



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Panoche BESS, LLC & Midway BESS, LLC
- APPLICATION NOS.: Unclassified Conditional Use Permit Application Nos. 3800, 3801 & Initial Study No. 8579
- DESCRIPTION: Allow the construction and operation of two battery energy storage system (BESS) facilities; the Panoche BESS Project, located on approximately 3.5-acres; and the Midway BESS Project, located on an approximately 5.5-acres of a 24.7-acre lease area portion of a 91.33-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project sites are located on the south side of W. Panoche Road approximately one half-mile west of its intersection with S. Fairfax Avenue and approximately 2.2 miles east of its intersection with Interstate 5. Both of the proposed BESS projects will be located on the same parcel, APN 027-060-91S; the Midway BESS interconnection will be located on APN 027-060-91S; the Panoche BESS interconnection will be located on APN 027-060-61SU. (APNs: 027-060-91S, 027-060-82SU,61SU) (Sup. Dist. 1).

I. AESTHETICS

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

- 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:

No scenic vista or other scenic resources were identified.

- 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; or

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

FINDING: NO IMPACT:

Minimal outdoor lighting will be utilized on the BESS enclosures. All new exterior lighting will be subject to the provisions of Section 820.3.080 of the County Zoning Ordinance which provides in part that any new exterior lighting must be directed downward and shielded so that all direct light and glare is confined within the boundaries of the subject parcel, thereby minimizing off-site glare; and, exterior lighting shall be installed so that lights do not blink, flash, or be of unusually high intensity or brightness; and lighting fixtures shall be of an appropriate height, intensity, and scale to the structures and uses they are serving.

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:

The parcel on which the proposed project will be located on land designated as Prime Farmland according to the Fresno County 2020 Important Farmland Map. The project will entail the construction of two battery energy storage facilities of 3.5-acres and 5.0-acres respectively, out of an approximately 25.0-acre lease area. It is anticipated that the lease area would be cleared of existing vegetation which will be cleared of the vineyards that currently occupy the lease area portion of the site. However, the balance of the parcel, approximately 65.0-acres, will remain in agricultural production. As such the conversion of the 25.0-acre portion of the site would no be a substantial impact. Additionally, the project will require the developers to enter into a financially secured agreement with the County to restore the land to its pre-project condition once operations have ceased following the projects 30-40 years or longer lifespan.

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

FINDING: NO IMPACT:

The subject parcel is not enrolled in the Williamson Act Program.

- 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 subject parcel does not contain forest land or timberland.

- 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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed projects will result in conversion of approximately 25.0-acres of the total of 91.3-acres comprising the subject parcel, which is classified as Prime Farmland to non-agricultural use, however the conversion would not constitute a substantial amount of Farmland. Further, the projects do not conflict with the existing zoning for agricultural use and will not impede the continued agricultural use of the balance of the subject parcel. Additionally, the requirement for the developer to provide for the future reclamation of the land to its former productive agricultural condition following project decommissioning.

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?
- 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: NO IMPACT:

Neither construction nor operation of the projects is anticipated to result in a considerable net increase of any criteria pollutant for which the project region is non-attainment. No conflicts with any applicable Air Quality Plan were identified in the analysis or by the San Joaquin Valley Air Pollution Control District. The San Joaquin

Valley Air Pollution Control District reviewed the proposed project and expressed no concerns with the proposal. The plan does not conflict with the Air Quality Plan, does not violate any air quality standard, will not result in a cumulative net increase of any criteria pollutant. An Air Quality and Greenhouse Gas Emissions Study was prepared for the proposed project by Rincon Consultants, Inc., dated March 2024. The study evaluated state air quality standards, Air District significance thresholds, construction and operational emissions. The study assumed that project construction would comply with applicable regulatory standards and rules. Construction and Operational emissions were estimated using CalEEMod (emissions modeling software). The modeling run determined that project construction would not result in a cumulatively considerable net increase of a criteria pollutant.

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

FINDING: NO IMPACT:

The Air Quality analysis identified the nearest sensitive receptor (single-family residence) located approximately 1,700 feet north of the project study area. Construction of the project is anticipated to generate dust and diesel emissions in the vicinity of the site. However, with adherence to County dust control standards and use of compliant off road diesel construction equipment, the project would not generate substantial pollutant concentrations nor emissions that would affect a substantial number of people, nor expose sensitive receptors to substantial pollutant concentrations.

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 WITH MITIGATION
INCORPORATED:

The proposed project was referred to the US Fish and Wildlife Service (FWS) and the California Department of Fish and Wildlife (CDFW). CDFW. A Biological Resources Assessment (BRA) was prepared for the project by Rincon Consultants, Inc. dated March 2024. The BRA determined that there is suitable habitat on the project site for two species of nesting birds, which are protected under the Migratory Bird Treaty Act (MTBA); Swainson's Hawk and Burrowing Owl; and Crotches Bumble Bee, San Joaquin Kit Fox, Loggerhead Shrike, Northern Harrier, and Coopers Hawk. The CDFW reviewed the Biological Resources and determined that the proposed mitigation measures would

not be sufficient to avoid potential impacts to Swainson's Hawk and recommended mitigation if ground disturbance activities take place during Swainson's Hawk nesting season, between March 1 and September 15.

If construction activities start during the breeding or nesting season for Migratory Bird Treaty Act (MBTA) protected breeds, a preconstruction survey for nesting birds shall be implemented. Surveys shall be conducted in accordance with U.S. Fish and Wildlife, guidance for minimizing impacts to migratory birds (breeding season is generally defined as between February 1 and mid-September and nesting season between March 1 and mid-September).

Prior to project construction, the following mitigation measures recommend by the California Department of Fish and Wildlife shall be implemented.

* **Mitigation Measure(s)**

1. *If initial ground disturbance and Project-related activities are anticipated to occur within the SWHA nesting season, CDFW recommends that focused surveys, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000), be conducted the survey season immediately prior to initiation of these activities.*
2. *If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum 1/2-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place 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, to prevent nest abandonment and other take of SWHA as a result of Project activities.*
3. *CDFW also recommends that in the event an active SWHA nest is detected, and a 1/2-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.*
4. *CDFW recommends that a qualified biologist conduct focused surveys for BUOW and their dens within 14 days prior to the start of ground disturbing activities and that these surveys be conducted within the Project site and a 500-meter buffer around the Project. Additionally, as part of these surveys, CDFW recommends the qualified Biologist conduct two take avoidance (pre-construction) surveys consistent with the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012). The two surveys shall be conducted at least seven days apart, with the final survey conducted within 48 hours prior to ground disturbance. If a lapse in*

Project-related work of 14 calendar days or longer occurs, another take avoidance survey is recommended.

5. *Should a BUOW or known BUOW den (active or inactive) be detected, either during preconstruction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.*
6. *If a BUOW or known BUOW den (active or inactive) is detected, and the non disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.*
7. *If construction activities would commence anytime during the nesting bird season, a pre-construction survey for nesting birds shall be conducted prior to the commencement of construction activities.*
8. *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 SJKF before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If SJKF is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted.*
9. *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 the Project construction site.*

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

- 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:

No federal protected wetlands were identified on or in the vicinity of the project site. According to review of the US Fish and Wildlife, Wetlands Mapper, the only identified wetland features near the project site are Panoche Creek located approximately two miles northwest, and the California Aqueduct located approximately three miles east.

- 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 Biological Resources Assessment prepared for the project determined that the project site is not a wildlife corridor and although the project site will be fenced and therefore exclude most species from entering the project site, however, the project will not interfere substantially with the movement of any wildlife species.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

No conflicts with any Biological Resource protection policy or ordinance were identified in the analysis. A biological resources analysis was prepared for the project which did identify some potentially suitable habitat for several special status species. Accordingly, mitigation has been included to address and minimize or avoid the possibility of habitat modification or disturbance of habitat or harm to any identified special status species that may be present on the project site during ground disturbing activities.

- 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 proposed project was referred to the US Fish and Wildlife Service and the California Department of Fish and Wildlife for review and comments. Neither agency identified potential conflicts with any adopted habitat conservation plans.

The proposed project will neither conflict with any local policies or ordinances protecting biological resources, nor will it conflict with the provisions of any 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 parcel on which the proposed projects will be sited is not located within proximity of any area designated to be moderately or highly sensitive for archeological resources. No historical or paleontological resources, unique geological features, or evidence of possible human remains were identified in this analysis.

A cultural resources technical report was (Cultural Report) prepared for the projects by Rincon Consultants, Inc., dated March 2024. The Cultural Report consisted of a Sacred Lands file search, a cultural resources records search through the California Historical Resources Information System (CHRIS), and a pedestrian field survey of the study area (an approximately 25-acre area surrounding the two project sites). The historical records search identified two built environment historical resources within the study area and five additional historical resources located within one-mile radius. The two resources identified within the study area are PG&E transmission lines and both have been evaluated and recommended as ineligible for listing in the National Register of Historic Places (NRHP), and the California Register of Historic Resources (CRHR).

The Cultural Report identified no archaeological resources within the study area. Accordingly, no impact on historical, archeological, or paleontological resources would result from this proposal. However, to address the possibility that an as yet unknown cultural or historical resource may be located within the project area, the following mitigation measure will be included to avoid or minimize any disturbance to cultural or historical resources, and implemented in the unlikely event that such resources are unearthed during ground-disturbing activities related to the projects.

* **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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

The projects are expected to have a less than significant impact on energy resources. The projects will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Once constructed the project will serve to store and discharge electrical energy as demand dictates. The project does not have any features which would result in the wasteful use of energy resources such as fossil fuels.

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: NO IMPACT:

According to Figures 9-4 & 9-5 of the Fresno County General Plan Background Report (FCGPBR) and the California Department of Conservation, Earthquake Hazard Zone Application (EQ Zapp), the project sites are not located on or near identified earthquake hazard zone areas. The area of the proposed projects is not identified as an area which by nature is subject to these types of seismic effects. No agencies expressed any concerns related to ground shaking, ground failure, liquefaction, or landslides. Construction of the proposed projects will be subject to seismic design standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No geologic unit or unstable soil was identified on the project sites. Construction will necessitate the removal of approximately 25 acres of existing vineyards, and the removal or displacement of some topsoil. However, the project will require that a financially secured reclamation agreement be entered into with the County to restore the project site to its pre-project agriculturally productive condition, once operations have ceased. Such reclamation may require the import of topsoil where determined necessary.

- 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

FINDING: NO IMPACT:

Landslides and other forms of slope failure form in response to long-term uplift, mass wasting, and disturbance of slopes. The project site contains naturally flat relief (slopes of no more than three percent), which precludes the possibility of land sliding on-site. The potential for seismic-related ground failure (lateral spreading and liquefaction) occurring on the project site is minimal because of the absence of high groundwater levels and saturated loose granular soil. The project sites are not located in an area identified by Figure 9.5 (Probabilistic Seismic Hazards) Fresno County as being susceptible to liquefaction. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on-site.

The San Joaquin Valley in which Fresno County is located is known to experience subsidence. However, the Water, Geology, and Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the project and expressed no concerns to the proposed project.

- 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; or

FINDING: NO IMPACT:

Per Figure 7-1 of the FCGPBR, Fresno County General Plan Background Report, the project site is not located within an area of known risk of expansive soils.

- 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; or

FINDING: NO IMPACT:

No concerns related to soil capabilities or the use of septic systems were expressed by the Fresno County Department of Public Health, Environmental Health Division. The project does not proposed the use of any on site septic system.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No historical or paleontological resources, unique geological features, or evidence of possible human remains were identified in this analysis. As such, no impact on historical, archeological, or paleontological resources would result from this proposal.

A mitigation measure will be implemented to address cultural resources in the unlikely event that they are unearthed during ground-disturbing activities related to the project.

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:

An Air Quality and Greenhouse Gas Emissions Study was conducted for the proposed project by Rincon Consultants, Inc., dated March 2024. The study evaluated state air quality standards, Air District significance thresholds, construction and operational emissions. The study assumed that project construction would comply with applicable regulatory standards and rules. Construction and Operational emissions were estimated using CalEEMod (emissions modeling software). The modeling run determined that project construction would not result in a cumulatively considerable net increase of a criteria pollutant. It was determined that the project would generate GHG emissions and that the Midway BESS project would generate approximately 1,217 metric tons of CO₂ equivalent, and the Panoche BESS project would generate approximately 1,408 metric tons of CO₂ equivalent, or 2,626 metric tons for both projects. Operational emissions were estimated to be approximately 341 metric tons of CO₂ equivalent per year. The study concluded that cumulative greenhouse gas emissions contributed by the project would be less than significant given that the project is consistent with state greenhouse gas reduction goals.

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division review of the proposal requires that prior to the issuance of building permits, the applicant shall comply with the following:

Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). For more information, please contact the local Hazmat Compliance Program at (559) 600-3271. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.

The operation must have less than 10% residual materials by weight and less than 1% putrescible materials by weight for all incoming loads. If the operation exceeds the 10% or 1% threshold for residual materials the applicant will need to file an application with the Fresno County Public Health Department, Environmental Health Division for a Solid Waste Facilities Permit at least one-hundred and eighty (180) days in advance of the date on which it is desired to commence operation.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is not located within one-quarter mile of a school, nor is it listed on the Hazardous Waste and Substances Site List (Cortese List) which is maintained by the California Department of Toxic Substances Control. Based on staff review of the US EPA, NEPAassist web application, there are four listed sites located within a half-mile radius of the proposed project site. The Panoche Energy Center, the Midway Peaking Plant, the Wellhead Power Panoche Plant, the CalPeak Power Panoche Plant, and the PG&E Panoche Substation. According to the ECHO (Enforcement and Compliance History) Reports for each of the listed facilities, with regard to compliance with the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act (RCRA), Safe Drinking Water Act or other applicable regulation. significant.

- 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, result in a safety hazard or excessive noise for people residing or working in the project area; or

FINDING: NO IMPACT:

The project sites are not located within an airport land use plan review area or within two miles of a public airport.

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

FINDING: NO IMPACT:

Per the Fresno County General Plan, Panoche Road is a County maintained road classified as an Arterial with an existing 80 feet of road right-of-way and an ultimate right-of-way of 106 feet per the General 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:

The project site is located not in a wildland fire area, precluding the site from impacts caused by wildland fires.

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?

FINDING: NO IMPACT:

The project will be required to submit an engineered grading and drainage plan to demonstrate that any additional runoff generated by project development will be handled without adversely impacting adjacent property. The project will also be required to file a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP), with the State Water Resources Control Board prior to commencement of any ground disturbance or construction activities disturbing more than one acre.

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

FINDING: NO IMPACT:

The project does not propose to use substantial amounts of groundwater. Additionally, the project was reviewed by the County Water and Natural Resources Division

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

FINDING: NO IMPACT:

The project site is not located in an area prone to tsunami or seiche. According to FEMA, FIRM Panel 1975H, a portion of the project area is subject to flooding from the 100-year (one-percent chance) storm event. The proposed development within the special flood hazard area shall conform to the provisions established in the Fresno County Ordinance Code, Title 15, Chapter 15.48 Flood Hazard Areas.

- 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 any identified 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 proposed project will not physically divide an established community nor cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation.

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:

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area identified in Policy OS-C.2 of the General Plan, nor in Figures 7-7 through 7-10 (mineral resource locations) of the Fresno County General Plan Background Report.

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: NO IMPACT:

Project construction has the potential to generate temporary increases in ambient noise levels and ground-borne vibration, however, construction noise is general exempt from the day time noise thresholds in the Fresno County Ordinance Code, provided that construction activities take place during the allowed exemption time frame of between 7:00 a.m. and 10:00 p.m.

A Noise and Vibration Study was prepared for the project by Rincon Consultants, LLC., dated March 2024. The noise study determined that neither of the proposed projects,

individually or combined would have the potential to exceed County noise standards or result in a substantial temporary increase in ambient noise levels in the vicinity, or at the nearest identified sensitive receptor location. Therefore, the project would have a less than significant impact on noise.

The nearest noise-sensitive receptor to the project sites was identified as being approximately 1,700 feet north. The noise analysis found that the noise level at that distance from the project noise source would be well below both the daytime and nighttime maximum allowable noise thresholds, in the County Noise Ordinance.

The project is not located in the vicinity of an airport, public or private, therefore no airport related noise would affect people working or residing in the project area.

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 proposed project is not anticipated to induce population growth, nor displace housing or people. The project consists of utilizing an existing location for the purpose of processing solid waste. It will not induce substantial unplanned population growth in an area directly nor indirectly because once constructed and operational, the project will be mostly unmanned and monitored remotely.

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:

The proposal will not have substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project is not located near any neighborhood or regional parks or recreational centers and does not propose any new recreational facilities or require the construction of such facilities.

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

FINDING: NO IMPACT:

The project proposals were reviewed by the County's Transportation Planning Unit and Road Maintenance and Operations Division. Neither department expressed any concerns that the projects would result in conflicts with any General Plan Transportation Element plans or policies. The project would not exceed any state established threshold for Vehicle Miles Travelled. Once operational the projects contribution to cumulative traffic trips would be minimal as the facilities will not have employees or visitors on site other than for occasional maintenance or during emergencies.

- 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:

The Fresno County Transportation Planning Unit and the Fresno County Road Maintenance and Operations Division expressed no concerns as the proposed project meets all set back requirements and does not have any major construction that would create adverse impacts to County facilities. The project will comply with current fire code with regard to access for emergency vehicles and apparatus. There are no features of the projects which would result in creation of a dangerous intersection or a conflict with surrounding agricultural uses.

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:

The subject site has been previously developed and surrounds areas zoned for Heavy Industrial use, suggesting minimal chance of a cultural resources occurring on the project site. Under the provisions of Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County on addressing potential tribal cultural resources. No concerns were expressed by notified California Native American Tribes and no consultation request was received. Therefore, mitigation will be implemented to address tribal cultural resources in the unlikely event they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

1. *See Mitigation Measures under Section V. Cultural Resources.*

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 the construction or relocation of any new or expanded wastewater treatment or storm water drainage systems. The projects involve the installation of two new battery energy storage facilities which will take electrical power from the grid and store it until needed, at which time it would be dispatched back to the grid a times of peak demand. Additionally, the proposed battery storage facilities are intended to provide electrical power back up for two existing gas-powered peaker plants located adjacent to the project sites.

- 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 was reviewed by the County Water and Natural Resources Division which did not express any concern related to water supply 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:

No concerns related to wastewater treatment were raised by any reviewing agencies or departments. The project does not propose any new wastewater treatment facilities.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project proposal was routed to the Fresno County Department of Public Health, Environmental Health Division which expressed no concerns with wastewater treatment. Water and sewer services are provided by Fresno County Water District. FMFCD did

not express any concerns from expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The operation must have less than 10% residual materials by weight and less than 1% putrescible materials by weight for all incoming loads. If the operation exceeds the 10% or 1% threshold for residual materials the applicant will need to file an application with the Fresno County Public Health Department, Environmental Health Division for a Solid Waste Facilities Permit at least one-hundred and eighty (180) days in advance of the date on which it is desired to commence operation.

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 a state responsibility area or other area that is at increased risk from wildfire. The battery storage facilities will be equipped with fire suppression equipment, and the proposed facilities will be required to comply with the provisions of the current Fire Code and Building Code in force at the time of development. The projects would not require the construction or relocation of any telecommunications facilities, nor do the projects have any design or operational features that would impair an adopted emergency evacuation plan. The project sites are located in an area of relatively flat level topography, therefore the risk of landslide, or downslope flooding is minimal. Both projects will include the installation of overhead transmission lines connecting the battery storage facilities with the existing peaker plants located adjacent to the projects.

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:

No potentially suitable fish or wildlife species area that would cause a decrease in the wildlife population. The project will not substantially degrade the quality of the environment nor substantially reduce the habitat of a fish or wildlife species.

* **Mitigation Measure(s)**

- 1. See *Mitigation Measures under Section IV (Biological Resources) above.*

- 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: NO IMPACT:

No cumulatively considerable environmental impacts were identified in the analysis. Impacts to Air Quality and Greenhouse Gas emissions, Transportation, water supply and water quality were all determined to have a less than significant or no impact.

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

FINDING: NO IMPACT:

Responsible agencies and departments concurred with the findings and conclusions of the prepared technical studies and determined that no substantial adverse impacts on human beings would occur as a result of construction and operation of the proposed projects.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8579 prepared for Unclassified Conditional Use Permit Application Nos. 3800 and 3801, staff has concluded that the projects will not have a significant effect on the environment.

It has been determined that there would be no impacts to Aesthetics, Energy, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials and Noise, have been determined to be less than significant.

Potential impacts relating to Biological Resources, Cultural and Tribal Cultural Resources have determined to be less than significant with compliance with included 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.

JS

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