



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 July 18, 2024

SUBJECT: Unclassified Conditional Use Permit No. 3771 and Initial Study No. 8447

Allow the installation of four anaerobic dairy digesters with related biogas conditioning equipment and biogas generators to connect to an approximately 10.5-mile underground pipeline (approved in 2019) to a biogas upgrading facility central hub site (located easternly adjacent to the subject area) to clean and condense the biogas before it is injected into the Pacific Gas and Electric's (PG&E) main natural gas transmission line.

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: 050-170-50s) (12103 Elkhorn Ave., Riverdale) (Sup. Dist. 1).

OWNERS: Eric A. and Katelyn TeVelde Revocable Family Trust

APPLICANTS: CV Biogas DevCo (Jamie Terzulli)

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared based on Initial Study (IS) No. 8447; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3771; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Elevation Drawings
7. Applicant’s Operational Statements
8. Summary of Initial Study No. 8447
9. Draft Mitigated Negative Declaration
10. Site Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Sizes (participating dairies)	Open Sky Ranch - APN 050-170-41S – 518.45 acres	No change
Project Site(s)	APN 050-170-41S/Open Sky Dairy/CUP No. 3642 and 43: Approximately 190 acres dedicated to dairy operations.	Five-acre portion of a 518.45-acre parcel
Structural Improvements	An approximately 3,150 square-foot biogas electrical generation facility, with three biogas generators, biogas conditioning equipment, within a 20-foot-tall, 3,150 square-foot metal building, and an electrical switch gear and a 20,800 square-foot biogas upgrading facility including the following improvements: a sulfur dioxide (H2S) scrubber with a 67-foot-tall exhaust stack, and 15-foot-tall secondary H2S scrubber, CO2 stripper, and moisture remover, a 20-foot-tall	Addition and operation of biogas conditioning equipment, biogas injection point and meter set to connect with PG&E main gas line, and a portion of a biogas pipeline traversing the parcel and connected to an existing central hub site

Criteria	Existing	Proposed
	<p>bioreactor, a ten-foot-tall chiller/re-heater, blower skid, pump house, 15-foot-tall Motor Control Center (MCC) building, 8-foot-tall chiller fans, three ten-foot-tall biogas feed compressors, and a ten-foot-tall CO2 membrane skid, input pipeline to PG&E point of injection and reception.</p>	
<p>Nearest Residence</p>	<p>Open Sky Dairy/Hub (CUP Nos. 3642 and 3643): There are five residential dwellings located in the northeast corner of the subject property approximately 2,000 feet northeast of the digester and 2,300 feet north of the upgrading facility, electrical generation facility and pipeline interconnection.</p> <p>L&J Vanderham Dairy (CUP No. 3644): There is one residential dwelling located approximately 1,700 feet southwest of the proposed digester and related improvements.</p> <p>Van der Hoek Dairy (CUP No. 3645): There are three residential dwellings located on the subject property, one located on APN 040-130-51S approximately one half-mile northwest and two located approximately 2,100 feet west-northwest of the proposed digester and related improvements.</p> <p>Van Der Kooi Dairy (CUP No. 3646): There is one residential dwelling located approximately 1,400 feet north of the proposed digester and related improvements.</p> <p>J&D Wilson Dairy (CUP No. 3647): There is one dwelling unit located on an adjacent parcel approximately 0.63 miles southeast of the proposed digester and related improvements.</p>	<p>No change</p>
<p>Surrounding Development</p>	<p>Farmland consisting of scattered residential development, large parcels containing various agricultural operations, including active dairy operations, orchards and field crops, and an agricultural aviation operation.</p>	<p>No change</p>

Criteria	Existing	Proposed
Operational Features	<p>Open Sky Ranch- 518.45 acres: Milk is produced and trucked off site for processing into dairy products. The dairy has an approximate herd size of 6,767 cows and produces approximately 176,000 gallons per day total process wastewater, per the Waste Management Plan dated October 18, 2012.</p> <p>Operation of biogas conditioning equipment (CUP No. 3643), a biogas upgrade facility, electrical generation facility, biogas injection point and meter set to connect with PG&E main gas line, and a portion of a biogas pipeline traversing the parcel and connected to an existing digester (CUP No. 3642)</p>	Facility will add six full time employees to the 47 currently working on the dairy.
Employees	Open Sky Ranch - 47	The facility will add six full time employees to the 47 currently working on the dairy.
Customers	None	No change
Traffic Trips	Open Sky Ranch Dairy: Estimated 80 round trips per day.	<p>Construction: An additional ten daily round trips by employees during construction of the digester</p> <p>Operation: An additional once daily round-trip service truck for each site (three miles one way), and an additional two monthly round trips for delivery and disposal</p>
Lighting	Outdoor lighting associated with existing dairy operations	Additional security lighting at Hub site for scrubber equipment area and electrical generator area
Hours of Operation	24 hours per day, seven days per week	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that the proposed project will not have a significant effect on the environment and a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit No. 8.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: January 17, 2024.

PUBLIC NOTICE:

Notices were sent to 11 property owners within ½ -mile of the subject parcels, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

Unclassified Conditional Use Permit Applications may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on Classified and Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

Conditional Use Permit Nos. 3642- 3647 approved in 2019 allowed for the installation of four covered lagoon anaerobic dairy digesters with related biogas conditioning equipment and biogas generators to produce electricity on four existing dairies; the installation of biogas conditioning equipment at a fifth dairy with an existing digester and generator; the construction of an approximately 10.5-mile underground pipeline connecting the participating dairies to be transported to a centralized hub where a biogas upgrading facility cleans and condenses the biogas before it is injected into the PG&E natural gas transmission line.

The additional dairy digesters located west of the existing dairy site will clean and condition biogas to be injected into the PG&E main gas transmission line, a portion of which traverses the Open Sky Ranch dairy site.

The digesters utilize a blower to force the biogas into the gathering lines. The gathering lines are remotely monitored to detect leaks or changes in pressure. The pipeline was required to register with Underground Service Alert (USA) prior to excavation. The pipeline will have marker posts installed every 700 feet, tracer wire will be installed with the pipeline so that it can be more easily located, and marker tape will be installed one foot above the pipeline to notify excavation workers of its location. The pipeline will be buried at a minimum depth of four feet, except where greater depth is necessary, such as under County Road right-of-way crossings and canal crossings.

The approved pipeline route will traverse a total of 17 parcels, including those containing the five participating dairies, make approximately five (5) County Road right-of-way crossings, and approximately eight (8) irrigation canal crossings.

Finding 1: **That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.**

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Open Sky Dairy: Front (north): 0.55 miles, Side (west): 1.00 mile, Side (east): 42 feet +/-, Rear (south): 1,000 feet +/-	Yes
Parking	One parking space for every two permanent employees and one parking space for each company-owned vehicle.	No change	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Separation between animal shelter and structures used for human habitation: minimum of 40 feet.	No change	Yes
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	No changes proposed to water wells or septic systems	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building and Safety Plan Check Section: Plans, permits, and inspections will be required for all on-site improvements on each property.

Development Engineering Section: According to FEMA FIRM Panel 2850J, the southeastern portion of the subject property is within the Flood Zone A, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.

According to USGS Quad Maps, there are natural drainage channels adjacent to or traversing some of the parcels to be traversed by the pipeline.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

Open Sky Dairy

The additional four digesters will connect to the previously approved biogas upgrading facility and occupy approximately 20,800 square feet and be in the southeastern quadrant of the subject parcel, situated approximately 50 feet from the property line, adjacent to Elkhorn Grade which runs along the eastern boundary of the parcel, meeting the setback requirements of the AE-20 Zone District. The existing lagoon digester is located near the southwest quadrant of the subject parcel, approximately, 1,780 feet northwest of the proposed biogas upgrade facility and PG&E pipeline injection point.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Finding 1 Conclusion:

Finding 1 can be made as the site plan demonstrates that all of the proposed improvements at the dairy will satisfy the minimum setback requirements from adjacent property boundaries and County Road rights-of-way. The subject parcel is adequate in size and shape to accommodate the proposed addition/conversion of existing ponds to lagoon digesters, and installation of appurtenant structures, including electrical generation facilities, biogas conditioning equipment and pipeline interconnections.

Finding 2: **That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	See description of road segments (below)	No change
Direct Access to Public Road	Yes	See description of road segments (below)	No change
Road ADT		See description of road segments (below)	No change
Road Classification		See description of road segments (below)	No change
Road Width		See description of road segments (below)	No change
Road Surface		See description of road segments (below)	No change
Traffic Trips		N/A	Estimated 10-12 one-way (20-24 two-way) employee trips and up to

		Existing Conditions	Proposed Operation
			27 round trip truck trips during construction.
Traffic Impact Study (TIS) Prepared	No	No TIS required at this time	N/A
Road Improvements Required		Not required	See below

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: An encroachment permit shall be required from this Division for any portion of the proposed pipeline that crosses the County Road right-of-way.

For all County-maintained Road crossings, the Applicant shall be required to:

1. The applicant shall provide a paved drive approach at a minimum of 10 feet in length and maximum of 35' in width off W Elkhorn Ave at the location of the proposed truck access point.
2. Any work performed within the County Road right-of-way will require an encroachment permit. Any electrical interconnects shall be located outside of the County right-of-way unless the facilities are deeded to Pacific Gas and Electric (PG&E) for maintenance purposes.

Open Sky Dairy: West Elkhorn Avenue is classified as a Local Road with a 30-foot right-of-way south of the centerline along the subject parcel frontage, per the Plat Book. The minimum width for a Local Road right-of-way south of the centerline is 30 feet. West Elkhorn Avenue is a County-maintained Road, and records indicate that this section of West Elkhorn Avenue, from Howard Avenue to 0.11 mile west of Elkhorn Grade, has an Average Daily Traffic (ADT) count of 300, a paved width of 24 feet, a structural section 0.2 feet AC/0.5 AB/0.95 AS, and is in very good condition.

Elkhorn Grade is classified as a Local Road with an existing 40-foot right-of-way west of the centerline along the parcel frontage and is a County-maintained Road. Records indicate this section of Elkhorn Grade, from Elkhorn Avenue to Cerini, has an ADT of less than 100, pavement width ranging from 15 to 17 feet, structural section of 0.25 RMS, and is in very poor condition.

South Howard Avenue is classified as a Local Road with a 30-foot right-of-way west of the section line along the parcel frontage, per the Plat Book. The minimum width for a Local Road right-of-way west of the section line is 30 feet. South Howard Avenue is a County-maintained Road, and records indicate that this section of South Howard, from West Elkhorn to Cerini Avenue, has an Average Daily Traffic (ADT) count of 200, a paved width of 20 feet, a structural section of 0.5 feet AC, and is in poor condition.

California Department of Transportation (Caltrans): No comment.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

The proposed construction and operation of the pipeline is anticipated to add approximately 27 round trip traffic trips per day. No concerns with the condition of existing roads were expressed by reviewing agencies. As the dairy operation is existing, the only increased impacts to surrounding roads is expected to result from construction activities and from additional truck trips associated with operation of the digesters, including, but not limited to, material and equipment delivery and solid waste pick up.

Access to the Open Sky Dairy site is provided via West Elkhorn Avenue on the north and Elkhorn Grade on the southeast, nearest the proposed upgrading facility, which will be approximately 50 feet from the property boundary.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Finding 2 Conclusion:

Finding 2 can be made based on the streets and highways providing access to the subject parcels are adequate to accommodate the proposed use.

Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

Surrounding Parcels - Open Sky Dairy CUP Nos. 3642 and 3643 (APN 050-170-41S)				
	Size:	Use:	Zoning:	Nearest Residence:
North	139 acres 24.15 acres	Pistachio orchard/open space	AE-20	None
South	576.21 acres 398.59 acres	Field crops/open space	AE-20	None
East	128.00 acres	Field crops/open space	AE-20	None
West	606.22 acres	Dairy	AE-20	0.87 miles

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: No comment.

According to the Applicant’s submitted operational statement, the proposed operation entails that separated solids from the anaerobic digesters will be disposed of at an appropriate solid waste facility. If the facilities change operations to use the separated solids for composting, the Applicants/operators shall, prior to the production of compost from digester operations, apply for and obtain a permit to operate a Solid Waste Facility from the County of Fresno Department of Public Health, Environmental Health Division (Local Enforcement Agency).

San Joaquin Valley Air Pollution Control District (Air District): The District has reviewed this proposal and determined that the primary functions of this project are subject to District Rule 2201 (New and Modified Stationary Source Review) or District Rule 2010 (Permits Required). Accordingly, District Rule 9510 requirements and fees do not apply. The district also indicated that estimates of potential construction, mobile and stationary emission sources, and proximity to sensitive receptors and existing emission sources should be included in the review, with consideration of the district thresholds of significance for criteria pollutants. The district recommends that short-term construction emissions be evaluated separately from operational emissions. Based on the Air District recommendations and CEQA requirements, the Applicant was required to submit an Air Quality and Greenhouse Gas Analysis. The Applicant provided an Air Quality Impact Analysis and included a Greenhouse gas assessment, performed by Insight and Trinity Environmental Consultants, dated May 2, 2019.

The analysis found that short-term construction emissions would not exceed Air District significance thresholds during a given year and would therefore be less than significant. The project will be subject to all applicable District Rules Under Regulation VIII – Fugitive PM10 Prohibitions, relating to construction-related activities; and Rule 4102 – Nuisance.

Evaluation of long-term operational emissions, including both mobile and stationary sources, determined that operations are not expected to generate a substantial source of fugitive dust (PM10) emissions, which come primarily from vehicle emissions. Exhaust emissions would generate mobile source criteria pollutants; however, they are not expected to generate substantial emissions. Stationary Source emissions would be generated during the biogas upgrade process and from combustion of biogas for electrical power generation. The conclusions of the Air Quality Analysis found that the project is expected to have long-term air quality impacts; however, impacts are not anticipated to exceed significance thresholds after mitigation of mobile source emissions, stationary source fugitive gas emissions, or electrical generation emissions.

Impacts to sensitive receptors, elderly or chronically ill persons, or locations such as daycare centers, schools, hospitals, and residences, were evaluated as part of the Air Quality Assessment; however, the report did not provide any specific conclusions, only that the nearest on-site residence is 0.45 miles north of the project area, the nearest off-site residence is 1.15 miles northeast of the project area and that there is an elementary school located approximately 2 miles northeast of the project area.

Open Sky Dairy: Staff review of the project area indicates that Burrell Elementary School is located approximately 1.3 miles northeast of the site and the unincorporated community of Burrell, which contains a small but unknown number of residences approximately 1.6 miles northeast of the project site, on which the biogas upgrade facility and pipeline injection point are located; additionally, there is a cluster of five residences at the northeast corner of the same site, located approximately one half-mile north of the biogas Hub facility; the nearest off-site residence is located approximately 0.8 miles northeast.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

The project area is characterized by large farming parcels which contain a variety of agricultural operations, including orchards, field crops, vineyards, dairies, and other related support operations, including one agricultural aviation operation. Residential development is generally sparse throughout the project area, however there are residential dwellings in the vicinity of each of the participating dairies. Impacts from the dairy operations on surrounding properties are already existing, and, as there is no intensification of the existing dairy operations, those impacts typically associated with dairy operations, or any confined animal operations, like odors, would likewise not be increased by this proposal.

The current applications propose to add four new anaerobic lagoon digesters to an existing dairy. Digesters will utilize some of the biogas (methane) produced on the dairy sites, and thus reduce the adverse odor associated with dairy operations on any sensitive receptors in the vicinity. In addition to the digesters, the project proposes to install biogas generator engines that will utilize some of the biogas produced to create renewable electrical power, which will be sold to the PG&E grid. The project will connect the biogas to an underground pipeline to connect with participating dairy sites, allowing them to contribute biogas to the pipeline to be transported to a central site (hub) to undergo the scrubbing/upgrading process before being injected into the PG&E main natural gas transmission line. The project will allow the biogas produced by participating dairies to be converted into renewable energy sources instead of being released into the atmosphere as methane, thereby reducing or minimizing project impacts to air quality.

The wastewater will contain sodium, carbonates, and sulfur compounds. The wastewater discharge will be directed to on-site temporary storage tanks. Approximately once per week, the wastewater will be transported and disposed at the digester inlet. Additionally, the drying of the biogas will produce approximately 500 gallons per day of condensation. The condensation will be returned to the digester at the Open Sky site via a buried drainpipe. The biogas scrubbing facility will also produce approximately 10 gallons of waste compressor oil per week. The waste oil will be stored on site in sealed containers until it is picked up by a licensed oil recycler once per quarter.

The project was reviewed by the San Joaquin Valley Air Pollution Control District (Air District). The Air District recommended that the project be evaluated based on both its construction emissions (mobile) and operation (stationary source) emissions. The Applicant provided an air quality impact and greenhouse gas analysis for the project. Based on the conclusions of the analysis, project construction would not exceed Air District significance thresholds for criterial pollutants, nor would operation contribute a substantial amount of criteria pollutants. The project would be subject to all applicable District Rules.

This project was routed to both the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for comments. USFWS did not comment on the project. The Applicant was required by the County to provide a habitat assessment done by a qualified biologist to determine if any sensitive habitats or protected, threatened, endangered or special-status species were present in the project area. A reconnaissance level site survey was conducted on April 6, 2019, by Quad Knopf (QK) Environmental Consultants. The results of the survey were that the following species have potential to occur in the project area: the Tricolored Blackbird, the Burrowing Owl, Swanson's Hawk, Loggerhead Shrike, Long-Billed Curlew, Yellow-Headed Blackbird, American Badger, and San Joaquin Kit Fox. The Kit Fox is listed as Federally endangered, and State threatened. A search of the National Wetlands

Inventory indicates that there are no aquatic features under federal or state jurisdiction on any of the project's sites or within the Biological Study Area (BSA).

In response to the circulation of the Initial Study prepared for this project, the California Department of Fish and Wildlife (CDFW) had some concerns about the sufficiency of the included Mitigation Measures regarding certain wildlife species known to have a probability of occurring in the project area. Specifically, CDFW was concerned with impacts to San Joaquin Kit Fox, Swanson's Hawk, Giant Garter Snake, Tricolored Blackbird, Burrowing Owl, and Lake and Streambed alteration. Accordingly, the recommended Mitigation Measures provided by CDFW will be added to the Initial Study and Mitigation Monitoring and Reporting Program. A summary of the Initial Study is included as Exhibit 8 of the Staff Report. Per CEQA Sections 15073.5(c) and 15074.1, recirculation of the Initial Study was not required.

Each participating dairy operation is regulated by the California Regional Water Quality Control Board with regard waste discharge.

Recommended Conditions of Approval:

See recommended Mitigation Measures and Conditions of Approval attached as Exhibit 1.

Finding 3 Conclusion:

Finding 3 can be made with implementation of the required Mitigation Measures, Conditions of Approval and Project Notes. The proposal will not have an adverse effect upon surrounding properties.

Finding 4: That the proposed development is consistent with the General Plan

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.13: The County shall protect agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>Consistent: The surrounding area predominately contains agricultural operations. The pipeline will be buried underground and contained within an easement, which will create a buffer between the pipeline and surrounding agricultural uses. The biogas electrical generation facilities will meet the minimum setbacks required for the Exclusive Agricultural Zone District.</p>
<p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits include an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>Consistent: The project was evaluated by the Fresno County Agricultural Commissioner's office, which did not express any concerns about the loss of productive agricultural land. The project proposes to utilize a comparatively small portion of land for the development of the digesters, electrical generation facilities and ancillary equipment. The project was also reviewed by the Policy Planning Unit, which determined that all of the parcels involved were subject to a Williamson Act Contract,</p>

Relevant Policies:	Consistency/Considerations:
	<p>and as such, subject to specific criteria therein. Because the proposed anaerobic digesters and biogas generators would export renewable energy off site, the use was not considered compatible on Williamson Act restricted land. Accordingly, the portions of the subject parcels to be utilized in the operation were required to record a partial nonrenewal of their respective Williamson Act contracts.</p>
<p>General Plan Policy LU-A.22 Drought Impacts The County shall adopt and support policies and programs that seek to minimize the impact of reoccurring drought conditions on ground water supply and the agricultural industry.</p>	<p>Consistent: The project, not including the existing dairy operations, proposes to use approximately 500 gallons of water per day during operation. Water for this project will be supplied by on-site wells at each participating dairy, and delivered by truck from offsite when necessary, during construction. This proposal was reviewed by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, which did not express any concerns with water supply.</p> <p>The project was reviewed by the Water and Natural Resources Division, of the Fresno County Department of Public Works and Planning, which did not express any concerns related to water supply. The project is not in an area of the County designated as being water short. No hydrogeological investigation was required.</p>
<p>General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.</p>	<p>Consistent: The Fresno County Fire Protection District did not state any concerns that the project would create any new fire hazards.</p>
<p>General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed and operated in accordance with applicable hazardous materials and waste management laws and regulations.</p>	<p>Consistent: All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</p>
<p>General Plan HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning</p>	<p>Consistent: The proposed biogas cleanup operation will not generate hazardous materials.</p>

Relevant Policies:	Consistency/Considerations:
hazardous waste reduction, recycling, and storage.	

Reviewing Agency Comments:

Policy Planning Section of the Department of Public Works and Planning: There are no Williamson Act Program or General Plan issues with CUP No. 3771.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

As noted above, the County General Plan allows for the proposed use in areas designated Agricultural. No General Plan conflicts were identified in the analysis.

Recommended Conditions of Approval:

None.

Finding 4 Conclusion:

Finding 4 can be made as the proposal to install a new dairy digester and appurtenant equipment and ultimate connection to the approved 10.5-mile-long underground pipeline connecting the dairy digesters and related biogas upgrading and electrical generation facilities, is consistent with the General Plan.

SUMMARY CONCLUSION:

The Findings for granting the application can be made based on the factors cited in the analysis, in conjunction with the recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends approval of Classified Conditional Use Permit No. 3771, subject to the recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 8447; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3771, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3771; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study No. 7608 and Unclassified Conditional Use Permit No. 3771
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Biological Resources	<p>To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:</p> <p>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 TRBL nesting colonies in proximity to Project activities, and to evaluate potential Project-related impacts.</p> <p>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.</p> <p>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.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P) in consultation with CDFW	February 1 through September 15

2.	Biological Resources	<p>To mitigate impacts to the San Joaquin Kit Fox (SJKF) and American Badger, the following measures shall be implemented:</p> <p>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 conducted under BIO-1, 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.</p> <ul style="list-style-type: none"> • 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 <p>American Badger</p> <ul style="list-style-type: none"> • Known Den — 100-feet <p>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.</p> <p>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).</p> <p>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:</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction
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		<ul style="list-style-type: none">• 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, USFWS and 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.			
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		<ul style="list-style-type: none">• 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 USFWS.• In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or 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 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. 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			
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		<p>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.</p> <p>U.S. Fish and Wildlife Service Region 8 – California and Nevada 2800 Cottage Way Sacramento, CA 95825 Contact: Tim Ludwick Phone: 916-414-6464</p> <ul style="list-style-type: none"> • New sightings of kit fox should be reported to 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. <p>Den Avoidance - In the event that a potential den that may be suitable for American badger, San Joaquin kit fox, 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 USFWS and/or CDFW will be required prior to collapsing dens known to be occupied by kit foxes. If authorized by 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.</p>			
3.	Biological Resources	To mitigate impacts to the Swainson's Hawk (SWHA), the following measures shall be implemented:	Applicant	Applicant/PW&P in consultation with CDFW	February 1 through

		<p>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.</p> <p>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.</p> <p>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.</p>			September 15
4.	Biological Resources	<p>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.</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction
5.	Biological Resources	<p>To mitigate impacts to the Giant Garter Snake (GGS), the following measures shall be implemented:</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction

		<p>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.</p> <p>No more than 30 days prior to ground-disturbing activities, a qualified biologist with GGS experience and knowledge of its ecology shall 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.</p> <p>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.</p>			
6.	Biological Resources	<p>To mitigate impacts to the Burrowing Owl (BUOW), the following measures shall be implemented:</p> <p>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.</p> <p>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.</p> <p>If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction

		<p>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.</p>			
7.	Biological Resources	<p>To mitigate impacts to sensitive habitat, the following measures shall be implemented:</p> <p>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.</p> <p>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.</p> <p>Fish and Game Code Section 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may: (a)</p>	Applicant	Applicant/PW&P in consultation with CDFW	Prior to Permits

		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); or (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.			
8.	Biological Resources	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.	Applicant	Applicant/PW&P in consultation with CDFW	Prior to Permits
9.	Biological Resources	<p>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.</p> <p>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.</p> <p>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,</p>	Applicant	Applicant/PW&P in consultation with CDFW	Prior to construction

		<p>and penalties for violation of the State and federal ESAs.</p> <p>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.</p> <p>d) An attendance form signed by each worker indicating that environmental training has been completed will be kept on record.</p>			
10.	Cultural Resources	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.	Applicant	Applicant/PW&P	During ground-disturbing activities
11.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	During construction and operation

Conditions of Approval

1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.
3.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
 Conditions of Approval reference recommended Conditions for the project.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

Notes	
1.	This Unclassified Conditional Use Permit (CUP) shall become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits, and inspections are required for the proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	All survey monumentation – property corners, section corners, County benchmarks, Federal benchmarks and triangulation stations, etc. – within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
4.	The proposed Project may be subject to the following Air District Rules and Regulations: <ul style="list-style-type: none"> – Regulation VIII (Fugitive PM 10 Prohibitions) – Rule 4102 (Nuisance) – Rule 4601 (Architectural Coatings) – Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) – Rule 4002 (National Emission Standards for Hazardous Air Pollutants) – Rule 4550 (Conservation and Management Practices) – Rule 4570 (Confined Animal Facilities) – District Rule 2201 (New and Modified Stationary Source Review) or District Rule 2010 (Permits Required).
5.	Engineered grading plans will be required for a work exceeding 1,000 cubic yards. An engineered grading plan and grading permit will be required for all project site improvements on all subject parcels.
6.	To satisfy Best Practicable Treatment or Control requirements of the Digester Order, the proposed development shall meet the Tier 1 liner design specifications cited in Pond Specification C.5 of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2013-0122.
7.	Any additional runoff generated by the proposed developed of this site should be retained on site.
8.	An encroachment permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning will be required for any work done in the County right-of-way.
9.	All proposed improvements shall be located outside of the County road right-of-way. Setbacks to proposed structures shall be measured from the ultimate County road right-of-way.
10.	This application shall comply with California Code of Regulation Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for this project, the Applicant shall submit construction plans to the County of Fresno Department Public Works and Planning for review. It is the Applicant's responsibility to deliver three sets of plans to FCFPD. This project shall annex to Community Facilities District No. 2010-01 and will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. FCFPD requirements may include, but are not limited to: water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinkler systems, fire alarm systems, premises identification and Title 15.60 County Ordinance.

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11.	Prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a solid waste facility from the County of Fresno Department of Public Health, Environmental Health Division acting as the Local Enforcement Agency. Please contract Solid Waste staff at (559) 600-3271 for more information.
12.	The projects shall comply with the provisions of the Fresno County Flood Hazard Ordinance, Fresno County Ordinance Code Section 15.48. Any structure, tank, electrical panels or other equipment placed within the flood hazard area will require an elevation certificate (1988 Datum) prepared by a licensed land surveyor.
13.	<p>For all County-maintained road crossings the Applicant shall be required to:</p> <ul style="list-style-type: none"> • Execute an agreement with the County, assuming financial responsibility for and repair of any impacts to the County-maintained roadways resulting from the installation or operation of underground infrastructure and/or signage within the County right-of-way. • Acquire valid encroachment permits prior to construction of any crossings. • Provide both hard-copy and digital, stamped As-Built engineering drawings detailing all infrastructure within the County right-of-way.
14.	<p>At any road crossings, the proposed pipeline shall be encased in a steel sleeve (diameter and wall thickness as appropriate for the size of the carrier pipe).</p> <p>All County road crossings of the proposed pipeline shall be bored and sleeved in a steel casing, which shall extend from right-of-way line to right-of-way line of the road. All such road crossings shall be designed by a registered civil engineer and reviewed by and permitted through the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.</p> <p>No longitudinal encroachments of the proposed pipeline shall be allowed in the County road right-of-way.</p> <p>Any electrical interconnects shall be located outside of the County right-of-way unless the facilities are deeded to Pacific Gas and Electric (PG&E) for maintenance purposes.</p>
15.	The Applicants and or entities shall register with Underground Service Alert (USA) North, and pay annual fees to ensure that USA is notified any time there is a proposed excavation in proximity to the pipeline.
16.	The project shall comply with the Health and Safety Element of the Fresno County General Plan and the provisions of Chapter 8.40 - Noise Control, of the Fresno County Ordinance Code.
17.	<p>Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and Site Map:</p> <ol style="list-style-type: none"> 1. There is a 100 percent or more increase in the quantities of a previously undisclosed material; or

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	<p>2. The facility begins handling a previously undisclosed material at or above the HMBP threshold levels.</p> <p>The proposed operation shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency.</p>
18,	<p>All hazardous waste shall be handled in accordance the requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.</p> <p>If the anaerobic digester process requires accepting manure or other feedstock from off site, the facility will be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements [Title 14, California Code of Regulations (CCR), Division 7, Chapter 3, Articles 6.0-6.35].</p>
19.	<p>According to the Applicant's submitted operational statement, the proposed operation entails that separated solids from the anaerobic digesters will be disposed of at an appropriate solid waste facility. If the facilities change operations to use the separated solids for composting, the Applicants/operators shall, prior to the production of compost from digester operations, apply for and obtain a permit to operate a Solid Waste Facility from the County of Fresno Department of Public Health, Environmental Health Division (Local Enforcement Agency).</p>
20.	<p>The Applicant and property owner of each parcel to be traversed by or contain any portion of the proposed pipeline shall create and record pipeline easement(s) with exhibit maps with the County of Fresno for the entire pipeline.</p>
21.	<p>All of the participating dairies are regulated by the Regional Water Quality Control Board, under the Dairy General Order, and are required to have a Waste Management Plan and Certificate of Waste Discharge.</p>
22.	<ul style="list-style-type: none"> • Any applicable Conditions of Approval for any previous applications shall be implemented if not already in place. • Refer to Road Maintenance & Operations Division, Road Operations for comments on Elkhorn Avenue, Howard Avenue, Elkhorn Grade and Davis Avenue. • According to FEMA FIRM Panel 2850J, the southeastern portion of the subject property is within the Flood Zone A, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any proposed structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. FEMA Elevation Certificate is required for every proposed structure to be constructed within the Special Flood Hazard Area. If the proposed building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed

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structure(s) to the flood zone boundary and at least two property lines and existing structures will be required. The MOS must show spot elevations within the perimeter of the proposed structure and within the flood zones to ensure that the proposed structure will be above the BFE (Base Flood Elevation) and/or outside the Flood Zone A.


- According to the U.S.G.S. Quad Map, a canal traverses the subject property.
- Any improvements constructed within or near a canal should be coordinated with the owners of the canal/appropriate agency.
- The lowest floor of any proposed structure AND any associated electrical system components/equipment should be elevated above the high-water level of said canal and/or the finish floor of the building/structure shall be elevated above the crown of the adjacent street. All sides of the building shall be sloped 2% for a distance of 5' to provide positive drainage away from the building.
- Records indicate that the subject parcel is within an Agricultural Preserve. Any construction or development proposed may require approval from Policy Planning. Policy Planning can be reached at (559) 600-4205/4230.
- Any additional storm water runoff generated by the development of this site cannot be drained across property lines or into the County Road right-of-way, and must be retained on-site, per County Standards.
- An engineered grading and drainage plan should be required to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
- Any future/proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board (CA RWQCB). CA RWQCB should be consulted for their requirements. Any future or proposed storage pond should be located outside the Special Flood Hazard Area.
- A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
- Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards and/or and current industry standards. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.
- The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5 feet from the property line.
- Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.

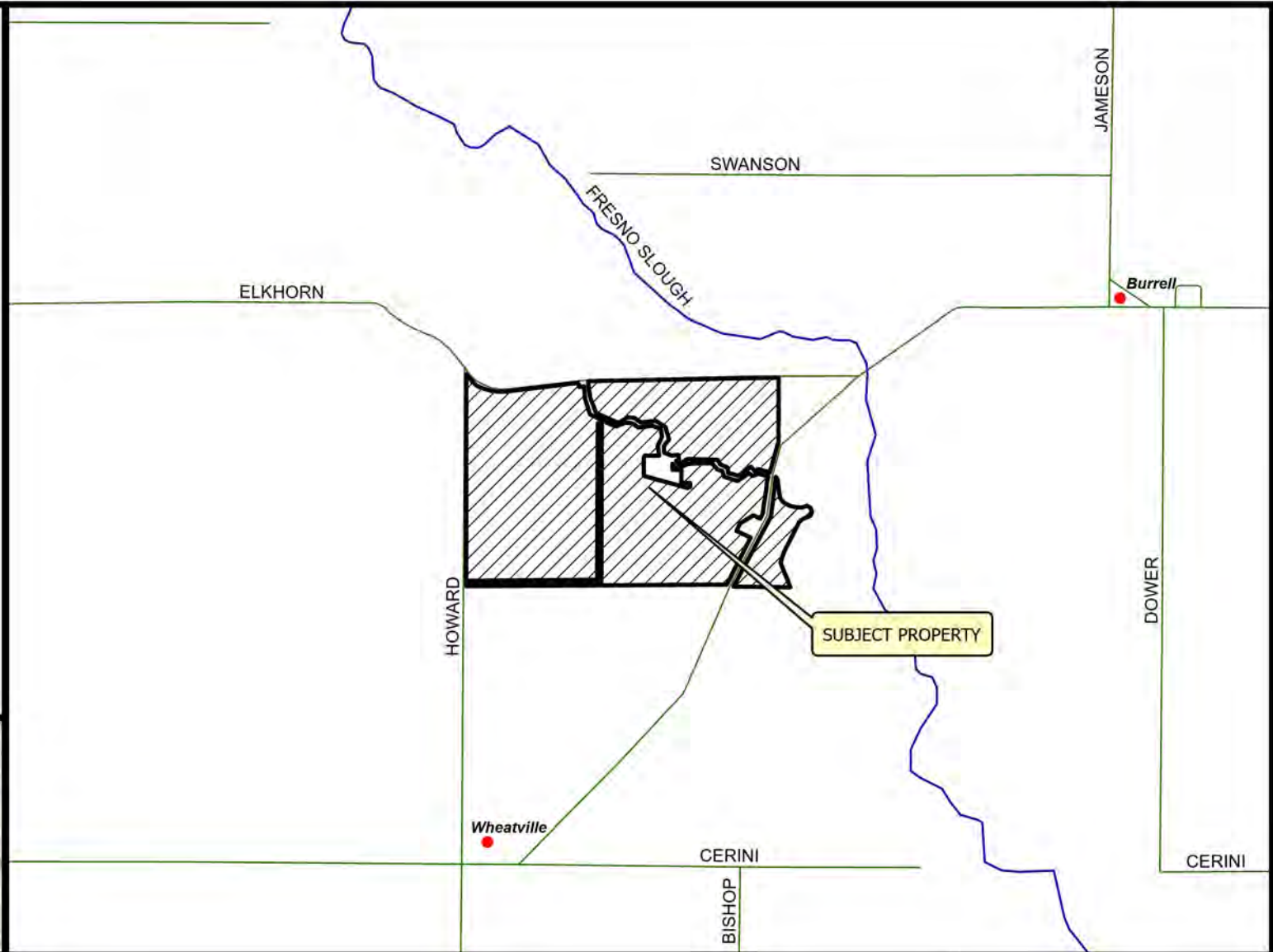
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- For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
- If not already present, a 10 feet x 10 feet corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Elkhorn Avenue, Howard Avenue, Elkhorn Grade and Davis Avenue.
- Any work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
- A grading permit or voucher is required for any grading proposed with this application.

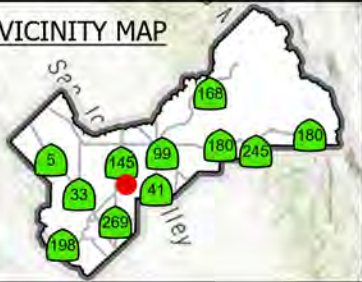
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Legend

 Subject Property



VICINITY MAP

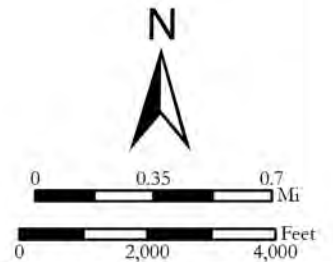


LOCATION MAP



CUP3771

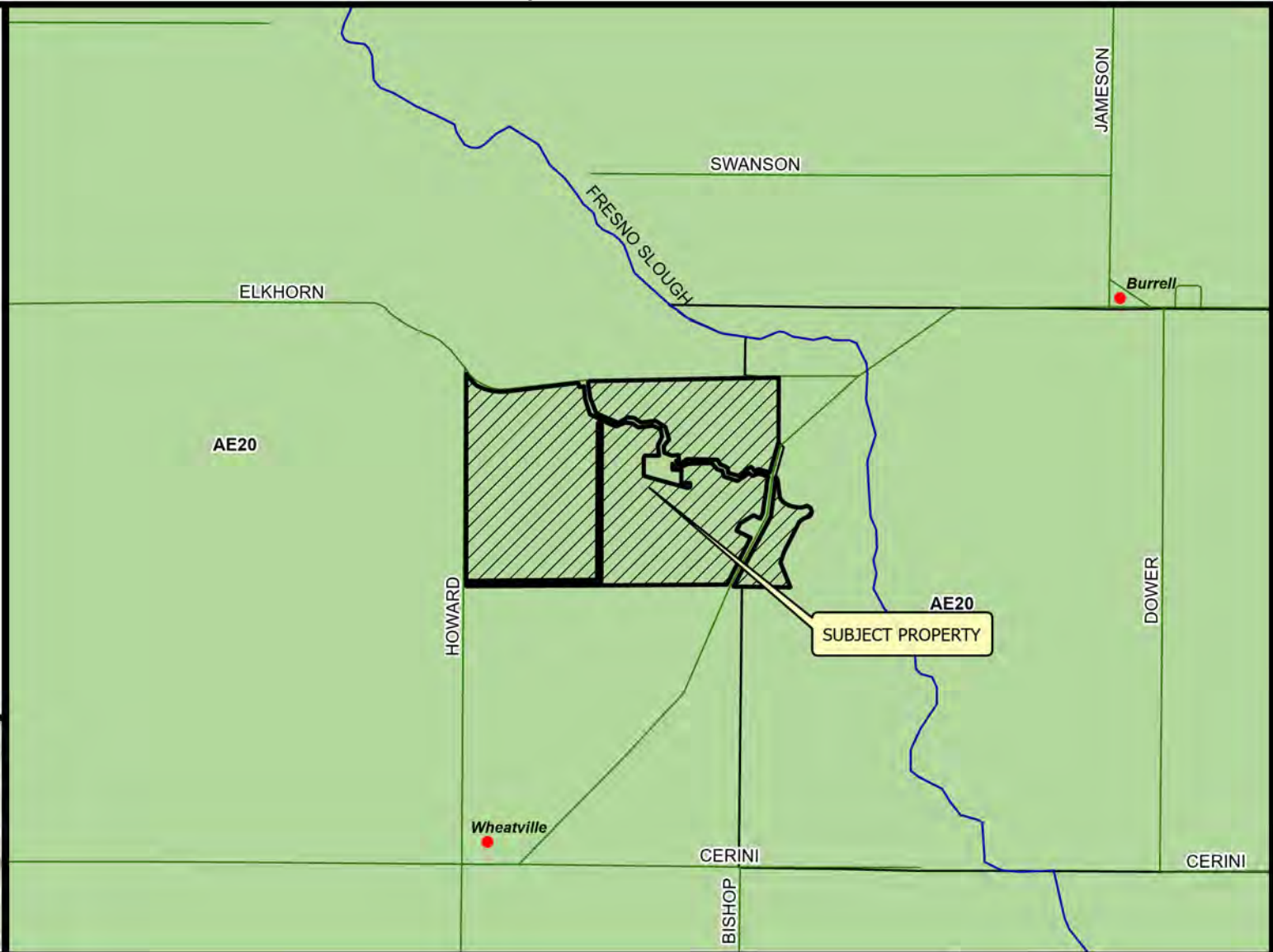
2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 7/25/2023



Legend

-  Subject Property
-  AE20

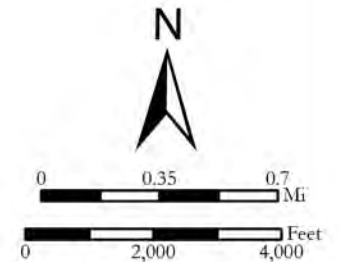


Existing Zoning Map



CUP3771
STR 4 - 17S / 18E

2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : chuang
On Date : 7/25/2023



LEGEND:

-  Subject Property
-  Ag Contract Land

LEGEND
DAIRY
FC - FIELD CROP
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD

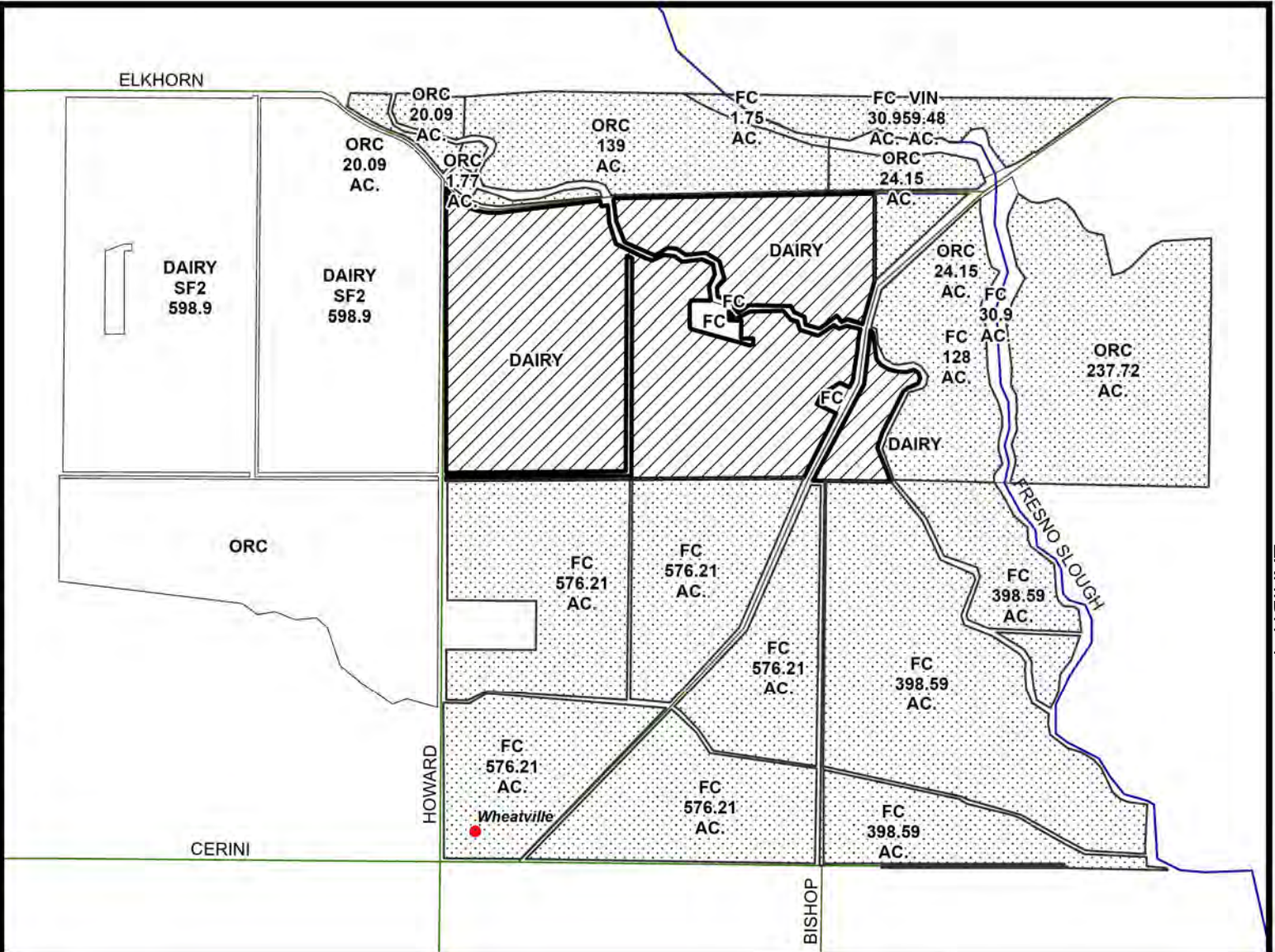
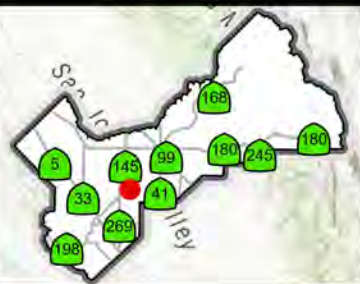


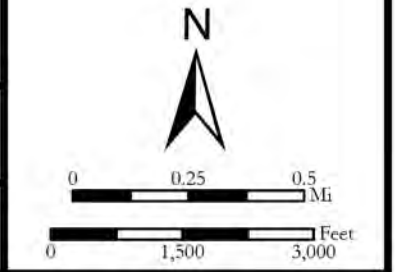
EXHIBIT 4

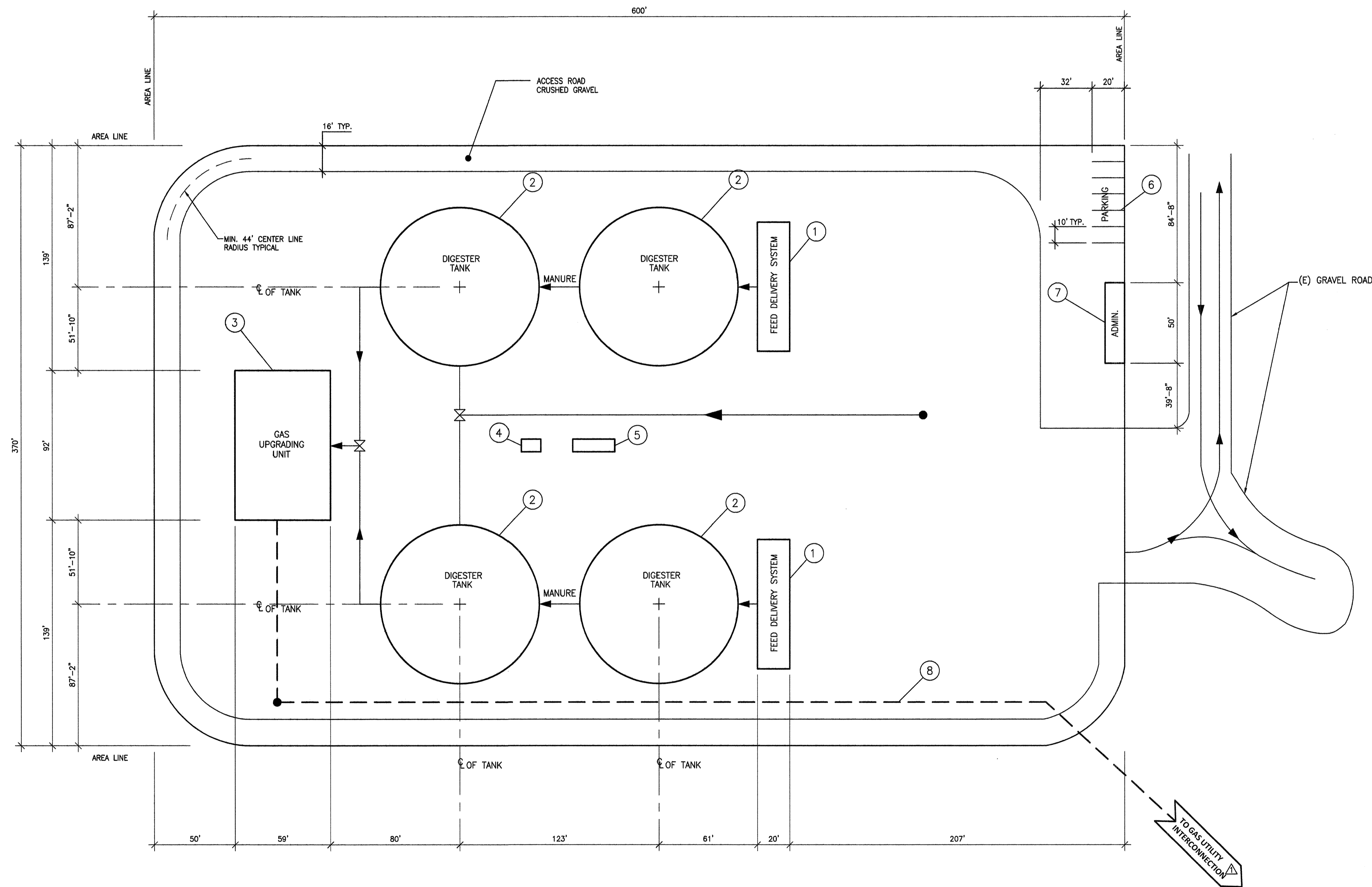


Existing Land Use Map

CUP3771 2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 7/25/2023





- KEY NOTES:** (ALL NEW EQUIPMENT)
- ① FEEDING DELIVERY SYSTEM 20' WIDE X 80' L X 13' HIGH
 - ② DIGESTER TANK, STAINLESS STEEL, 98' DIA X 27' HIGH
 - ③ GAS UPGRADING UNIT 59' WIDE X 92' L X 30' HIGH
 - ④ BOILER 8' WIDE X 12' L
 - ⑤ MAIN ELECTRICAL PANEL 8' WIDE X 26' L X 10' H
 - ⑥ EMPLOYEE PARKING 10' WIDE X 20' L, QTY (6)
 - ⑦ CONTAINER BLDG 12' X 50' L X 10' H
 - ⑧ 4" RENEWABLE GAS LINE, 4" Ø BLACK PIPE, SCHEDULE 40

△
DETAILED SITE PLAN
SCALE 1"=40'

PROPOSED MANURE DIGESTER FACILITY TO PRODUCE RENEWABLE NATURAL GAS (RNG)

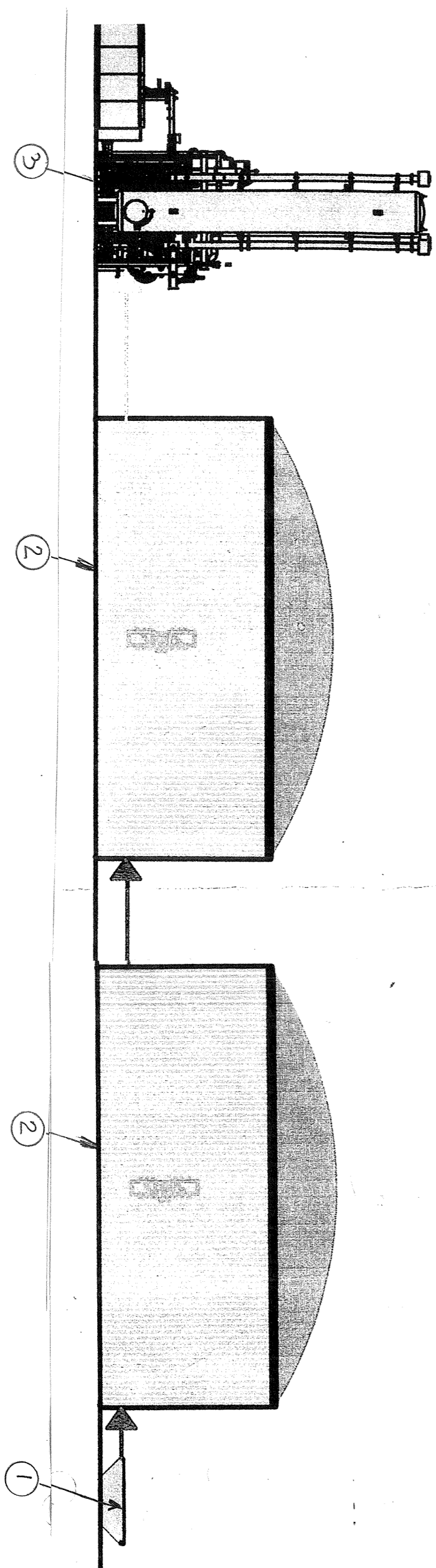
OPEN SKY RANCH
 12103 WEST ELKHORN AVE.
 RIVERDALE, CA 93656

job no. D.C. # 2031 90-792.dwg	date 02-18-2022	dr. by J. JOHNSON
revisions △ 06-06-2023. PLAN CHECK		

THE DRAWING CENTER
 456 CLOVIS AVE, SUITE 1
 CLOVIS, CA 95611
 TEL: (559) 529-7155
 FAX: (559) 529-7156
 E-mail: drawing@abglobal.net

NEW DIGESTER FACILITY FOR OPEN SKY RANCH
 JOB LOCATION: 12103 W. ELKHORN AVE. RIVERDALE, CA. 93656

sheet no.
A-2
 of _____



ELEVATIONS
SCALE: NONE

KEY NOTES: (ALL NEW EQUIPMENT)

- ① FEEDING DELIVERY SYSTEM
20' WIDE X 80' L X 13'
HIGH
- ② DIGESTER TANK, STAINLESS STEEL,
98' DIA X 27' HIGH
- ③ GAS UPGRADING UNIT 59' WIDE X
92' L X 30' HIGH

Sheet no.
A-3
of

**NEW DIGESTER FACILITY FOR
OPEN SKY RANCH**
12103 W. ELKHORN AVE. RIVERDALE, CA. 93656

THE DRAWING CENTER
456 CLOVIS AVE, SUITE 1
CLOVIS, CA 93611
TEL: (559) 323-7153
FAX: (559) 323-7156
E-mail: drawing@sbcglobal.net

job no. D.C. #3031 90-793.dwg	date 12-22-2022	dr. by J. JOHNSON
revisions △06-06-2023. PLAN CHECK		

CV Biogas Endeavor 1 Operational Statement

Nature of Operation

CV Biogas DevCo LLC is applying for a Conditional Use Permit for the construction and operation of a digester facility on Open Sky Ranch. Open Sky ranch operates a current lagoon digester facility. This project is to utilize the undigested manure on site to create renewable natural gas (RNG) for sale, as the dairy is currently practicing with its lagoon digester.

Operational Time Limits

Facility will operate 24hrs/day, 7 days/week, 365 days per year.

Number of Employees

Facility will add six full time employees to the 47 currently working on the dairy.

Service and Delivery Vehicles

Facility will receive eight to ten of dairy manure feedstock/day from nearby dairies. The average hauling distance from satellite dairy to hub is about three miles.

Access to Site

The site is accessible via a private road running south from Elkhorn Avenue.

Parking Spaces for Employees

The site is remotely operable, with six parking spaces provided.

Water and Septic

Existing site well water and septic systems will be used for the facility. The process utilizes recycled water. Washdown water consumption is estimated to be less than 500 gallons/day.

Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?

There are no goods sold on-site. Product gas will be delivered into the gas utility pipeline either via direct connection or truck transport.

What equipment is used?

- Front end loader
- Anerobic digesters
- Pumps
- Blowers
- Motors
- Gas separation equipment
- Compressors
- Process controls of various types.

CV Biogas Endeavor 1 Operational Statement

What supplies or materials are used and how are they stored?

Processing equipment spare parts, lubricating oil, adsorption media. All will be stored in a shipping container.

Does the use cause an unsightly appearance, noise, glare, dust, odor?

None of the above. Site conditions will be essentially the same as is currently permitted.

List any solid or liquid waste to be produced.

No waste is produced. Digested manure is returned to the dairy to be used as cow bedding, as is the current practice.

Estimated volume of water to be used (gallons per day).

The process utilizes recycled water. We expect to use less than 500 gal/day for wash water only.

Describe any proposed advertising including size, appearance, and placement.

There will be no on-site advertising. A company identifier with contact information will be located on the exterior fence.

Will existing buildings be used or will new buildings be constructed?

No new buildings will be constructed. Shipping containers will be used to house electrical equipment and spare parts.

Explain which buildings or what portion of buildings will be used in the operation.

Electrical equipment will be housed in a Shipping container. The facility will be automated and remotely operated.

Will any outdoor lighting or an outdoor sound amplification system be used?

The lighting installed will be consistent with that which is currently permitted on the site. No sound amplification will be used.

Landscaping or fencing proposed?

Six-foot high chain link fencing will enclose the facility for security. No landscaping is planned.

Any other information that will provide a clear understanding of the project or operation.

The new facility will essentially be like the RNG that currently operates on the site, although with different ownership. The area to be used for the facility will be a five-acre portion of the 518-acre parcel.

Operational Statement Addendum 1 for CUP 3642 for Five Points Pipeline and Biogas Hub

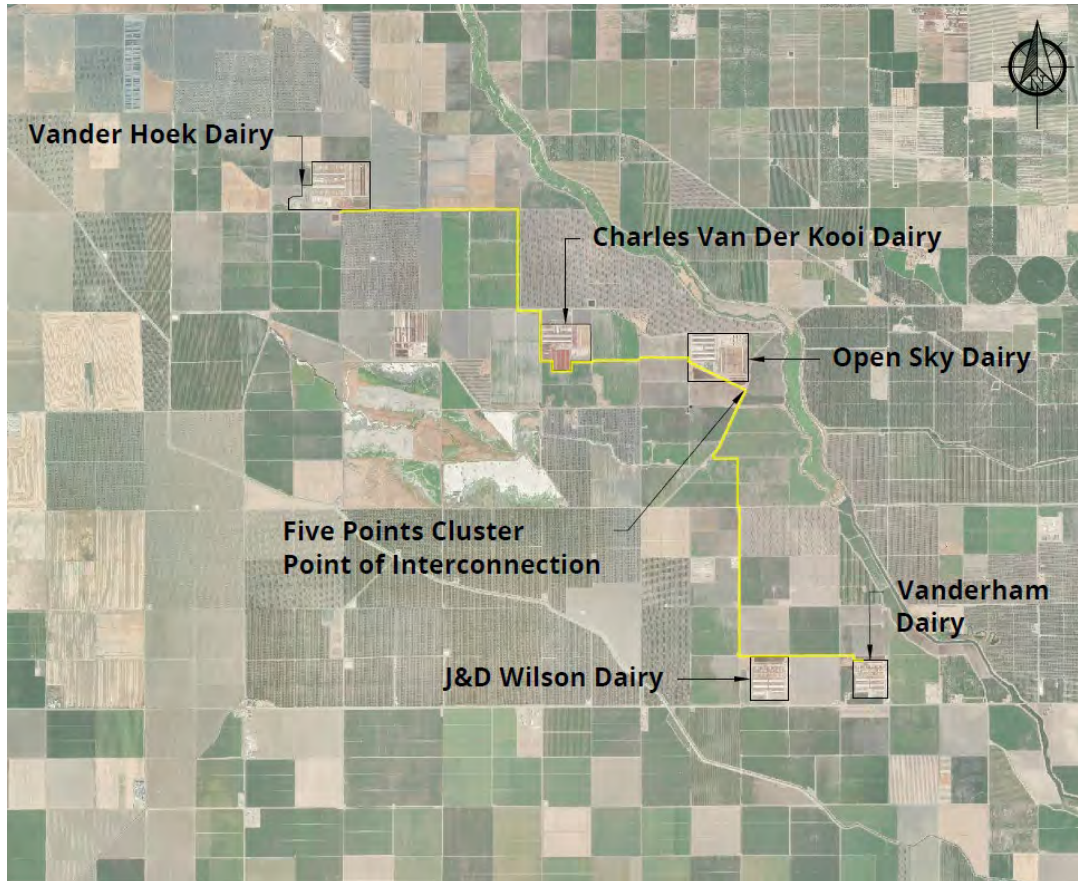


Figure 1 – Five Points Cluster Project Map

Submitted to:

Fresno County
Department of Public Works and Planning
Development Services and Capital Projects Division

Submitted by:

Maas Energy Works, Inc.
on behalf of, the Applicant, Five Points Pipeline LLC

Submitted on:

June 17, 2019

Project Summary and Purpose of Addendum

Project Summary:

The Five Points Pipeline Dairy Digester Cluster project (*Project*) is being developed by Maas Energy Works, Inc.

The *Project* has proposed: to build covered lagoon anaerobic digesters on four of the five participating dairies to capture biomethane; transport the captured biomethane: via a newly constructed underground, fusion welded high-density polyethylene low-pressure pipeline, with easements from landowners to the biogas upgrading hub and interconnection point and/or via underground biogas pipe to individual biogas generators on site at each dairy; construct a state-of-the-art biogas conditioning facility that will clean the biomethane and convert it to renewable natural gas and/or construct a biogas generator at each dairy site to generate electricity; compress and then inject the resulting renewable natural gas into the PG&E distribution line and/or deliver electricity to the PG&E grid under the Bioenergy Market Adjusting Tariff (BioMAT), net energy metering with aggregation (NEM-A) or other applicable exporting tariff.

The biogas upgrading hub and common pipeline infrastructure will be owned by a new entity, Five Points Pipeline LLC, which is owned by Maas Energy Works Inc.

Purpose of Addendum:

On behalf of the Applicant, Maas Energy Works, Inc. applied to Fresno County on February 22nd, 2019. Included in the application package was an Operational Statement (*February Operational Statement*) for the *Project*. As part of the processing of the application package, Planner Jeremy Shaw of Fresno County requested additional information on the Operational Statement via an email dated Thursday, June 13, 2019. This addendum is intended to address the request and provide answers to the questions from Jeremy Shaw.

Biogas Condensate

The facility will produce up to 500 gallons per day of condensation from drying the biogas in preparation for injection into the natural gas pipeline. No outside materials other than manure and biogas generated 100% from manure will enter this material. The condensation will be returned to the Open Sky digester via a buried drainpipe, for storage and land application under those the Dairy General Orders applicable to manure wastewaters.

Waste Compressor Oil

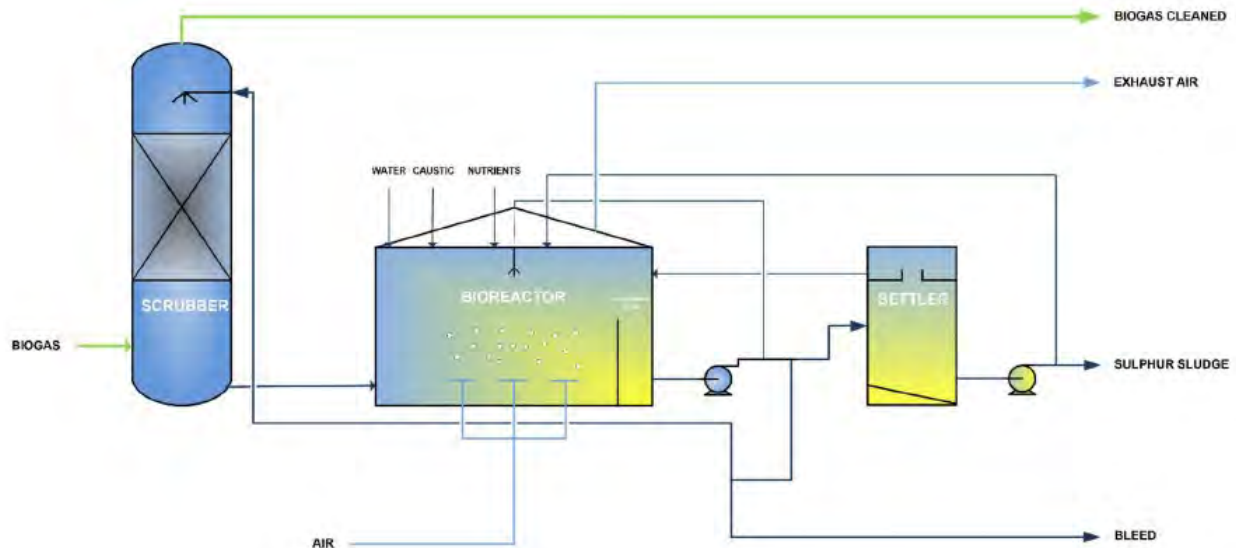
The facility will produce less than 10 gallons per week of waste compressor oil. The is oil will be stored on site in marked and sealed waste oil approved container and until picked up by licensed oil recycling company approximately once per quarter.

Biogas Scrubber Sulfur Sludge

The biogas scrubber system removes hydrogen sulfide from the biogas and reduces the resultant sulfur compounds to an elemental sulfur cake or “sulfur sludge” as depicted in figure 2 below. The cake is about 40% moisture and 60% elemental sulfur. This sulfur is a common soil amendment used to balance soil on local farms. It will be stored on site in a covered vessel until it is transported and applied at an agronomic on the participating dairies’ fields.

The amount of elemental sulfur generated during the biogas cleaning process depends upon the quantity and H₂S content of the biogas. In a worst-case scenario, at 2,500 standard cubic feet per minute (scfm) and 3,000 parts per million (ppm), the combined project would generate approximately 450 lbs of sulfur per day or approximately 82 tons per year. Based on application with a solids spreader holding 5 tons of material, this would create approximately 17 trips per year from the site to local fields.

Figure 2 – Caustic Scrubber Flow Diagram



Biogas Scrubber Wastewater

The biogas scrubber produces excess liquid that is drained out of the system (shown as “bleed” on Figure 2). The wastewater generated by this “bleed” is the result of fresh water being added to balance and rinse the system. The wastewater contains sodium, carbonates, and sulfur compounds (*see Table 2 below*).

Table 2 below lists the maximum discharge rate anticipated for each constituent of the wastewater, assuming maximum throughput of the system at maximum sulfur levels. This discharge will be directed to a designated wastewater tank on-site for temporary storage. About once per week, or as needed, the wastewater will then be transported to an existing wastewater facility permitted for the processing of wastewater of this quality. Alternative beneficial uses of this wastewater are possible, particularly if the biogas scrubber can be operated without producing excess sodium. The project expects to develop

practices to reduce the volume of wastewater, or the constituents of the wastewater so as to reduce the need to dispose of the wastewater. If these practices are successful, then the project will apply to the Water Board for permission to use the water in an appropriate manner such as irrigation or cattle water, if permission is granted for these uses.

Table 2 – Scrubber Wastewater Maximum Flow and Composition (grams per liter)

Temperature F	103.1
pH	8.26
Flow rate, GPD	1,670
Composition	g/l
Sodium Na	24.11
Carbondioxide CO2	0.16
Bicarbonate HCO3	45.78
Carbonate CO3	2.99
Sulphate SO4	8.15
Thiosulphate S2O3	1.59
Elemental sulfur	1 max

Note that table 2 above shows maximum levels based on maximum flow rate and maximum sulfur levels. The anticipated average flow rate is less than 50% of this amount, and the anticipated sulfur, carbonates, and sodium content will be less than 25% of this amount.



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 (NO₂), sulfur dioxide (SO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). 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 (CO₂) 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.


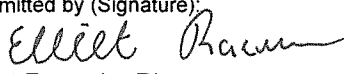
Potential impacts related to Agriculture, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Utilities and Service Systems, and Transportation have been determined to be less than significant. Potential impacts relating 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

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EXHIBIT 9

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8447	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-20241000021
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Elliot Racusin, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): CV Biogas DevCo (Jamie Terzulli)	Project Title: Unclassified Conditional Use Permit No. 3771		
Project 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.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application, 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 Aesthetics, Land Use and Planning, Mineral Resources, Population and Housing, and Recreation. Potential impacts related to Air Quality, Geology and Soils, Greenhouse Gases, Hazard and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation/Traffic, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Biological Resources and Cultural Resources have determined to be less than significant with compliance with noted Mitigation Measures			
FINDING: With the Mitigation Measures incorporated, the proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal –January 26, 2024		Review Date Deadline: Planning Commission – TBD	
Date: 1/26/24	Type or Print Signature: David Randall Senior Planner 	Submitted by (Signature):  Elliot Racusin, Planner	

State 15083, 15085

County Clerk File No.: E-20241000021

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



Pad View South



Pad View West



North View Toward Pad



East View Toward Pad



South View Toward Pad



West View Toward Pad

