The confined animal designation is limited to the area where the dairy cows are housed and the new improvements will be located in the area of the existing dairy where the land has been designated for confined animal agriculture. The proposed addition will not hinder agricultural operations. The new improvements will be supportive of dairy operations.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The parcel involved with the proposed project are restricted by Williamson Act Contracts, and due the commercial nature of gas and electrical exportation to gas pipelines and the electrical grid, the areas of the dairy where the digester and supporting equipment is located will be required to non-renew the existing contracts on those portions of the property. The amount of land that will be non-renewed does not represent a significant reduction in land restricted by Williamson Act Contracts and will not result in the reduction of agricultural products.

- 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 is not located near any land that is used or zoned for Timberland Production. Therefore, there are no conflicts with, or loss of, timberland or forest land as a result of this project. All of the land involved is zoned Agricultural and limited to uses allowed in such zone districts.

- 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:

The project entails the installation of a new dairy digester with ancillary equipment. From the central hub, the collected biogas will be conditioned to commercial natural gas standards before being injected into the adjacent PG&E main natural gas pipeline.

The portions of the parcel where the digester and ancillary equipment will be located have been submitted for non-renewal of the associated Williamson Act Contracts. The conflict with the Williamson Act is primarily due to the commercial nature of the operation, which proposes to generate gas and electricity for sale to PG&E. The continued dairy operations on these parcels is necessary to feed the digesters. Therefore, approval of this project will not result in the conversion of farmland to non-agricultural uses.

As noted above, the project is not located in the vicinity of forestland and therefore, will have no impacts on the conversion of forestland to non-forest uses.

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: LESS THAN SIGNIFICANT IMPACT:

This project proposal was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The District recommended that the evaluation of this proposal include estimates of construction, operation, mobile and stationary emissions sources, and the project's proximity to sensitive receptors and other existing emission sources, and that District established thresholds of significance for criteria pollutants be considered in the evaluation. The District also recommended that Operational Emissions (stationary sources) and non-permitted (mobile sources) be evaluated separately, and that project related criteria pollutant emissions from construction and operation should be identified and quantified.

An air quality impact and greenhouse gas analysis was conducted in 2019. According to the analysis, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and suspended particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 (California Air Pollution Control Officers Association (CAPCOA) 2017), which is the

most current version of the model approved for use by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Based on the air quality impact analysis, the short-term construction emissions would not exceed Air District significance thresholds for criteria pollutant levels during a given year and impacts would therefore, be less than significant. Project operational emissions are not anticipated to be a substantial source of PM10 emissions, but rather the main sources of PM10 would be vehicular traffic associated with the project. Transportation related activities from employees and maintenance would generate mobile source ROG, NOx, SOx, CO, PM10, PM2.5 from vehicle exhaust.

Stationary source emissions from the project are anticipated to consist of VOC emissions from the biogas upgrade process and ROG, Nox, SOx, CO, PM10 and PM2.5 exhaust emissions from the combustion of the biogas to generate electrical power.

Air pollution associated with stationary sources is regulated through the permitting authority of the SJVAPCD under the New and Modified Stationary Source Review Rule (SJVAPCD Rule 2201). Owners of any new or modified equipment that emits, reduces, or controls air contaminants, except those specifically exempted by the SJVAPCD, are required to apply for an Authority to Construct and Permit to Operate (SJVAPCD Rule 2010). Additionally, best available control technology (BACT) is required on specific types of stationary equipment and are required to offset both stationary source emission increases along with increases in cargo carrier emissions if the specified threshold levels are exceeded (SJVAPCD Rule 2201, 4.7.1). Through this mechanism, the SJVAPCD would require that all stationary sources within the project area would be subject to the standards of the SJVAPCD to ensure that new developments do not result in net increases in stationary sources of criteria air pollutants.

With adherence to the rules and requirements of the SJVAPCD, the estimated construction and operational emissions from the proposed project will be less than significant.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is located in the San Joaquin Valley Air Basin (SJVAB), which is included among the eight counties that comprise the SJVAPCD. Under the provisions of the U.S. Clean Air Act, the Fresno County portion of the SJVAB has been classified as nonattainment/extreme, nonattainment/severe, nonattainment, attainment/unclassified, attainment for various criteria pollutants. As shown in the analysis, the project does not pose a substantial increase to basin emissions. Because the proposed project would generate less than significant project-related operational

impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable.

- 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:**

Dairies are known to release objectionable odors, primarily due to animal waste from the milking cows. The project proposes to install a covered digester, which will process manure. The manure will be anaerobically activated to release methane, which will then be piped through a gas collection system to a central hub to generate renewable energy. The capture of methane gas is anticipated to remove adverse odors from the air as compared to the baseline.

Lead Agencies should consider situations wherein a new or modified source of hazardous air pollutants (HAPs) is proposed for a location near an existing residential area or other sensitive receptor when evaluating potential impacts related to HAPs. Typical sources of HAPs include diesel trucks or permitted sources such as engines, boilers, or storage tanks. The project will be located near scattered rural residences on large agricultural parcels. Since there will be HAPs emitted from the project and occasional diesel truck travel on-site, a prioritization score was determined for the facility to determine if a health risk assessment (HRA) would be required. A Health Risk Assessment (HRA) is not required for a project with a total facility prioritization score of less than or equal to one. The project's prioritization score was 0.04, which is less than one. Therefore, no further analysis is required to determine the HAPs impacts from this project and potential risk to the population attributable to emissions of HAPs from the proposed project would be less than significant.

According to the analysis, the proposed project would not exceed any screening trigger levels to be considered a source of objectionable odors or odorous compounds. Furthermore, there does not appear to be any significant source of objectionable odors in close proximity that may adversely impact the project site when it is in operation. The project emission estimates indicate that the proposed project would not be expected to adversely impact surrounding receptors. As such, the project would not be a source of any odorous compounds nor would it likely be impacted by any odorous source.

Development in this area is dominated by large parcels of agricultural production with very limited residential development. Due to the anticipated reduction in objectionable odors and the distance between the closest residences and the project site, this project will not expose sensitive receptors to substantial pollutant concentrations and will not create objectionable odors affecting a substantial number of people.

#### 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; or
- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Reviews of agency-maintained databases were conducted to determine the potential presence of sensitive biological resources and special-status species. The results of the database and literature review indicate that eight (8) special-status species have the potential to occur within the vicinity of the project. Those species are the Swainson's hawk (*Buteo swainsoni*), western burrowing owl (*Athene cunicularia*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), loggerhead shrike (*Lanus ludovicianus*), tricolored blackbird (*Agelaius tricolor*), American badger (*Taxidea taxus*), San Joaquin kit fox (*Vulpes macrotis mutica*), and long-billed curlew (*Numenius americanus*).

A reconnaissance level field survey was conducted by a previously approved project of which identified sensitive biological resources on site and to document the suitability of the habitat on the project to support special-status species. No sensitive natural plant communities occurred on the project sites. No special-status plant species were observed on the project sites at that time. Swainson's hawk, loggerhead shrike, and long-billed curlew were observed near the site. No other special-status animal species were observed on site.

The project sites are highly disturbed and currently mostly cleared of vegetation. The presence of special-status species on these sites prior to ground disturbance cannot be positively determined. Reviews of the databases and on-site field examinations indicated that there are five defined waters or wetlands on or near the project sites. There are no designated migratory corridors or linkages, significant nursery sites, or designated Critical Habitat that occur on the project site.

Adjacent parcels were visually scanned for potential special-status resources in 2019 and habitat conditions that could support special-status resources. The BSA supports a variety of bird, and mammal species. Various wildlife sign (i.e. scat, tracks, burrows etc.) were detected on all five sites. Wildlife sign detected included common bird species, two stick nests that could potentially be used by raptors, and numerous small mammal burrows. Twelve animal species or their sign were observed within the BSA. The project contained a few small mammal burrows scattered throughout the BSA.

Within the BSA, suitable San Joaquin kit fox habitat is not present; however, the pipeline route, specifically along the agriculture irrigation canals, may be used by the species while foraging or traveling through the area. The surrounding area near the pipeline route and dairy digester sites may provide suitable habitat for the species. There are multiple records of this species occurring near the BSA, but there is no positive evidence that the San Joaquin kit fox is present in the BSA.

Suitable foraging Swainson's hawk habitat is present in the agricultural fields surrounding the site. A Swainson's hawk was observed approximately 0.2-miles north, outside of the project area and east of the Van der Kooi Dairy. Suitable nesting habitat is found near the intersection of W. Elkhorn Avenue and S. Howard Avenue and along the Fresno Slough, but no nesting Swainson's hawks were found in the BSA during the reconnaissance survey.

Within the BSA, suitable foraging habitat for tricolored blackbird is present, but no nesting habitat is present. Suitable foraging loggerhead shrike habitat is present in the agricultural fields. Suitable nesting habitat is unlikely to be present within the BSA, but it may be present in the surrounding area. Trees with dense foliage that have the potential to house nests for this species occur in areas surrounding the BSA. Also, suitable foraging habitat for yellow-headed blackbird is present, but no nesting habitat is present within the BSA. Suitable foraging and nesting long-billed curlew habitat is present. They typically nest in areas that are relatively dry and exposed. The nests are built near conspicuous objects such as livestock dung piles, rocks, or dirt mounds.

Within the project area, suitable badger habitat is not present, but the pipeline route, specifically along the irrigation canals, may be used by this species while foraging or traveling through the area.

Due to the high level of disturbance within the project footprint, lack of potential suitable areas for special-status plant species on the project site, and lack of potential for special status plants to exist on the site, no avoidance or minimization measures for special-status plant species are warranted.

### **Mitigation Measure(s)**

- 1. To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:***

***Construction shall be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10-days prior to the start of implementation to evaluate presence/absence of TRB nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.***



***If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason the colony should be reassessed to determine the extent of the breeding colony before conducting construction activities.***

***In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 (b), prior to any ground-disturbing activities***

**San Joaquin Kit Fox (SJKF) have the potential to occur on the Project site. Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with the Project's construction include den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.**

- 2. Avoidance of Burrows for San Joaquin Kit Fox, and American Badger. If dens/burrows that could support any of these species are discovered during the pre-activity clearance surveys, the avoidance buffers outlined below should be established. No work would occur within these buffers unless the biologist approves and monitors the activity. Dens or burrows of these species shall not be destroyed unless it is determined that the den/burrow is not occupied. In no case shall a San Joaquin kit fox natal den or known den be destroyed without the concurrence of the USFWS and CDFW and appropriate artificial den replacements are provided.***

***San Joaquin Kit Fox***

- Potential Den – 50-feet***
- Atypical Den – 50-feet (includes pipes and other man-made structures)***
- Known Den – 100-feet***
- Natal/Pupping Den – 500-feet***

***American Badger***

- Known Den — 100-feet***

***The applicants shall assess presence/absence of SJKF by conducting surveys following the USFWS (2011) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance." Specifically, CDFW advises conducting these surveys in all***

**areas of potentially suitable habitat no less than 14-days and no more than 30-days prior to beginning of ground disturbing activities.**

**SJKF detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b).**

**3. Standard Avoidance and Minimization Measures for the San Joaquin kit fox and American badger. The following standard avoidance and minimization measures are recommended to be implemented:**

- Construction-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on County and City roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However, if night construction activities do occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.**
- To prevent inadvertent entrapment of kit foxes or other wildlife during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly examined for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW should be contacted as noted below.**
- Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.**
- All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.**

- ***No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.***
- ***Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of special-status species and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.***
- ***A representative should be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a special-status species or who finds a dead, injured, or entrapped special-status species. The representative will be identified during the employee education program and their name and telephone number should be provided to the USFWS.***
- ***In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.***
- ***Any person who is responsible for inadvertently killing or injuring a special-status animal species should immediately report the incident to their representative. This representative should contact the CDFW immediately in the case of a dead, injured, or entrapped special-status species. The CDFW contact for immediate assistance is State Dispatch at 916-445-0045. They will contact the local warden or wildlife biologist. The USFWS should be contacted at the number below.***
- ***The region 8 Sacramento Fish and Wildlife Office and Region 4 CDFW should be notified in writing within three working days of the accidental death or injury to a kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below.***

***U.S. Fish and Wildlife Service***

**Region 8 – California and Nevada  
2800 Cottage Way  
Sacramento, CA 95825  
Contact: Tim Ludwick  
Phone: 916-414-6464**

- ***New sightings of kit fox should be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the appropriate wildlife agencies.***
4. ***Den Avoidance. In the event that a potential den that may be suitable for American badger, San Joaquin, or burrowing owl is detected during pre-activity clearance surveys, the biologist should monitor the den using cameras and tracking medium for five days to determine if the den is occupied by a special-status species. If after five (5) days no activity is detected, then the den can be backfilled. Construction personnel may collapse the den only under the direct supervision of the biologist. If a special-status species is detected using the den, the den must be avoided until the animal leaves on its own. A minimum 100-foot buffer should be constructed using orange construction fencing around the den during the nonbreeding season (April to November). During the breeding season (December to March), the buffer should be extended to 250 feet. Consultation with the USFWS and/or CDFW will be required prior to collapsing dens known to be occupied by kit foxes. If authorized by the CDFW, passive relocation of wildlife may be accomplished using one-way doors to exclude wildlife from dens. An exclusion plan approved by CDFW would be required prior to the installation of one-way doors.***
  5. ***If project activities are planned to start during the migratory bird nesting season, February 1 to September 15, a pre-activity nesting bird survey should be conducted within seven (7) days of the start of these activities. These surveys should be phased with construction of the project. If active nests are detected during the survey, or at any time during construction of the project, an avoidance buffer will be established by a qualified biologist based on the species and the activities that are underway. For raptor species (except Swainson's hawk), the avoidance will typically be 500 feet. For non-raptor species, the buffer will be 250-feet. Note that some bird species are known to nest on human structures, including construction equipment. Construction personnel should be educated about this possibility as part of the employee education program.***

**Without appropriate avoidance and minimization measures for SWHA, potential significant impacts associated with the Project's construction include: nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.**

Trees within ½-mile of the Project area represent some of the only remaining suitable nesting habitat in the vicinity, which is otherwise intensively managed for agriculture. In addition, the Project area includes low growing crops, which may provide foraging habitat for SWHA. The presence of these two requisite habitat features increases the likelihood of occurrence of SWHA. The primary threat to SWHA in California is loss of foraging and nesting habitat resulting from urban development and incompatible agriculture (CDFW 2016). Depending on timing, ground-disturbing activities that have the potential to result from the Project including noise, vibration, and movement of workers or equipment, could affect SWHA nests and have the potential to result in nest abandonment, potentially significantly impacting local nesting SWHA.

6. *To mitigate impacts to the Swainson's Hawk (SWHA), the following measures shall be implemented:*

*Construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. In addition, CDFW recommends that a qualified biologist conduct additional pre-construction surveys for active nests no more than 10-days prior to the start of construction.*

*If an active SWHA nest is found during pre-construction surveys, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.*

*If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an ITP for SWHA is necessary prior to project implementation, pursuant to Fish and Game Code Section 2081(b) to comply with CESA Swainson's Hawk Avoidance and Minimization.*

The Giant Garter Snake (GGS) has the potential to be present in or near Project sites. As documented in CNDDDB, GGS are known to occur in the Fresno Slough (CDFW 2019) and the species is known to occupy managed waterways, including those managed for agricultural irrigation (USFWS 2017). Potential significant impacts associated with Project construction include burrow excavation and collapse, inadvertent entrapment, and direct mortality of individuals.

7. *To mitigate impacts to the Giant Garter Snake (GGS), the following measures shall be implemented:*

***A qualified biologist shall conduct a habitat assessment well in advance of project implementation, to determine if the Project area or its vicinity contains suitable habitat for GGS.***

***No more than 30-days prior to ground-disturbing activities, a qualified biologist with GGS experience and knowledge of its ecology survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which GGS could be present. It is advised that all potentially suitable burrows and cervices be flagged and avoided by a minimum 50-foot no disturbance buffer. If a 50-foot radius buffer isn't feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take.***

***If take cannot be avoided, acquisition of an ITP would be required prior to Project implementation to comply with CESA. Capture and relocation of any species listed under CESA would require an ITP from CDFW, as capture (or attempt to do so) is defined as take under Fish and Game Code Section 86.***

Burrowing Owl (BUOW) have been documented within the vicinity of the Project area. BUOW occupy treeless open areas that contain small mammal burrows (Zeiner et al. 1990). BUOW can also occupy burrows within the banks of earthen canals (Coulombe 1971 ). Review of aerial imagery indicates that the Project area contains both of these land cover types. The Project area likely also provides suitable foraging habitat for BUOW. The presence of these land cover types increases the likelihood of BUOW occurrence both on and within the vicinity of the Project area. Potentially significant direct impacts associated with the Project's construction include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

- 8. To mitigate impacts to the Burrowing Owl (BUOW), the following measures shall be implemented:***

***The applicant shall assess presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.***

***Since BUOW occupy burrow habitat year-round, CDFW recommends seasonal no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project***

**implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.**

**If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1 :1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.**

- 9. Worker Environmental Awareness Training. Prior to the initiation of construction and for the duration of project construction and maintenance activities that could affect natural habitat, all new personnel should attend a Construction Personnel Environmental Awareness Training and Education Program. The program should be developed by a qualified biologist. Any employee responsible for the operation and maintenance (O&M) of the completed facilities should also attend the Construction Personnel Environmental Awareness Training and Education Program.**
  - a. The program should include information on the life history of the burrowing owl, American badger, San Joaquin kit fox, Swainson's hawk, migratory birds and raptors, and special-status plant species that may be encountered during construction and operations and maintenance activities.**
  - b. The program should discuss each species' legal protection, status, the definition of "take" under the Endangered Species Act, measures the project operator must implement to protect the species, reporting requirements, specific measures that each worker should employ to avoid take of wildlife species, and penalties for violation of the State and federal ESAs.**
  - c. The program should provide information on how and where to bring injured animals for treatment in the case any animals are injured on the project site, and how to document animal mortalities and injuries.**

***d. An attendance form signed by each worker indicating that environmental training has been completed will be kept on record.***

- 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 WITH MITIGATION INCORPORATED:

Reviews of the National Wetlands Inventory (NWI; USFWS) and National Hydrography Dataset (USGS 2023) were completed to identify whether wetlands had previously been documented on or adjacent to the project site. There are five defined waters or wetlands on or near the project site.

The United States Army Corps of Engineers (USACE) has regulatory authority over the Clean Water Act (CWA), as provided for by the EPA. The USACE has established specific criteria for the determination of wetlands based upon the presence of wetland hydrology, hydric soils, and hydrophilic vegetation. There are no federally-protected wetlands or vernal pools that occur within the project site.

Wetlands, streams, reservoirs, sloughs, and ponds typically meet the criteria for federal jurisdiction under Section 404 of the CWA and State jurisdiction under the Porter-Cologne Water Quality Control Act. Streams and ponds typically meet the criteria for State jurisdiction under Section 1602 of the California Fish and Game Code. There are no features on the project site that would meet the criteria for either federal or State jurisdiction. No waters of the U.S., including wetlands, or waters of the State were observed on the project site. Therefore, the project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA. Accordingly, there are no wetlands or Waters of the U.S. occurring on the project site. There would be no impact to federally protected wetlands or waterways as a result of the proposed project. Therefore, impacts would be considered less than significant.

However, the gathering lines will cross several existing irrigation drainages or canals, as well as the Stinson Canal. Stinson Canal may be considered Waters of the US or Waters of the State. As proposed, the pipeline will be installed using either a jack and bore method or an open cut method to traverse the Stinson Canal. If the jack and bore method is used, there would be no disturbance of the drainage bed and bank, and therefore impacts would be considered less than significant. If the open cut method is used, as required by BIO-8, prior to the commencement of gathering pipeline construction, a jurisdictional delineation of the Stinson Canal would be conducted by a qualified biologist to determine if the drainage was considered Waters of the US or Waters of the State, identify the bed and bank, and determine the amount of disturbance area that would be required. Applications for the appropriate permits such as a 401 water quality certification, a Section 404 permit or a Section 1602 permit would be obtained prior to any construction activities. Implementation of BIO-8 would reduce impacts to less than significant.



**Mitigation Measure(s)**

- 10. Prior to the issuance of building permits, if Stinson Canal cannot be avoided, specific impacts on the features shall be quantified by an aquatic resources delineation prepared by a qualified biologist. A Central Valley Regional Water Quality Control Board Section 401 Water Quality Certification, a Section 404 ACOE permit and Section 1602 California Department of Fish and Wildlife Streambed Alteration Agreement shall be obtained, or confirmation received from these agencies that regulatory permits are not required.**
- 11. A formal stream mapping and wetland delineation shall be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that, while there is overlap, State and Federal definitions of wetlands as well as what activities require Notification pursuant to Fish and Game Code Section 1602 differ.**

**Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as what activities may require Notification to comply with Fish and Game Code. Fish and Game Code Section 2785 (g) defines wetlands; further, Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important to note that while accurate wetland delineations by qualified individuals have resulted in more rapid review and response from USACE and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands as well as the location of any activities that may affect a lake or stream be included with any Project site evaluations.**

**Fish and Game Code Section 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may: (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information on Notification requirements, please contact our staff in the LSA Program at (559) 243-4593.**

- 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 would have no impacts to wildlife movement corridors or wildlife nursery sites and no mitigation measures are required. No fisheries resources that would be impacted by the project and no mitigation measures are warranted.

- 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:

The project will not conflict with local policies or ordinances protecting biological resources or a tree preservation policy. The project is within the PG&E Habitat Conservation Plan (HCP) covered areas; however, the HCP is limited to PG&E maintenance activities. The project will not impact or conflict with the PG&E HCP and will not conflict with any Natural Conservation Community Plans or other approved conservation plans in the project area. Therefore, the project will not conflict with adopted or approved plans.

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 project is located in an area of moderate archeological sensitivity. A previously Cultural Resources Records Search was conducted in 2019. The purpose of the search was to determine whether any known cultural resources or previously conducted cultural resource surveys were located on or near the subject property, and whether construction of the project would impact any known or potential cultural resources. The records search covered an area within one-half mile of the project and included a review of the *National Register of Historic Places*, *California Points of Historical Interest*, *California Registry of Historic Resources*, *California Historical Landmarks*, *California State Historic Resources Inventory*, and a review of cultural resource reports on file.

The records search indicated that one previous linear cultural resource survey had intersected with the project route near the center of Section 5, T.17S, R.18E (MDB&M). No other studies have been done along the route. One additional cultural resource study was conducted within a half mile of the project. No cultural resources have been recorded along the project route and it is not known if any exist there. One cultural resource has been recorded within a half mile of the project. This is the historic Stinson Canal that was built between 1891 and 1900.

Based on the results of cultural records search findings and the lack of historical or archaeological resources previously identified within a 0.5-mile radius of the proposed project, the potential to encounter subsurface cultural resources is minimal. However, there is still a possibility that historical or archaeological materials may be exposed during construction or trenching for underground pipes. Grading and trenching, as well as other ground-disturbing actions have the potential to damage or destroy these previously unidentified and potentially significant cultural resources within the project area, including historical or archaeological resources. Implementation of Mitigation Measure 1 would reduce the potential impacts on cultural resources, including historical resources associated with the proposed project to less than significant levels.

\* **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: LESS THAN SIGNIFICANT IMPACT:

The project will produce renewable energy in the form of gas and electricity. Some energy will be expended during construction, but it is not expected to be wasteful or

unnecessary with adherence to standard construction practices. The project will not conflict with or obstruct a state or local plan for renewable energy.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The topography of the site is relatively flat with little topographic variation. The project area is located geographically east of the San Andres Fault and is to the east of the Coast Range. Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) indicates that the project site is located in an area where ground acceleration due to seismic hazards has only a 10% chance to exceed 20%g (speed of gravity) within the next 50 years. The structures associated with this project will be subject to building standards at the time of development, which include specific regulations to protect against damage caused by earthquake and/or ground acceleration.

Figure 9-6 (FCGPBR) shows that the project site is not in an area of moderate or high landslide hazards and the project site is generally flat, precluding site-specific risk factors. The site is however, in an area of deep subsidence. With required compliance to the Fresno County Building code, development of this project will have a less than significant impact on the risk of adverse effects due to rupture of a known earthquake, strong seismic ground shaking or ground-related failure, and landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed improvements to the existing dairies will not represent a significant expansion of graded area. Any grading that is performed will require a grading permit or voucher and ministerial review of those permits will ensure that substantial erosion or loss of topsoil does not occur.

- 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; or
- 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:**

The area is underlain by three soil types, Tachi Clay, Armona Loam, and Gepford Clay. Tachi Clay is a very deep and very poorly drained soils that formed in alluvium derived from igneous and/or sedimentary rocks. It is typically found on flood plains on basin floors. These soils are used for irrigation crops such as cotton, fruits, and wheat. It is not a hydric soil. Armona Loam is very deep and poorly drained soil that formed in alluvium from igneous and/or sedimentary rock. It is typically found on flood plains on basin floors and basin rims. This soil is used for irrigated crops. Gepford Clay is a very deep and poorly drained soil that is formed in mixed alluvium derived predominately from granitic rocks, influenced by lacustrine sediments. It is typically found flood plains, basin floors, and basin rims. This soil is used as irrigated cropland including barley, grain, sorghum, and sugar beets. The soil can also be used for dairy and cattle production and building site development. It is not a hydric soil.

The project site is not located in an area that is at risk of on-site or offsite landslide, lateral spreading, liquefaction, or collapse, according to Figure 7-1 (FCGPBR), and will not be located on expansive soils. The project is located in an area of deep subsidence, however, the Fresno County Department of Public Works and Planning, Water and Natural Resources Division, had no concerns with the operation of this project as planned.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

**FINDING: NO IMPACT:**

The project currently operates with the use of the existing permitted septic systems. No new septic is proposed as part of this application.

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

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

The subject parcel is located in an area which has been designated as moderately to archaeological or paleontological finds, however there are no known paleontological resources in the area. On March 29, 2019, a Cultural Resources Records Search Result was conducted. No evidence of unique paleontological resources was noted in

the report. However, there is still a possibility that paleontological or archaeological materials may be exposed during construction or trenching for underground pipes. Disturbance of any deposits of paleontological material that have the potential to provide significant scientific data would be considered a significant impact under CEQA. Implementation of the mitigation measure 1 (Cultural Resources, Section V, would reduce potential impacts on paleontological resources to less than significant.

**Mitigation Measure(s)**

1. See Mitigation Measure 1, Section V, above.

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:

Human activities, including fossil fuel combustion and land use changes, release carbon dioxide (CO<sub>2</sub>) and other compounds cumulatively termed greenhouse gases. GHGs are effective at trapping radiation that would otherwise escape the atmosphere. The SJVAPCD, a CEQA Trustee Agency for this project, has developed thresholds to determine significance of a proposed project – either implement Best Performance Standards or achieve a 29% reduction from Business as Usual (BAU) (a specific numerical threshold). On December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (SJVAPCD 2009), which outlined the SJVAPCD’s methodology for assessing a project’s significance for GHGs under CEQA.

Project construction and operational activities would generate greenhouse gas (GHG) emissions. In the Air Quality Impact Analysis, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 (California Air Pollution Control Officers Association (CAPCOA) 2017), which is the most current version of the model approved for use by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The proposed project will be subject to any regulations developed under AB 32 as determined by CARB. In order for the project to be considered less than significant, it would need to conform with the goals of AB32. The proposed project is designed to capture methane gas, that would otherwise be emitted to the air from dairy operations, and convert it to renewable power. With the incorporation of electrical generation from a renewable resource the project would decrease overall GHG emissions. Therefore,

the GHG emissions increases associated with this project would have a less than significant individual and cumulative impact on global climate change.

## IX. 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:

Methane will be produced in anaerobic digesters by natural biological processes (the decomposition of manure waste). The digesters will be created by first double-lining a new or existing storage pond. All digester ponds will meet the Central Valley Regional Water Quality Control Board (CRWQCB) Tier 1 standards, which include the installation of double-layered liners of welded 60 ml High-density polyethylene (HDPE) with leak detection to ensure water quality. Once produced, the methane is transferred by pipe to a biogas generator and subsequently by the Five Points pipeline to the meter set assembly hub and then to the PG&E gas line injection point. All portions of the project will comply with Pipeline and Hazardous Materials Safety Administration (PHMSA) guidelines, 49 CFR Part 192, and with the CPUC's Safety Enforcement Division (SED) General Order 112-F.

Therefore, while the routine use of the hazardous methane gas will occur, risk to the public as a result of its transport or accidental release is less than significant. The operator is required to maintain an emergency response plan. With compliance to the existing regulations and the operation of the digester system distant from nearby residences, there will be a less than significant impact on public hazards as a result of the transport or use of hazardous materials.

- 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 project is not located within 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:

Review of the US EPA's NEPAAssist report indicates that there are no hazardous or contaminated sites within one mile of the project site. The following lists were consulted: Resource Conservation and Recovery Act (RCRA), Toxic Releases Inventory (TRI), Superfund/National Priorities List, Brownfields Assessment Cleanup and Redevelopment Exchange System (ACRES), RADInfo, and Toxic Substances Control Act.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project is not located within an airport land use plan or within two miles of a public airport or public use airport. The project is located adjacent to a private use airport (crop dusting) at the intersection of W. Barrett and S. Bishop Avenues, however, based on land use, and limited residences and workforce needed for the operation of project, the airport safety risk and noise will be minimal.

- F. Impair implementation of or 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:

Approval of this project will not impair the implementation of an Emergency Response Plan or Emergency Evacuation Plan. Following construction, there will be a negligible increase in the amount of traffic generated by this project for maintenance and operation of the system. The project site is located in an area of local responsibility for fire protection and is not at significant risk of damage due to wildfire.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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 project area is adjacent to several riverine or canal features. There are four unnamed blue line streams (irrigation canals) and the Stinson Canal that are near the project area. Another canal is located northwest of the Van Der Kooi Dairy along W. Elkhorn Avenue. Another unnamed canal and the Stinson Canal are located and Sons Dairy. The Fresno Slough is approximately 0.4 miles east of the project, which will not be impacted. Portions of the project are located within the 1% annual chance of flood (500-year flood zone) or an area of minimal flood hazard zone

No concerns related to groundwater supplies were expressed by any of the reviewing agencies or departments.

The subject dairy is required to enroll under Waste Discharge Requirements, which is associated with a monitoring and reporting program. The Central Valley Regional Water Quality Control Board is responsible for monitoring the quality of water produced by this dairy. With the technical reports required by the Digester Order and associated operational requirements, this project will be in compliance with the Water Boards' standards and will not violate any water quality standards

- 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:
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 off site?
  3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
  4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project will not result in the alteration of an existing drainage pattern of any of the individual sites or the larger project area. The project site is not located in an area of special flood hazard; however, all development in the County of Fresno that involves grading is required to obtain a grading permit or voucher. Compliance to the provisions in the permit or voucher will ensure that excessive flooding and erosion do not occur.

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

FINDING: NO IMPACT:

The proposed project is not located in an area prone to flood hazard, tsunami, or seiche.

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

FINDING: NO IMPACT:

The project will not 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; or
- 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:

The community of Burrel is 1.3 miles east of the project; the community of Lanare is 2.8 miles east, the community of Five Points is four miles west; and the community of Helm is 1.5 miles north. Therefore, approval of this project does not have the potential to divide an established community. The proposed use is allowed in the County of Fresno with the approval of an Unclassified Conditional Use Permit, which will be reviewed by the Planning Commission concurrently with this Initial Study.

## 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: LESS THAN SIGNIFICANT IMPACT:

The proposed project is located in an identified oil production zone, per the Fresno County General Plan Background Report (FCGPBR). This proposal was reviewed by the California Department of Conservation, Division of Oil Gas and Geothermal

Resources (DOGGR). DOGGR comments and map exhibits indicate the presence of a number of abandoned oil and gas wells in the vicinity of the project and located on some of the parcels directly involved with this project, however the Division expressed no further concerns with this proposal, provided that construction does not build over or impede access to the abandoned well sites.

### 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; or
- 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: LESS THAN SIGNIFICANT IMPACT:

The project is not located within an airport land use plan or within two miles of a public airport or public use airport. The project is located adjacent to a private use airport (crop dusting) at the intersection of W. Barrett and S. Bishop Avenues, however, that use is not expected to expose people in the project area to excessive noise levels. Noise generated by the project equipment will not be above typical agriculture facility levels and the project is distant to sensitive receptors. Therefore, due to the project's distance from sensitive receptors, there will be no increase in the exposure of persons to severe or adverse noise levels or ground borne noise or vibration.

### 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:

Approval of this project would allow methane produced by the manure of cows to produce renewable energy, which would be sold to PG&E. This will not induce

substantial population growth because it will not create a significant number of new job opportunities or otherwise increase the desirability of living in this area. No housing will be displaced as a result of this project. This project similarly will not displace substantial numbers of people. It will be developed on areas of farmland that were previously dedicated to agricultural production.

## 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 following public services:

1. Fire protection;
2. Police protection;
3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

This project will not increase the need for public facilities associated with fire or police protection. As this project will not lead to population growth, there will be no impacts on schools or parks. Any structures associated with this project will be reviewed by the Fresno County Fire Protection District to ensure compliance with California Code of Regulations Title 24 – Fire Code.

## 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:

This project will not increase the use of existing neighborhood and regional parks. There are no such facilities in the vicinity of the project and the request to add anaerobic digesters and a pipeline to convey methane gas will not result in population expansion.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- 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: LESS THAN SIGNIFICANT IMPACT:

Operation of this facility will require less than 10 round trips per day by service and delivery vehicles. The addition of 1-2 trips per month for maintenance of the digesters and related facilities will not conflict with any circulation plans or contribute to existing congestion of nearby County streets. Streets in the area are rectilinear, crossing at 90 degree angles and do not have sharp curves. There are no plans, policies, or programs that relate to public transit, bicycle, or pedestrian facilities in this area. The surrounding development consists of large parcels, which have been planted with row crops or support dairies similar to the project site.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. 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:

Under the provisions of Assembly Bill 52, the County of Fresno was required to provide notice that this Initial Study was being prepared to Native American Tribes who had previously indicated interest in reviewing CEQA projects. Notices were sent to Robert Ledger of the Dumna Wo Wah, Robert Pennell of Table Mountain Rancheria, Ruben Barrios of Santa Rosa Rancheria and to Tara Estes-Harter of the Picayune Rancheria of Chukchansi Indians. None of the Tribal Governments responded to the notice.

Despite the failure of the tribes and historical databases to identify known tribal cultural resources, the potential exists for significant artifacts to be excavated during construction. Therefore, the following mitigation measure is proposed to ensure that impacts to previously unknown tribal cultural resources can be reduced to less than significant.

**Mitigation Measure(s)**

1. See Mitigation Measure 1, Section V, above.

**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:

The project will not require construction or expansion of new water or wastewater treatment facilities. Approximately 500 gallons/day will be used during the 40-day construction period and will be provided by on-site wells. Operational water is anticipated to be 500 gallons/day.

The inclusion of the digester will add an additional step between collection of manure from the herd and application of the wastewater to the surrounding fields. Wastewater is not exported to any offsite system for processing. It is retained on site and used for irrigation, typically after being diluted with fresh water. The project site is not in an area

that is known to be short of water, so there are no concerns that the limited increase in use will result in the need to obtain additional water entitlements.

- 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 project is not in a water short area and is served by on-site wells. The Water and Natural Resources Division had no concerns with 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; or
- 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: LESS THAN SIGNIFICANT IMPACT:

Upon completion of construction, the applicants will be required to submit technical reports to the Central Valley Regional Water Quality Control Board. These submissions are required by Provisions in Section E of the Digester Order. The operation will also be required to obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division, acting as the Local Enforcement Agency. The need to comply with the Digester Order and other regulations enforced by the Water Quality Control Board will ensure that there is no adverse impact regarding noncompliance with 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:

The project is not located in or near a state responsibility area or land classified as very high fire hazard severity zones, and will not impair an adopted emergency response or evacuation plan. The project will adhere to the site development and operational requirements of the Fresno County Fire Protection District.

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 WITH MITIGATION INCORPORATED:

The project will primarily truck raw materials to the digester tanks of which will convert the waste to methane, connecting the gas to the previously approved pipeline route (approved in 2019). The presence of special-status species on these sites prior to ground disturbance cannot be positively determined. Based upon habitat conditions surrounding the site and the assumption that the site contain similar habitat characteristics, it is possible that the Swainson’s hawk, western burrowing owl, tricolored blackbird, loggerhead shrike, American badger, San Joaquin kit fox, long-billed curlew, and yellow-headed blackbird may have been present prior to site disturbances. Therefore, the Mitigation Measures noted in Section IV. will be implemented, requiring preconstruction surveys and avoidance measures if construction occurs during the nesting season.

In addition, it is unlikely but possible that previously undiscovered subsurface paleontological, cultural or tribal resources are present in the proposed area of development. Implementation of the mitigation measure in Section V, which describes avoidance and reporting requirements, will ensure that impacts are less than significant.



## **Mitigation Measures**

**1. See Section IV.**

**2. See Section V.**

- 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:

Emissions of criteria pollutants from this project will be consistent with the State Implementation Plan administered by the San Joaquin Valley Air Pollution Control District. The proposed improvements do not represent a substantial increase in the size of the dairy and will not result in adverse cumulative aesthetic or odor impacts. The proposed digester will capture some of the methane that is currently released into the air by the natural decomposition of manure and will convert it into electricity. Said power will be sold to PG&E, providing a source of renewable energy.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed improvements will generally decrease the odor in the area of the project site and will contribute renewable energy to be transferred to PG&E operations.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3771, 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 Land Use and Planning, Population and Housing, Public Services and Wildfire.

Potential impacts related to Agriculture, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Utilities and Service Systems, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources have determined to be less than significant with compliance with noted Mitigation Measures.

A Mitigated Negative Declaration/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.

ER

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3700-3799\3771\CEQA\CUP 3771 Initial Study Writeup.docx