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California Environmental Quality Act (CEQA)
NOTICE OF DETERMINATION

TO: **Contra Costa County Clerk-Recorder**
555 Escobar Street
Martinez, CA 94553

FROM: **Bay Area Air Quality Management District**
375 Beale Street, Suite 600
San Francisco, CA 94105

SUBJECT: **FILING OF NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152(a) AND CEQA GUIDELINES SECTION 15096(i).**

PROJECT TITLE: Raven SR, LLC, City of Richmond Design Review Permit and Conditional Use Permits Application Number: PLN21-282; State Clearinghouse Number 2022100145 – Issuance of Authority to Construct for Raven Bioenergy Project – Air District Application 31700.

Public Agency Approving Project (Lead Agency): City of Richmond Community Development Department; Contact Person: Lina Velasco, Community Development Director, 450 Civic Center Plaza, Richmond, CA 94805; Telephone: 510-620-6841, Email: lina_velasco@ci.richmond.ca.us

Public Agency (Responsible Agency) Approving Project (Issuance of Authority to Construct): Bay Area Air Quality Management District (Air District), 375 Beale Street, Suite 600, San Francisco, CA 94105; Contact Person: Brenda Cabral, Supervising Air Quality Engineer, Telephone: 415-749-4686, Email: bcabral@baaqmd.gov

Project Applicant and Entity Carrying Out Project: Raven SR Inc.

Project Applicant Mailing Address: 27 N Maybell Avenue, Pinedale, WY 82941.

Project Applicant Contact Person: Mike Fatigati, Chief Technical Officer, Raven SR, 27 N Maybell Avenue, Pinedale, WY 82941; Telephone: 949-202-9252, Email: mike.fatigati@ravensr.com

Project Location: 1 Parr Boulevard, Richmond, Contra Costa County, CA 94801; Nearest Cross Street: Garden Tract Road.

Date of Approval by Lead Agency: May 16, 2023.

Project Description:
The Air District has issued an Authority to Construct for Raven SR Inc.'s project that involves the construction and operation of a bioenergy facility that would convert food and green waste into transportation-grade hydrogen.

CEQA Compliance:
The City of Richmond is the CEQA lead agency for the Raven Bioenergy Project (City Permit Number: PLN 21-282). On July 30, 2021, Raven SR, LLC, filed Planning Application No. PLN21-282, requesting approval of design review and conditional use permits for the proposed Raven Bioenergy Project ("project") to be located at 1 Parr Boulevard in the OS (Open Space) District, Assessor's Parcel No. 408-140-009; and the project is governed by the Richmond General Plan and Richmond Municipal Code ("RMC"). The City, as the lead agency under CEQA, prepared an environmental initial study ("IS") for the project; and based on the analysis in the IS, the potentially

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significant effects of the project could be reduced to a less-than-significant level through implementation of specific mitigation measures, and subsequently, a mitigated negative declaration ("MND") was prepared.

On November 7, 2022, a notice of intent ("NOI") to adopt a mitigated negative declaration (IS/MND) was distributed for 30-day public review and comment period; and on December 7, 2022, the public review and comment period for the mitigated negative declaration was extended for an additional 15 days to allow interested parties more time to review the document: and the City responded to all written comments received during the public review and comment period; and, on or prior to December 2, 2022, notice of the December 15, 2022, public hearing was given; and, on December 15, 2022, the Planning Commission considered the mitigated negative declaration (State Clearinghouse #2022100145) and conditional use and design review permits, and held a public hearing on the project, at which time oral and/or written testimony was considered: and, following the close of the public hearing on the matter, the Planning Commission made findings regarding the mitigated negative declaration, and conditional use and design review permits, and voted to conditionally approve Planning Application No. PLN21- 282.

The Richmond Municipal Code allows for appeal of Planning Commission decisions per Section 15.04.803.140 of the Zoning Ordinance. Communities for a Better Environment ("CBE") and National Resources Defense Council (NRDC) ("Appellants") submitted a joint appeal on December 16, 2022. The appeal challenged all approvals, including the IS/MND, Design Review permit and Conditional Use Permit for the Raven SR Bioenergy Project (PLN21-282). To provide clarity to questions raised in the appeal, the City prepared an updated mitigated negative declaration to clarify, amplify, and refine the language of the mitigated negative declaration. Among other items, the update provided an additional description of proposed operational details, information from a health risk assessment (HRA), and more details regarding the project's impacts on air quality and greenhouse gases; and, on March 9, 2023, a notice of intent to adopt an updated mitigated negative declaration was distributed for a 30-day public review and comment period; and, on March 14, 2023, the public review and comment period for the updated mitigated negative declaration was extended through April 12, 2023, for a total of 34 days, to allow interested parties more time to review the document and a clarified table; and, written comments were received. The City responded to all written comments received during the public review and comment period and made those responses available on April 26, 2023.

The City provided notice of the City Council hearing on the appeal; and, with the addition of refined conditions of approval, all Appellants submitted a withdrawal of their appeal in writing; and, based on the updated Mitigated Negative Declaration and negotiations between Applicant and Appellants, the parties reached agreement on modified conditions to the project attached as Exhibit C; and, based on the modified conditions in Exhibit C, the Appellants withdrew their appeal.

On May 16, 2023, the City Council received and reviewed the appeal of the Planning Commission's decision granting Planning Application No. PLN21-282, including the mitigated negative declaration for the project, and, a public hearing was held, and the opportunity for public comment on the appeal of the Planning Commission's decision was provided; and, any and all public testimony and evidence, both written and oral, was considered by the City Council. After considering any public testimony and receiving information provided to date, and recognizing the Appellants withdrew their appeal based on the modified conditions in Exhibit C, the City Council closed public testimony and deliberated on the appeal based on the evidence in the administrative record. After consideration of said public testimony and information in the record, the City Council determined that there was substantial evidence in the record that the project complied with the RMC, CEQA, all requirements for approval of Planning Application No. PLN21-282; and acknowledged Appellants' wish to withdraw their appeal; therefore, the Council upheld the decision of the Planning Commission to approve Planning Application No. PLN21- 282 with conditions as further modified, including the adoption of the updated Mitigated Negative Declaration for the project.

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The City Council of the City of Richmond found and determined that there was no substantial evidence in the record that Planning Application No. PLN21-282 may have a significant effect on the environment as identified by the Initial Study/Mitigated Negative Declaration, as updated, prepared for the project. The City Council found that an Initial Study (Environmental Assessment) was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) and reflects the Council's independent judgment and analysis. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. While the proposed project could have a potentially significant effect on the environment, based on its independent judgment and analysis, the City Council found that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where no significant effect on the environment will occur, and there is no substantial evidence in the record that this project may have any direct, indirect or cumulative effects on the environment that are potentially significant and adverse. The proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment.

The City Council upheld the Planning Commission approval of Planning Application No. PLN21-282 as further conditioned by the City Council. Further, for all of the foregoing reasons and based upon the substantial evidence in the record before it and given that after the conditions and restrictions added by the Planning Commission and after the appeal, there is no substantial evidence in the administrative record that would warrant denial, the City Council also independently approves Planning Application No. PLN21-282 as further conditioned by the City Council as set forth below. This approval includes approval of the submitted Project Plans (Exhibit A), adoption of the updated Mitigated Negative Declaration for the project (Exhibit B), including the associated Mitigation Monitoring and Reporting Program included as a part of Exhibit B, as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. Finally, the approval of the design review and conditional use permit for Planning Application No. PLN21-282, is subject to the Project-Specific Conditions of Approval provided as Exhibit C.

On May 16, 2023, the City Council of the City of Richmond adopted Resolution No. 42-23 titled, A Resolution of the City Council of the City of Richmond affirming the decision of the Planning Commission as modified, regarding Planning Application No. PLN21-282, and (I) Adopting an Updated Mitigated Negative Declaration; (II) Approving a Mitigation Monitoring and Reporting Program; and (III) Approving Conditional Use and Design Review Permits for the Raven Bioenergy Project (PLN21-282).

Notice of Determination:
The Air District has issued an Authority to Construct for the project pursuant to District Regulation 2-1-301. In issuing the Authority to Construct, the Air District has reviewed and considered the environmental effects of the entire project as discussed in the Updated IS/MND, Design Review permit and Conditional Use Permit. Based on this review, the Air District has determined that with the mitigation measures imposed by the City and agreed to by the project applicant in the settlement, there will be no significant environmental impacts. Moreover, the Air District has determined that the project will not result in any potentially significant impacts related to air quality such that no mitigation is required for air quality impacts. As the project will not have any significant air quality impacts, the Air District has not imposed any mitigation measures (beyond the conditions the Air District has imposed to ensure compliance with air quality regulations) and has therefore not adopted a mitigation monitoring plan or program.

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Availability of Documents for Public Review:
The CEQA review documents are available online at: https://ceqanet.lci.ca.gov/Project/2022100145. The Air District record of project approval is available for review at the Air District office at 375 Beale Street, Suite 600, San Francisco, CA, 94105 (Air District Permit Application #31700, State Clearinghouse Number 2022100145).

Pamela J. Leong
Director of Engineering
Bay Area Air Quality Management District

October 27, 2025
Date