CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY

The Department of Toxic Substances Control (DTSC) has completed the following document for this project in accordance with the California Environmental Quality Act (CEQA) [Pub. Resources Code, div. 13, § 21000 et seq] and accompanying Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq].

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist beginning on Chaper 3 of the Initial Study. Please see the checklist beginning on Chapter 3 of the Initial Study for additional information.

☐	Aesthetics	☐	Agriculture and Forestry	☐	Air Quality
☒	Biological Resources	☒	Cultural Resources	☐	Energy
☐	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials
☐	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☒	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

SUMMARY OF MITIGATION

DTSC has determined the following mitigation measures would be required beyond those incorporated as part of the Proposed Project to ensure that impacts would be less than significant:

Biological Resources:

MM BIO-1: Conduct Worker Environmental Awareness Training and Implement General Requirements

MM BIO-2: Avoid and Minimize Potential Impacts on San Joaquin Kit Fox

MM BIO-3: Avoid and Minimize Potential Impacts on Burrowing Owl

MM BIO-4: Conduct Preconstruction Surveys and Avoid and Minimize Potential Impacts on Nesting Birds and Raptors

Cultural Resources:

MM CR-1: Cultural Resources Sensitivity Training

MM CR-2: Unanticipated Discovery of Cultural Resources

Tribal Cultural Resources:

Implement MMs CR-1 and CR-2

DETERMINATION

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CERTIFICATION

I hereby certify that the statements furnished above and in the attached documentation, present the data and information required for this initial study evaluation to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Stuart St. Clair — Preparer’s Signature

08/29/2024 — Date

Stuart St. Clair, PE	Project Manager	(559) 297-3905
Preparer’s Name	Preparer’s Title	Phone #

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

UNITED STATES COLD STORAGE FRESNO REMEDIATION PROJECT

(FORMER INTERNATIONAL RECYCLING AND TOWING SITE CORRECTIVE MEASURES PROPOSAL)

PREPARED FOR:

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August 2024



ICF. 2024. *United States Cold Storage Fresno Remediation Project (Former International Recycling and Towing Site Corrective Measures Proposal)*. Initial Study/Negative Mitigated Declaration. August. (ICF 104899). Sacramento, CA. Prepared for Department of Toxic Substances Control, Clovis, CA.

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Acronyms and Abbreviations

AB	Assembly Bill
AQMP	air quality management plan
bgs	below ground surface
BMPs	Best Management Practices
CAAQS	California ambient air quality standards
CAL FIRE	California Department of Forestry and Fire
Cal/OSHA	California OSHA
CalEPA	California Environmental Protection Agency's
Caltrans	California Department of Transportatino
CARB	California Air Resources Board
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CH_4	methane
CMP	Corrective Measures Proposal
CNDDB	California Natural Diversity Database
CNPS's	California Native Plant Society's
CO	carbon monoxide
CO_2	carbon dioxide
COCs	constituents of concern
CY	cubic yards
DPM	Diesel particulate matter
DTSC	California Department of Toxic Substances Control
Farmland	Prime Farmland, Unique Farmland, or Farmland of Statewide Importance
FAX	Fresno Area Express
FCRTA	Fresno County Rural Transit Agency
FEMA	Federal Emergency Management Agency
FICA	Facility Initiated Corrective Action
FTA	Federal Transit Administration's
General Permit	NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities
GHG	greenhouse gases
HASP	Health and Safety Plan
HFC	hydrofluorocarbon
IPaC	Information for Planning and Consultation
IRT	International Recycling and Towing
IS/MND	Initial Study/Mitigated Negative Declaration
MMRP	Mitigation Monitoring and Reporting Plan
MTCO2e	metric tons of CO2 equivalent

N_2O	nitrous oxide
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NO_2	nitrogen dioxide
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
OSHA	Occupational Safety and Health Administration
Pb	lead
PCB	polychlorinated biphenyls
PFC	perfluorocarbon
PM	particulate matter
ppm	parts per million
RCRA	Resource Conservation and Recovery Act
RDIP	Remedial Design and Implementation Plan
ROG	reactive organic gases
SAP	Sampling and Analysis Plan
SF_6	sulfur hexafluoride
SGMA	Sustainable Groundwater Management Act
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SMP	Soil Management Plan
SO_2	sulfur dioxide
SR	State Route
State Water Board	State Water Resources Control Board
STLC	Soluble Threshold Limit Concentration
SWPPP	stormwater pollution prevention plan
TAC	toxic air contaminants
TCLP	Toxic Characteristic Leaching Procedure
Technicon	Technicon Engineering Services, Inc.
TPH	petroleum hydrocarbons
USCS	United States Cold Storage
USEPA	United States Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VDE	visible dust emissions
VMT	Vehicle miles traveled
VOC	volatile organic compounds
VOCs	volatile organic compounds

Chapter 1
Introduction

1.1 Project Purpose

The project evaluated in this document consists of implementation of a corrective measures proposal (CMP) for the remediation of shallow soil contamination on a property at 3270 South Golden State Boulevard in Fresno, California. The purpose of the project remediation activities is to conduct a remedial action that is suitably protective of human health and the environment and renders the site fit for commercial/industrial reuse.

1.2 Document Organization

This initial study is organized in the sections described below.

- *Introduction*, includes a brief overview of the proposed project activities and the scope, content, and organization of this initial study/mitigated negative declaration (IS/MND).
- *Project Description*, includes a description of the proposed remediation activities.
- *Environmental Checklist*, includes a discussion and evaluation of each environmental topic likely to be affected by the project organized in the order presented in Appendix G of the California Environmental Quality Act (CEQA) Guidelines. Discussions for those resources not likely to be affected by the project are provided in Section 3.2, *Resources Not Likely to Be Affected*.
- *Mandatory Findings of Significance*, presents a summary of findings in response to the mandatory findings required by CEQA Guidelines Appendix G.
- *List of Preparers*, identifies the individuals who prepared the IS/MND.
- Appendix A, *Regulatory Setting*.
- Appendix B, *Species Lists*.
- Appendix C, *Air Quality and Greenhouse Gas Emissions Modeling*.
- Appendix D, *Noise Modeling*.

Chapter 2
Project Description

2.1 Introduction

United States Cold Storage (USCS) is proposing to implement a CMP to address contaminated soil in areas testing has shown to be impacted, and which are primarily within an approximately 6.5-acre area of a 19-acre parcel located immediately south of the existing USCS Fresno/Fresno West refrigerated warehouse and distribution facility in Fresno County, California. The project would be undertaken to meet the following remedial action objectives.

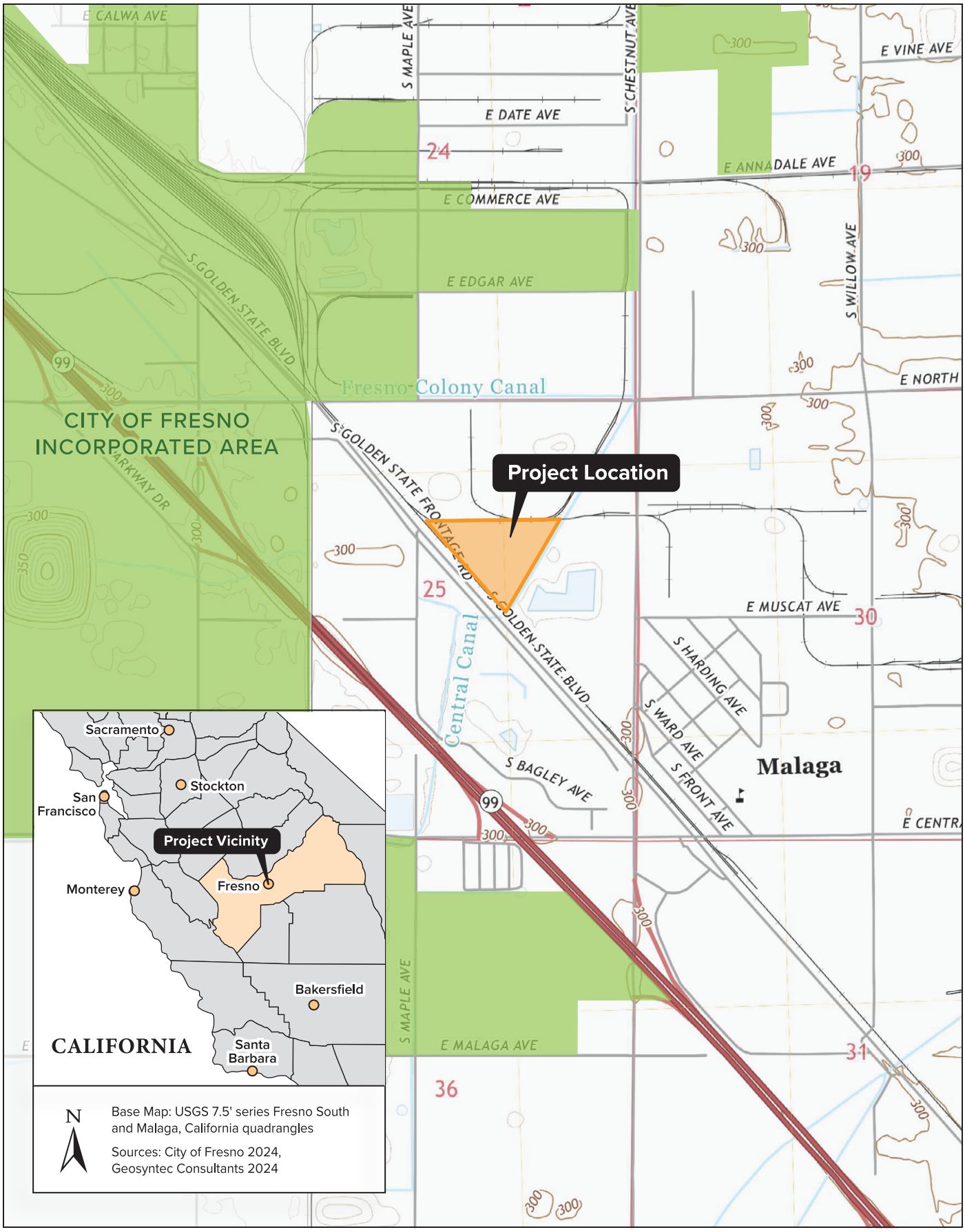
- Reduce potential exposure of human receptors to constituents of concern (COC) in soil through applicable exposure pathways, including direct contact, inhalation of dust, and accidental ingestion.
- Reduce the human health-based risks associated with residual soils impacted with site-specific COCs to levels that are acceptable for the proposed commercial land use as a solar power array without any enclosed or inhabited structures.
- Manage stormwater during redevelopment activities to reduce the potential for offsite transport of contaminants.

The proposed project involves *in situ* soil stabilization, excavation, and offsite disposal of soil, with some lead-impacted soils being subject to onsite fixation to reduce hazardous characteristics prior to removal for offsite disposal.

2.2 Project Location, Background, and Existing Conditions

The proposed project would take place on a 19-acre parcel at 3270 South Golden State Boulevard, Fresno (Assessor's Parcel Number 330-070-06) in unincorporated Fresno County, California. The project site is immediately adjacent to and south of the existing USCS Fresno/Fresno West refrigerated warehouse and distribution facility and approximately 0.27 mile south of East North Avenue (Figure 1).

The project site was historically used for cultivation of agricultural row crops until the 1950s. Most of the site continued in agricultural use until the early 2000s. Most recently, the eastern portion of the site was used for agriculture-related storage. In 1955, the northwest area of the site shifted from agricultural use to scrap metal recycling. The last of such operators, International Recycling and Towing (IRT), a metal recycling facility, operated onsite until approximately 2020. During this period, records show that at times unpermitted hazardous waste was stored, treated, and/or disposed of within the project site (Geosyntec 2024). In 2016 the California Department of Toxic Substances Control (DTSC) investigated IRT for noncompliance with hazardous waste regulations and in 2021 issued a Facility Initiated Corrective Action (FICA) agreement (Geosyntec 2022). In 2022, DTSC issued an enforcement order requiring the property owner to further investigate portions of the northwestern third of the property and submit a Current Conditions Report and Facility Investigation Work Plan (Geosyntec 2022).



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Figure 1
Project Location

In 2022, Geosyntec collected soil samples from 46 boring locations across the site as part of due diligence investigations conducted prior to the current owner acquiring the site. The investigation found various COCs on the project site, including polychlorinated biphenyls (PCBs), arsenic, cadmium, chromium, lead, mercury, and petroleum hydrocarbons (Geosyntec 2022). Between 2022 and 2024, Geosyntec collected soil samples from an additional 526 borings to augment the prior investigation and complete delineation of the soil impacts at the site under the oversight of DTSC, and with input from the U.S. Environmental Protection Agency (USEPA) with respect to PCBs. This investigation concluded that the eastern portion of the site that was used for storage and agriculture does not require remediation, the primary COCs in the northwestern portion of the site from a human-health risk perspective are lead, arsenic and total petroleum hydrocarbons (TPH)-diesel range organics, impacts in this portion of the site are co-located with other COCs, are relatively widespread across a 6.5-acre area in the northwest part of the site, and primarily appear in the upper 4 feet of soils at the site (Geosyntec 2024).

IRT, the former scrap metal recycling facility, previously occupied approximately five acres in the northwest area of the site until 2023. South Golden State Boulevard and the Southern Pacific Railroad line border the site to the west and southwest, an east-west railroad spur line and the USCS Fresno/Fresno West facility form the north edge of the site, and Fresno Irrigation District's Central Canal flows parallel to and immediately east and southeast of the site; a stormwater detention basin occupies the area southeast of the Central Canal. The surrounding area is industrial with recycling facilities, auto wrecking and repair facilities, a power plant, cold storage, a concrete plant, distribution centers, and self-storage facilities. The nearest residential uses begin at approximately 0.27 mile southeast of the project site. The project site is designated for Industrial use in the Fresno County General Plan 2042 (Fresno County 2024). The site carries a County zoning designation of Heavy Industrial (Fresno County 2023). The current landowner acquired the site on June 7, 2023, and the site was cleared of all surface junk, debris, vehicles and other discarded materials so that it is vacant, consisting of scrub vegetation, dirt and occasional gravel/rocks. The site is fenced.

2.3 Project Components

An estimated 11,140 cubic yards (CY) of soil within the project site requires remediation (Geosyntec 2024). Initial site preparation activities would be necessary prior to soil removal and disposal and would consist primarily of the removal of an existing concrete-lined pit and two out-of-use wells. Following removal of the pit, project activities would consist of *in situ* chemical stabilization and excavation of contaminated soil; stockpile management; and backfilling, compaction, and site grading. The soil is proposed to be stabilized *in situ* in some areas, and then contaminated soils would be excavated and removed from the site for offsite disposal, as outlined in this section.

2.3.1 Site Preparation

Site preparation activities, including removal of the onsite, concrete-lined pit and the historical, out-of-use wells, would be necessary prior to soil stabilization, removal, and disposal. Removal of the concrete-lined pit would include inspection of any associated debris for potential COCs associated with the historic use of the pit. Debris would be screened for organic vapors and the proper disposal of the contents determined. After debris removal, the pit dimensions and GPS coordinates would be recorded followed by concrete demolition and removal. Following removal of the concrete, two soil samples would be collected from the pit bottom and submitted for laboratory analysis and submitted for laboratory analysis.

Additionally, the two historical, out of use onsite wells, reportedly a former residential well and an irrigation well, would be closed in accordance with applicable regulations as part of the proposed remedial action project.

2.3.2 *In Situ* Soil Stabilization

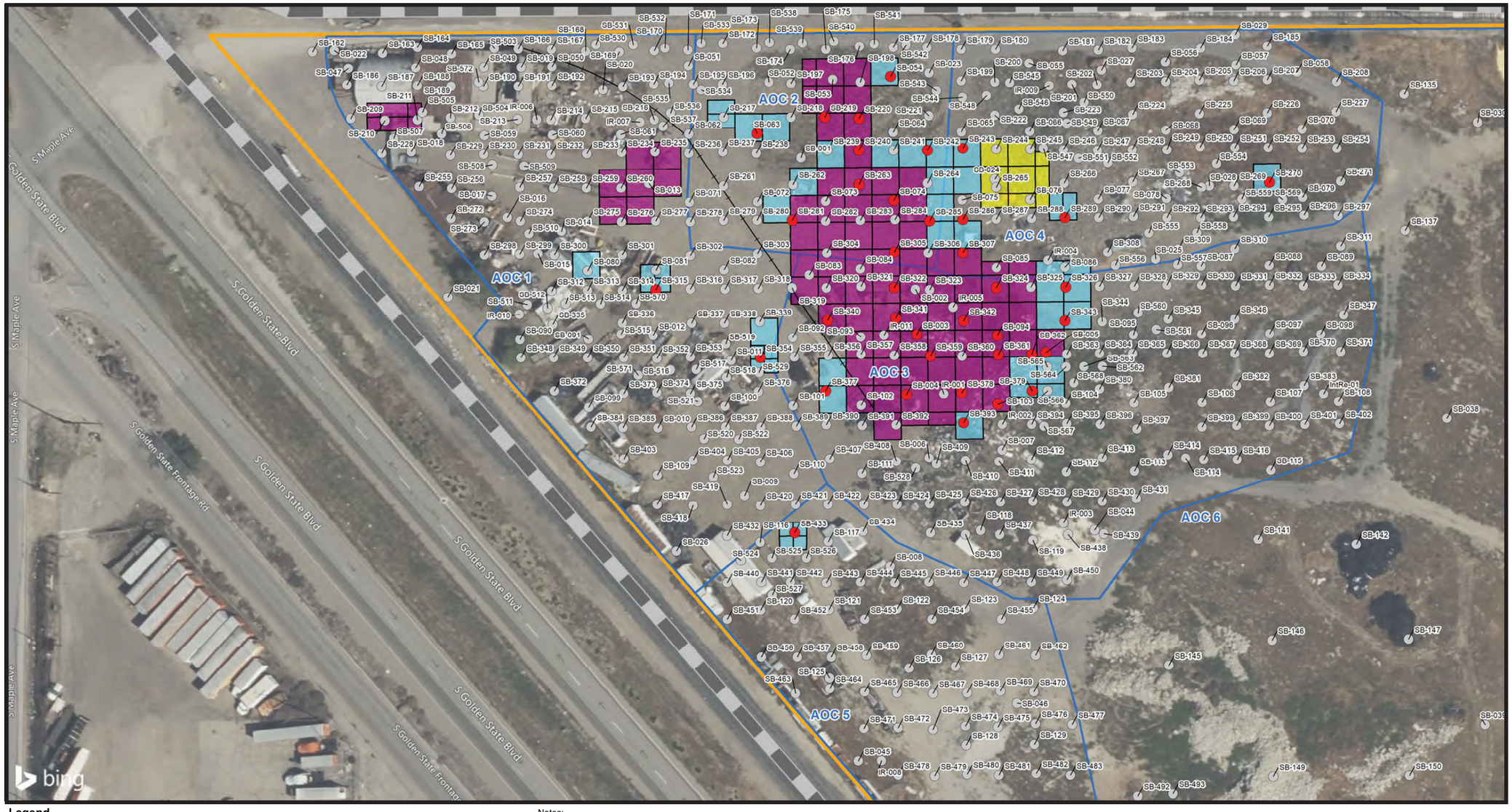
The CMP calls for the *in situ* chemical stabilization of approximately 7,230 CY of lead-contaminated soil from the project site that exceeds California hazardous thresholds, prior to excavation along with the remaining hazardous PCB-impacted soil and non-hazardous soils.

The established stabilization technology provides for soil to be mixed *in situ* with a chemical fixative, EnviroBlend® CS, using an excavator bucket at a rate of 3% weight/weight ratio (Geosyntec 2024). Stabilization confirmation would be performed via Toxic Characteristic Leaching Procedure (TCLP), Soluble Threshold Limit Concentration (STLC), and total metals analysis testing. If initial analytical results indicate that soil still contains lead at levels above the accepting facility requirements, additional EnviroBlend® would be added to the in-place soil to further stabilize the lead, and additional verification would be performed. Under a licensed professional, this process will continue until analysis demonstrates that the soil no longer exceeds land disposal limits, prior to the soils being excavated (Geosyntec 2024).

Prior to implementing the full-scale stabilization work, three or more of the treatment cells would be selected for a pilot-scale demonstration given that (1) the treated site is homogenous with the addition of EnviroBlend® with no untreated soil clumps larger than 4 inches, (2) each area of the treatment cells achieved the minimum number of passes with the excavator, and (3) the treated site meets land disposal requirements by achieving the alternative treatment standards. Approximately 7,230 CY of the hazardous lead-impacted soil would be stabilized *in situ*, excavated along with the remaining hazardous PCB-impacted soil and non-hazardous soils, and would contribute to the total of 11,140 CY of soils to be disposed of offsite.

2.3.3 Excavation and Offsite Disposal

The project would involve the excavation and offsite disposal of approximately 11,140 CY of metals-, TPH- and PCB-contaminated soil from the project site (Figures 2 through 5). The soil would be excavated to depths up to 8 feet below ground surface (bgs)using an excavator and sorted into temporary onsite stockpiles according to anticipated degree of relative contamination. Most soils impacts have been determined by investigations to be no deeper than 4 feet bgs. The stockpiles would be stored onsite on polyethylene sheeting and covered with the sheeting at the end of each workday. Excavated and stockpiled soil would be handled in accordance with San Joaquin Valley Air Pollution Control District (SJVAPCD) rules.



Legend

- Proposed Excavation Boundary to Address Lead > 95% UCL and In Situ Stabilization Treatment Cell*
- Proposed Excavation Boundary to Address Other COCs > 95% UCL
- No Impacts Observed, Excavation Required at Deeper Depth
- Proposed Excavation Cell
- Approximate Site Boundary
- Area of Concern
- Historic Rail Spur
- Sample Location
- Total PCB concentration >5 mg/kg

Notes:
ft bgs - feet below ground surface
mg/kg - miligrams per kilogram
COC - constituents of concern
PCB - polychlorinated biphenyls
UCL - upper confidence limit
TPH-D - total petroleum hydrocarbons - diesel range
* - Other co-located COCs are contained within this contour as well.

Excavation grids were developed based on removing soils that exceed the following concentrations in order that the 95% UCL concentration meets risk-based goal or is similar to background.

Arsenic - 10 mg/kg
Lead - 1,000 mg/kg
Total PCBs - 5 mg/kg
TPH-D - 1,219 mg/kg

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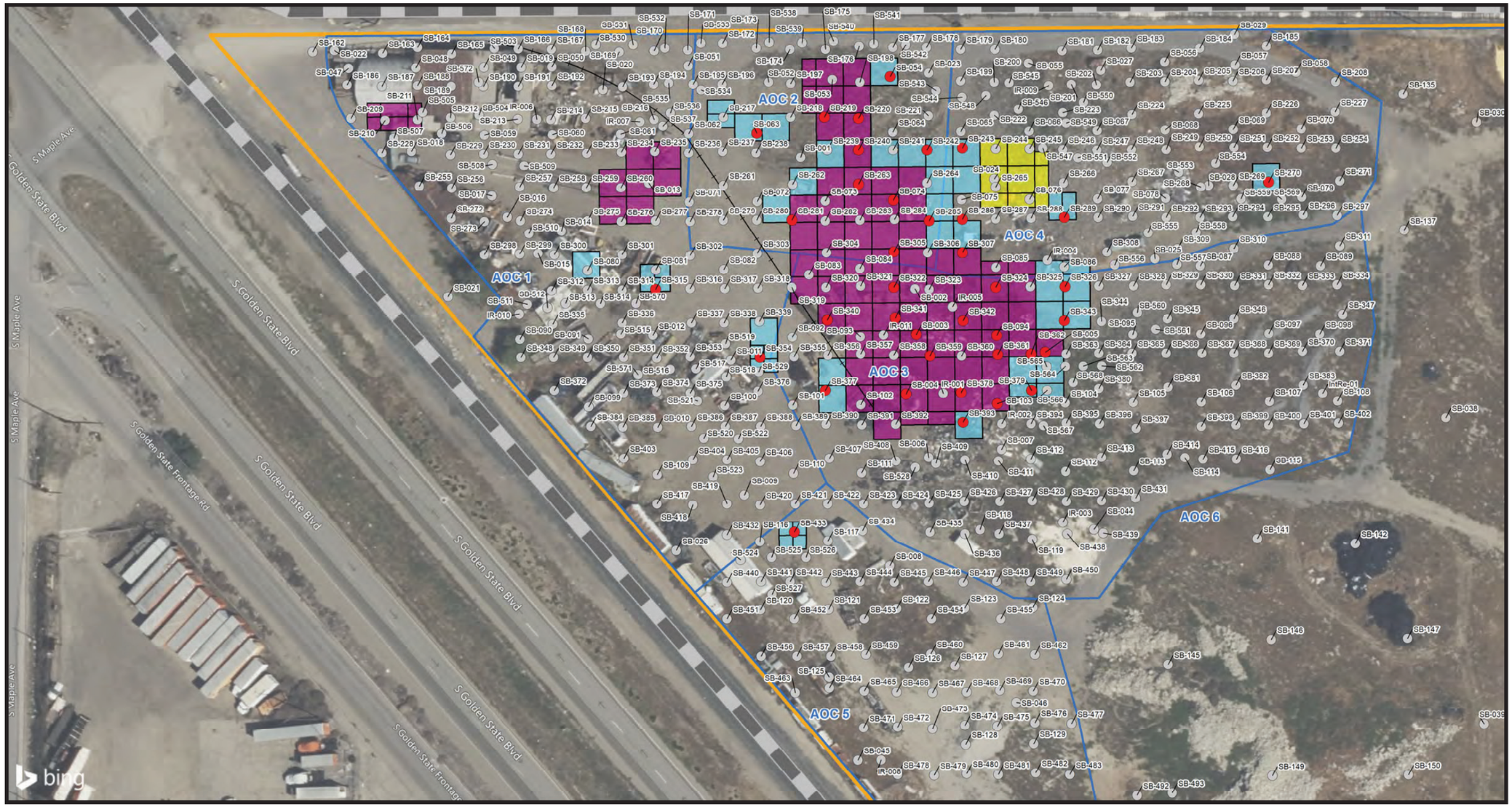
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Figure 2
Proposed Excavation Area 0-2 ft



Legend

- Proposed Excavation Boundary to Address Lead > 95% UCL and In Situ Stabilization Treatment Cell*
- Proposed Excavation Boundary to Address Other COCs > 95% UCL
- No Impacts Observed, Excavation Required at Deeper Depth
- Proposed Excavation Cell
- Approximate Site Boundary
- Area of Concern
- Historic Rail Spur
- Sample Location
- Total PCB concentration >5 mg/kg

Notes:
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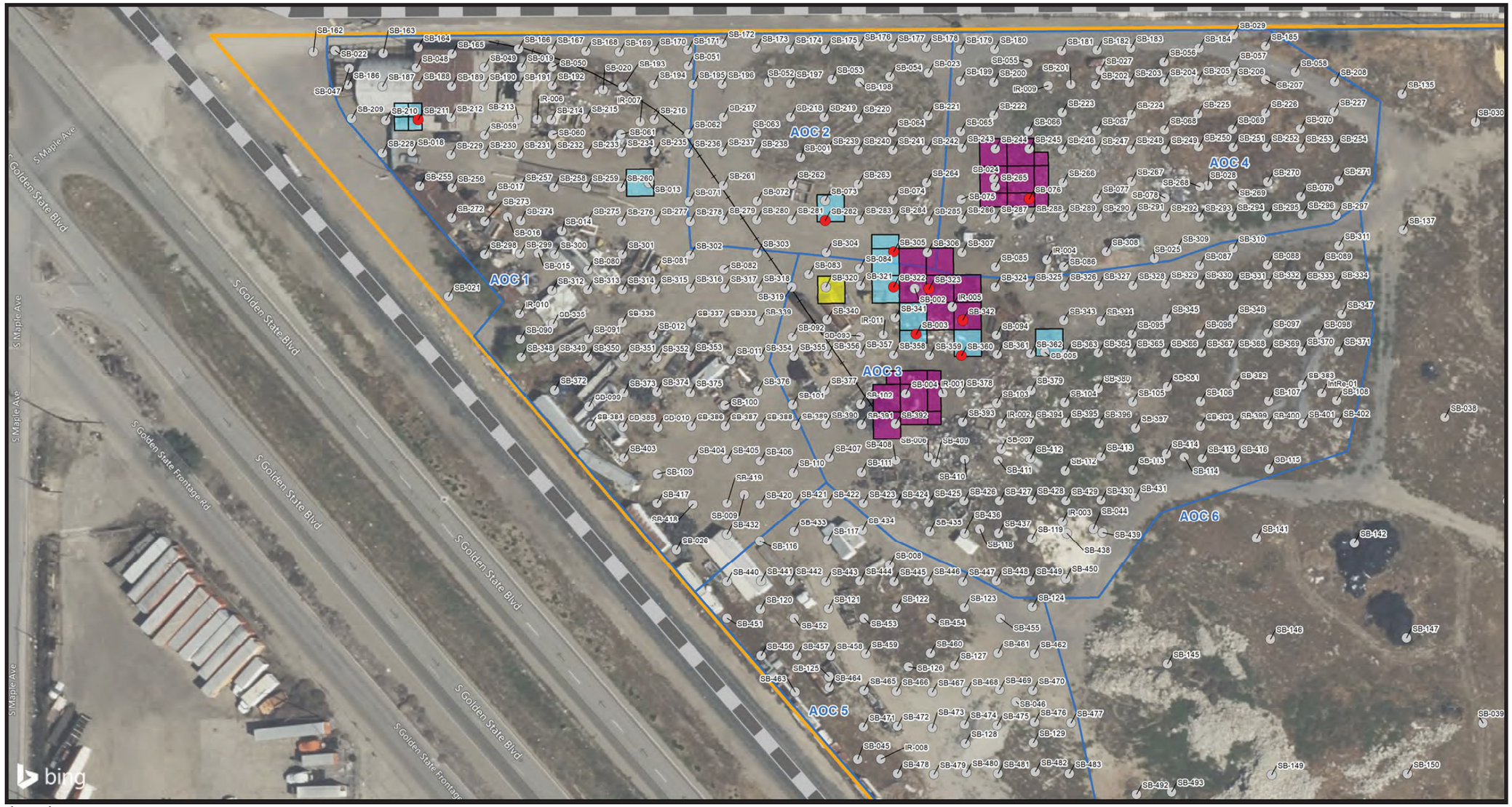
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Figure 3
Proposed Excavation Area 2-4 ft



Legend

- Proposed Excavation Boundary to Address Lead > 95% UCL and In Situ Stabilization Treatment Cell*
- Proposed Excavation Boundary to Address Other COCs > 95% UCL
- No Impacts Observed, Excavation Required at Deeper Depth
- Proposed Excavation Cell
- Approximate Site Boundary
- Area of Concern
- Historical Rail Spur
- Sample Location
- Total PCB concentration >5 mg/kg

Notes:
ft bgs - feet below ground surface
mg/kg - miligrams per kilogram
COC - constituents of concern
PCB - polychlorinated biphenyls
UCL - upper confidence limit
TPH-D - total petroleum hydrocarbons - diesel range
* - Other co-located COCs are contained within this contour as well.

Excavation grids were developed based on removing soils that exceed the following concentrations in order that the 95% UCL concentration meets risk-based goal or is similar to background.

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Lead - 1,000 mg/kg
Total PCBs - 5 mg/kg
TPH-D - 1,219 mg/kg

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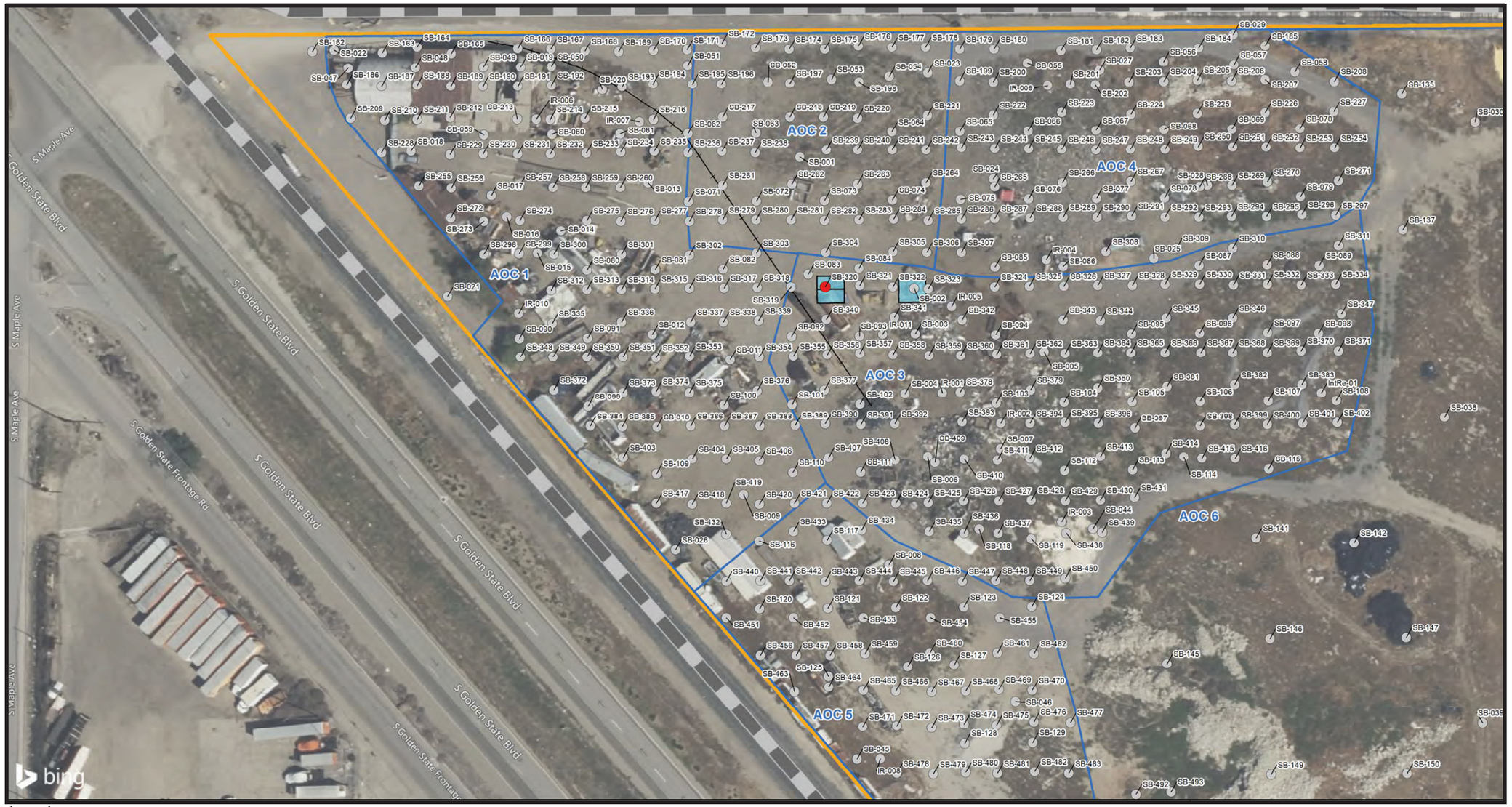
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Figure 4
Proposed Excavation Area 4-6 ft



Legend

- Proposed Excavation Boundary to Address Lead > 95% UCL and In Situ Stabilization Treatment Cell*
- Proposed Excavation Boundary to Address Other COCs > 95% UCL
- No Impacts Observed, Excavation Required
- Proposed Excavation Cell
- Approximate Site Boundary
- Area of Concern
- Historical Rail Spur
- Sample Location
- Total PCB concentration >5 mg/kg

Notes:
ft bgs - feet below ground surface
mg/kg - miligrams per kilogram
COC - constituents of concern
PCB - polychlorinated biphenyls
UCL - upper confidence limit
TPH-D - total petroleum hydrocarbons - diesel range
* - Other co-located COCs are contained within this contour as well.

Excavation grids were developed based on removing soils that exceed the following concentrations in order that the 95% UCL concentration meets risk-based goal or is similar to background.

Arsenic - 10 mg/kg
Lead - 1,000 mg/kg
Total PCBs - 5 mg/kg
TPH-D - 1,219 mg/kg

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0 25 50 100 Feet

Source: Geosyntec Consultants, August 2024.

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Figure 5
Proposed Excavation Area 6-8 ft

Stockpiled soil would be tested and transported via 18 CY dump trucks approximately 60 miles for disposal at the Kettleman Hills Hazardous Waste Facility in Kettleman City. Excavated soils containing lead, arsenic, PCBs, and TPH above remedial action levels based on waste characterization sampling results would be transported to the Kettleman Hills Hazardous Waste Facility for disposal (Table 2-1). Any stockpiled soil containing total PCBs at concentrations less than 50 mg/kg would be disposed of as Resource Conservation and Recovery Act (RCRA) non-hazardous waste, and soils containing total PCBs at concentrations greater than 50 mg/kg would be disposed of as non-RCRA hazardous waste in accordance with the facility's disposal criteria. Soil containing lead at concentrations above 1,000 mg/kg would be disposed of as California hazardous waste. Similarly, soils exhibiting significant visual staining or olfactory indications of contamination would also be stockpiled separately from other soils. Excavated soil stockpiles would be characterized via discrete soil sampling at the appropriate sampling frequency for the relative size of each stockpile. A licensed professional would determine the classification for the waste and oversee and certify the proper execution of this remedy. Based on the concentrations of PCBs in the soil samples collected to date, Geosyntec anticipates that most of the soil will be below the Toxic Substances Control Act disposal limit of 50 mg/kg and thus be legally classified as non-hazardous (Geosyntec 2024). All waste from the site is expected to be disposed of at the Kettleman Hills Hazardous Waste Facility because it accepts both hazardous and non-hazardous wastes.

Table 2-1. Types and Quantities of Waste

Constituent of Concern	Disposal Classification	Estimated Volume (CY)
Non-Impacted Soils	RCRA non-hazardous waste	620
PCBs > 50 mg/kg, other COCs <Remedial Goals	Non-RCRA hazardous waste	30
Non-Treated Soils, COCs < TCLP, PCBs <50 mg/kg	RCRA non-hazardous waste	3,080
Stabilized Soils, COCs < TCLP, PCBs <50 mg/kg	RCRA non-hazardous waste	7,530
Stabilized Soils, COCs < TCLP, PCBs >50 mg/kg	Non-RCRA hazardous waste	90

COC = constituents of concern; CY = cubic yards; PCB = polychlorinated biphenyls; RCRA = Resource Conservation and Recovery Act; TCLP = Toxic Characteristic Leaching Procedure.

2.3.4 Backfilling

Following completion of excavation and offsite disposal activities, and upon determination of onsite sample results below applicable screening levels, excavated areas would be backfilled with clean soil from a DTSC-approved offsite borrow source. Imported fill soil would meet DTSC's Clean Import Fill Advisory criteria, which are intended to minimize the potential of introducing contaminated fill material onto a site through verification of an appropriate fill source and/or analysis of the fill soils for potential contamination (DTSC 2001). The areas would be compacted and graded to conform with the existing site topography.

2.3.5 Land Use Restrictions

As part of the CMP process, a restrictive land use covenant with Fresno County and, potentially, USEPA, to limit the use of the remediated site to commercial purposes would be recorded on the property's deed, subject to DTSC and USEPA's review and approval. The covenant is also expected to

require a DTSC- and USEPA-approved Soil Management Plan (SMP), including notice to DTSC before any future soil disturbance along with DTSC- and USEPA-approved long-term inspection and remedy review obligations for the site. The long-term obligations would include annual inspections and reports, and 5-year reviews, all of which would be submitted to both DTSC and USEPA.

2.4 Project Implementation

2.4.1 Equipment Use, Staging, and Site Access

Equipment and material staging areas generally would be located near the property boundary adjacent to Golden State Boulevard but set back to allow for management of potential hazards. The staging areas would include equipment, EnviroBlend supersacks, sanitary facilities, maintenance and fueling equipment and temporary office trailers. Section 2.4.3, *Best Management Practices*, outlines the best management practices (BMP) that would be implemented to minimize potential air quality and hazards impacts.

The site would be accessed at the northwest corner of the property, via South Golden State Boulevard, along the west side of the parcel. BMPs would be implemented to ensure that the construction site entrance is maintained for safety and cleanliness in compliance with the project air quality management plan (AQMP) and with the requirements of the stormwater pollution prevention plan (SWPPP).

2.4.2 Project Plans

2.4.2.1 Air Quality Management Plan

The project AQMP, prepared in accordance with SJVAPCD Rule 4651 and applicable Rules under Regulation VIII, identifies dust control measures to be implemented during the handling of potentially contaminated soils to minimize the generation of visible airborne dust, offsite migration of fugitive dust, and worker and public exposure to onsite contaminants on dust particles. Rule 4651 applies to any owner or operator conducting earth-moving activities with soil potentially containing toxic air contaminants as defined within the Rule, and outlines permitting, emissions, and monitoring requirements for handling soils that are potentially impacted with volatile organic compounds (VOC) or petroleum compounds during earth-moving activities. The project AQMP has also been modified to incorporate recommendations within the PCB Facility Approval Streamlining Toolbox Tool 4 I.E.7.

2.4.2.2 Stormwater Pollution Prevention Plan

Stormwater discharges from construction sites are regulated by the State Water Resources Control Board (State Water Board) due to the potential for pollutants to be mobilized and discharged to offsite locations, including waterbodies or watersheds. A SWPPP will be prepared for the overall project in advance of mobilization and will comply with the terms of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with

Construction and Land Disturbance Activities (General Permit),[1] which was adopted by the State Water Board on September 8, 2022 and became effective on September 1, 2023 associated with Order WQ 2022-0057-DWQ.

2.4.2.3 Traffic and Transportation Plan

Traffic associated with the project includes worker vehicle trips and truck hauling trips, totaling 8 one-way worker trips per weekday and 32 one-way haul truck trips per weekday over approximately 40 weekdays during the project's 2.5-month duration. The transportation contractor would be required to follow a traffic and transportation plan, including spill response guidelines in compliance with 49 Code of Federal Regulations (CFR) 172.602 and must ensure each driver is equipped with an emergency response guidebook. The onsite dust control supervisor described within the AQMP will observe the impacted soil loading and other related activities and must follow the requirements of the AQMP and associated SJVAPCD Rules. Loading and transporting of soil would be conducted in such a manner that the generation of dust and vapors is minimized, as described in the AQMP and in accordance with SJVAPCD Rule 4651. Excavated soil containing lead, arsenic, PCBs and TPH above remedial action levels would be transported approximately 60 miles south to the Kettleman Hills Hazardous Waste Facility at 35251 Old Skyline Road, Kettleman City, California. The trucks would follow a specific route after exiting the project site, avoiding residential areas. Exiting onto South Golden State Boulevard, the trucks would head north, then turn left onto South Orange Avenue, turn right onto East North Avenue, and take State Highway 41 South to turn right onto Old State Highway, where they would continue onto Skyline Road, turning right into the Kettleman Hills Hazardous Waste Facility. Trips are anticipated to begin following completion of the ongoing State Route (SR) 41 bridge replacement project. In the event that the California Department of Transportation (Caltrans) work on SR 41 continues into the proposed project period, an alternate, potentially longer, route would be used.

2.4.2.4 Waste Management Plan

The waste management plan for the project outlines the management of project site waste, including the analysis, classification, segregation, and stockpiling of waste for offsite disposal options. The waste management plan also identifies the travel route to be followed by vehicular traffic during waste management operations to avoid introducing truck traffic into residential areas near the project site.

2.4.3 Best Management Practices

The following BMPs to avoid or minimize impacts on environmental resources and the public would be implemented as part of the project. These BMPs will also be included in the mitigation monitoring and reporting plan (MMRP) along with the project mitigation measures identified in Chapter 3, *Environmental Checklist*.

An air quality monitoring and emissions mitigation program would be implemented onsite in accordance with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4651 and

[1] https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html

applicable rules under Regulation VIII throughout remediation activities. The AQMP is included in the CMP as Attachment 3 to the Remedial Design and Implementation Plan (RDIP).

BMPs include separation of any highly contaminated soil, dust suppression using water or vapor suppressant, covering with polyethylene, and tarping all soil in haul trucks.

In accordance with Rule 4651, if the observed reading of VOCs in ambient air within the project work zone exceeds 50 parts per million (ppm) during excavation activities, SJVAPCD would be notified, and that soil would be placed in separate onsite storage piles and handled as follows.

During transportation of soil to the Kettleman Hills Hazardous Waste Facility, soil in haul trucks shall be treated with water or a vapor suppressant and covered with a continuous heavy duty plastic sheeting or other covering to prevent spillage of contaminated soil during transport. The speed of vehicles onsite shall be limited to a maximum of 10 miles per hour, and speed limit signs meeting State and Federal standards shall be posted at least every 500 feet and shall be readable in both direction of travel along onsite unpaved access/haul roads. Further, all earthmoving activities that disturb the soil shall be ceased whenever visible dust emissions (VDE) exceeds 20% opacity.

All visible carryout and trackout shall be removed at the end of each workday. Cleanup of carryout and trackout shall be accomplished by either (a) manually sweeping and picking up; or (b) operating a rotary brush or broom accompanied or proceeded by sufficient wetting; or (c) operating a PM10-efficient street sweeper that has a pick-up efficiency of at least 80%.

2.5 Project Schedule

The project would be implemented in five overlapping phases over an approximately 2.5-month-long period in the fall and early winter of 2024–2025 (Table 2-2). These phases include mobilization, *in situ* stabilization of lead contaminated soil, excavation and offsite disposal of contaminated soil, backfilling and grading, and demobilization.

Table 2-2. Project Phasing

Activity	Duration
Mobilization	2 days
In Situ Stabilization of Lead Contaminated Soil	4 weeks overlapping with first 4 weeks of Excavation and Offsite Disposal
Excavation and Offsite Disposal of Contaminated Soil	8 weeks
Backfilling and Grading	4 weeks overlapping with final 3 weeks of Excavation and Offsite Disposal
Demobilization	2 days

2.6 Required Approvals

Implementation of the project requires discretionary actions and approvals from several agencies. These approvals include the following.

- DTSC
  - Approval of the CMP and RDIP.
  - Review of clean fill sources.
  - Final approval of CMP remedial actions.
- Fresno County Department of Public Health
  - Notification of CMP approval by DTSC and USEPA.
  - Permits for destruction of site wells.
- Fresno County Public Works and Planning Department
  - Grading voucher.
- SJVAPCD
  - Notifications associated with Rules 4651 and 8021.
  - Notifications associated with Regulation VIII.
  - Compliance with other SJVAPCD rules, as applicable.
- USEPA
  - Approval of the CMP and RDIP.
  - Approval of TSCA application for self-implementing cleanup of PCBs.
  - Review of clean fill sources.
  - Certificate of Completion upon completion of the CMP remedial actions.

2.7 References

California Department of Toxic Substances Control (DTSC). 2001. *DTSC Information Advisory Clean Imported Fill Material Fact Sheet*. Available: https://dtsc.ca.gov/information-advisory-clean-imported-fill-material-fact-sheet/. Accessed: August 8, 2024.

Fresno County. 2023. *General Plan Background Report*. Available: https://www.fresnocountyca.gov/files/sharedassets/county/v/2/public-works-and-planning/development-services/planning-and-land-use/general-plan/fcgpr-background-report-2023-05-10.pdf. Accessed: April 12, 2024.

———2024. *General Plan Policy Document: General Plan Review and Revision.* Final Draft. February. Available: fcgpr_general-plan_prd-county_01-12_24-clean.pdf (fresnocountyca.gov). Accessed: April 12, 2024.

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———. 2024. *Remedial Design and Implementation Plan, Former Scrap Metals Recycling Facility Site, 3270 South Golden State Boulevard, Fresno, CA*. August.

Chapter 3
Environmental Checklist

3.1 Introduction

This chapter identifies the anticipated environmental impacts that could occur as a result of project implementation and provides mitigation measures that would be implemented to avoid significant impacts. The chapter is organized into separate sections for each resource analyzed, starting with a discussion of resources not likely to be affected and continuing to individual resource discussions for those resources requiring more detailed consideration. Each resource section provides the applicable CEQA Guidelines Appendix G checklist questions with project-specific responses, a description of the environmental setting, identification of potential impacts, and any necessary mitigation measures. Relevant regulatory conditions for each resource area can be found in Appendix A, *Regulatory Setting*.

3.2 Resources Not Likely to Be Affected

The project was determined to have no impact on several resource topics included in the Initial Study Checklist (CEQA Guidelines Appendix G). These resource topics are not discussed in detail in this initial study. Based on preliminary consideration of the characteristics of the project, the project site and surrounding areas, and applicable regulatory requirements, it was determined that there would be no project-related environmental impacts with respect to **aesthetics, agricultural and forestry resources, energy, land use and planning, mineral resources, population and housing, public services, recreation**, or **wildfire**.

The initial study analysis found that there would be no project-related environmental impacts with respect to **aesthetics** because the project site, located in an industrial area, is not considered a scenic vista, and no scenic vistas or designated scenic highways are located within visible proximity to the site (Caltrans 2024; Fresno County 2024a). Further, public views of the site are limited by the presence of shrubs and the site's inaccessibility. Project activities would occur only during daylight hours and would neither require nor introduce any new temporary or permanent source of substantial light or glare.

The analysis found that there would be no project-related environmental impacts with respect to **agricultural and forestry resources** because the site is identified as Urban/Built-Up Land and no Important Farmland (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) or forest land is present within or near the project site. The subject property is zoned M-3 (Heavy Industrial) and no agricultural or forest uses are present within or adjacent to the project site. The project would not convert farmland, forest land, or timberland and the site is not zoned for agricultural or forestry use. The project site is located among industrial development. Because no agricultural or forest uses are present, the project would not involve the conversion of farmland to nonagricultural use or the conversion of forest land to non-forest use.

The analysis found that there would be no project-related environmental impacts with respect to **energy** because the project would implement a CMP, which would consist of general site remediation requiring no use of electricity. Energy use for the project would be temporary and would strictly be limited to construction equipment. Because project site remediation does not

require long-term use of energy outside of construction equipment, the project would not result in environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with state plans for renewable energy or energy efficiency.

No impact was found to be associated with **land use and planning** because the project site, designated in the Fresno County General Plan for General Industrial use (Fresno County 2024a) and zoned Heavy Industrial (M-3) (Fresno County 2024b), is surrounded by industrial uses. The nearest residential uses are approximately 0.27 mile southeast of the project site. Project remediation activities would be consistent with the site's zoning and land use designations and the project would not physically divide an established community because project activities would take place within an existing industrial site.

In addition, the analysis found that there would be no project-related environmental impacts with respect to **mineral resources** because there are no known mineral resources in the project site that would be of value to the region or state, and the site has not been historically used for mineral resources. The site also is not designated for mineral resources recovery per the Fresno County General Plan Background Report (Fresno County 2023). The California Surface Mining and Reclamation Act map Open File Report 99-02 shows the project site outside of an MRZ-2 zone and confirms it is compliant with the Fresno County General Plan Policy S-C.2 (Fresno County 2000; Youngs 1999).

There would be no project-related effects on **population and housing** because the project consists of site remediation in an existing industrial area. The project would excavate and transport an estimated 11,140 CY of soil approximately 60 miles for disposal at the Kettleman Hills Hazardous Waste Facility in Kettleman City. No housing is present within or adjacent to the site. Because of the nature of the project, it would not induce substantial unplanned population growth or displace existing housing and people.

The project would involve general site remediation activities including removal, transport, and appropriate disposal of contaminated soils from an industrial site. Therefore, the project is not anticipated to affect any circulation, pedestrian, public transit, or other types of transportation modes. Because the project would not induce any population growth or result in the need for, or construction of, new or physically altered facilities in order to maintain service ratios or response times, there would be no impact on **public services**.

The analysis also determined there would be no project-related impacts related to **recreation** because the project would implement a CMP which consists of general site remediation, excavation and transport of an estimated 11,140 CY of soil approximately 60 miles for disposal at the Kettleman Hills Hazardous Waste Facility in Kettleman City. The project would not induce population growth and, therefore, would not result in the increased use of existing neighborhood and regional parks or other recreational facilities that would enable physical deterioration of recreational facilities. The project does not include or require construction or expansion of recreational facilities that would have an adverse effect on the environment.

No impacts related to **wildfire** would result from the project, as the project is not located in or near a State Responsibility Area (SRA) or on land classified as a very high fire hazard severity zone (CAL FIRE 2023, 2024).

3.2.1 References

California Department of Forestry and Fire Protection (CAL FIRE). 2023. Fresno County State Responsibility Area Fire Hazard Severity Zones Available: Fire Hazard Severity Zones in State Responsibility Area - Fresno County (azureedge.net). Accessed: April 15, 2024.

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Youngs, L. G. and R. V. Miller. 1999. *Open File Report 99-02. Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, California*. Available: https://www.conservation.ca.gov/cgs/minerals/mineral-land-classification-smara.

3.3 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?				X
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?				X

For a discussion of aesthetics for the project, see Section 3.2, *Resources Not Likely to Be Affected*.

3.4 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
In determining whether impacts on 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 on 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 provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				X
c. Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment that, 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?				X

For a discussion of agricultural and forestry resources for the project, see Section 3.2, *Resources Not Likely to Be Affected*.

3.5 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?			X	
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard?			X	
c. Expose sensitive receptors to substantial pollutant concentrations?			X	
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

3.5.1 Existing Conditions

The proposed project would be located in the San Joaquin Valley, in unincorporated Fresno County. Fresno County is part of the San Joaquin Valley Air Basin (SJVAB), which stretches about 250 miles and comprises the southern half of California's Central Valley. It is bordered by the Sierra Nevada Mountains in the east, the Coast Ranges in the west, and the Tehachapi Mountains in the south. At its northern end is the Sacramento Valley, which makes up the northern half of the Central Valley (SJVAPCD 2015).

The overall climate in the SJVAB is warm and semi-arid. The San Joaquin Valley is in a Mediterranean Climate Zone, characterized by sparse rainfall, which occurs mainly from October through April, during which time the SJVAB receives 90% of annual precipitation. Snow and thunderstorms are infrequent. Summers are hot and dry, with maximum temperatures often exceeding 100 degrees Fahrenheit. During the summer, wind usually originates at the north end of the valley and flows in a south-southeasterly direction through the valley and the Tehachapi Pass, into the Mojave Desert. During the winter months, the San Joaquin Valley experiences light and variable winds that are less than 10 miles per hour (SJVAPCD 2015).

Air temperature in the lowest layer of the atmosphere typically decreases with altitude. However, meteorological factors can occasionally create conditions for the temperature to increase with altitude. The height at which the temperature stops decreasing with altitude and starts increasing is called inversion height. Pollutants mix vertically up to the inversion height, above which vertical dispersion is inhibited. Therefore, a temperature inversion causes the air pollutants to be trapped below the inversion height, resulting in higher ambient pollutant concentrations. Wintertime

inversion events in the valley can often last many weeks and can be very strong, with inversion heights of only a few hundred feet (SJVAPCD 2015).

Concentrations of ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), lead (Pb), and particulate matter (PM) of 10 microns in diameter and smaller (PM10) and 2.5 microns in diameter and smaller(PM2.5) are commonly used as indicators of ambient air quality conditions. In addition to these criteria pollutants, other pollutants of concern in the project area are nitrogen oxides (NO_X) and reactive organic gases (ROG), which are precursors to ozone, and toxic air contaminants (TAC), which can cause cancer and other human health effects.

Local monitoring data is used to designate areas as nonattainment, maintenance, attainment, or unclassified for the national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS). These designations are defined as follows: (1) *nonattainment*—assigned to areas where monitored pollutant concentrations consistently violate the standard in question, (2) *maintenance*—assigned to areas where monitored pollutant concentrations exceeded the standard in question in the past but are no longer in violation of that standard, (3) *attainment*—assigned to areas where pollutant concentrations meet the standard in question over a designated period, and (4) *unclassified*—assigned to areas where data are insufficient to determine whether a pollutant is violating the standard in question. Table 3.5-1. summarizes the attainment status of Fresno County with regard to the NAAQS and CAAQS.

Table 3.5-1. Federal and State Attainment Status of Fresno County

Pollutant	Federal Attainment Status (NAAQS)	State Attainment Status (CAAQS)
Ozone	Nonattainment (extreme)	Nonattainment
PM2.5	Nonattainment (serious)	Nonattainment
PM10	Maintenance (serious)	Nonattainment
CO	Attainment	Attainment
NO_2	Attainment	Attainment
Pb	Attainment	Attainment
SO_2	Attainment	Attainment

Sources: CARB 2024; USEPA 2023.

CAAQS = California ambient air quality standards; CO = carbon monoxide; NAAQS = national ambient air quality standards; NO2 = nitrogen dioxide; Pb = lead; PM2.5 = particulate matter 2.5 microns or less in diameter; PM10 = particulate matter 10 microns or less in diameter; SO2 = sulfur dioxide.

3.5.2 Environmental Effects

a. Conflict with or obstruct implementation of the applicable air quality plan?

A project is deemed inconsistent with air quality plans if it would result in population and/or employment growth that exceeds estimates used to develop applicable air quality plans. Projects that propose development consistent with the growth anticipated by the relevant land use plans would be consistent with the current air quality plans. The purpose of the project is to conduct soil remediation on a 6.5-acre portion of the larger 19-acre parcel. Therefore, the project would not directly induce long-term growth or development that would conflict with general plan growth forecasts because no permanent buildings or facilities would be constructed where people would live or work. The project would comply with all applicable SJVAPCD rules and regulations. In addition, as shown under checklist

question b, project activities would not exceed any analysis threshold, which were established to prevent emission sources from creating new violations or contributing to existing violations of the CAAQS or NAAQS. Impacts would be less than significant.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard?

The project has the potential to create short-term regional air quality impacts through use of heavy-duty construction equipment, worker vehicle trips, and truck hauling trips. In addition, fugitive emissions would result from site grading and earthmoving. Criteria pollutants generated by these sources were quantified using CalEEMod version 2022. The emissions modeling reflects a specific set of conservative assumptions based on the best available information currently known for the total amount, duration, and intensity of activity.

Modeling outputs and detailed assumptions are included in Appendix C, *Air Quality and Greenhouse Gas Emissions Modeling*. As shown in Table 3.5-2, project emissions would not exceed San Joaquin Valley Air Pollution Control District's (SJVAPCD) daily screening criteria or annual thresholds. SJVAPCD's annual thresholds were established to prevent emissions from new projects in the SJVAB from contributing to violations of the CAAQS or NAAQS. Because project emissions would not exceed SJVAPCD's annual thresholds, the project would not contribute to regional pollution in the SJVAB. Since emissions are also below the daily screening criteria, the project would not require an ambient air quality analysis to confirm that the NAAQS or CAAQS would not be violated. Impacts would be less than significant.

Table 3.5-2. Estimated Criteria Pollutant Emissions from the Project

				PM10			PM2.5			
Year	**ROG**	**NOx**	**CO**	**Exhaust**	**Dust [b]**	**Total [c]**	**Exhaust**	**Dust [b]**	**Total [c]**	**SO2**
Maximum Daily Emissions (lbs/day) [a]										
2024	1	16	32	<1	9	9	<1	4	4	<1
Screening Criteria	100	100	100	-	-	100	-	-	100	100
Exceed Criteria?	No	No	No	-	-	No	-	-	No	No
Annual Emissions (tons/year)										
2024	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Threshold	10	10	100			15			15	27
Exceed Threshold?	No	No	No			No			No	No

CO = carbon monoxide; ROG = reactive organic gases; lbs = pounds; NOX = nitrogen oxides; PM10 = particulate matter that is 10 microns in diameter and smaller; PM2.5 = particulate matter that is 2.5 microns in diameter and smaller; SO2 = sulfur dioxide.

[a] The emissions intensity of vehicles can differ in summer and winter. CalEEMod generates summer- and winter-period emissions in which summer emissions factors are used for activities occurring between April and September, and winter emissions factors are used for activities occurring between October and March. Where applicable for project phases occurring in winter and summer, the higher of the two estimates are provided. The reported value for each year represents the highest emissions that would be generated on any one day during the year.

[b] Modeling accounts for compliance with SJVAPCD Regulation VIII.

[c] Total PM10 and PM2.5 emissions consist of exhaust and fugitive dust emissions. Annual and daily values for exhaust and dust may not add to the totals in the total column because of rounding.

[d] In developing the annual thresholds, SJVAPCD considered levels at which project emissions are cumulatively considerable. Consequently, exceedances of the project-level annual thresholds would be cumulatively considerable.

The 100-pound-per-day threshold is a screening criterion to help determine whether increased emissions from a project would cause or contribute to a violation of CAAQS or NAAQS.

c. Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors include residences, medical facilities, nursing homes, schools and schoolyards, daycare centers, and parks and playgrounds. There are no sensitive receptors within 1,000 feet of the project site.

With respect to regional criteria pollutants, recognizing that air quality is a cumulative problem, projects that generate PM and ozone precursor emissions that are below such thresholds would not adversely affect air quality or exceed the health protective NAAQS or CAAQS. As discussed above in checklist question b, project activities would not generate ozone precursors (ROGs and NO_X) or PM emissions above the analysis thresholds. As such, the project would not be expected to contribute a significant level of regional air pollution that would degrade regional air quality.

Diesel particulate matter (DPM) is a TAC generated by diesel-fueled equipment and vehicles. Exposure to DPM can increase the risk of developing some cancers. While the project would involve the use of diesel equipment and emit DPM, diesel combustion would be limited to equipment and vehicle use during the short remediation period. This duration is substantially lower than the 30-year exposure period typically associated with chronic cancer health risks (OEHHA 2015).

Exposure to fugitive dust at certain concentrations can irritate the respiratory system, especially for people who are naturally sensitive or susceptible to breathing problems. The primary sources of localized fugitive dust under the project are earthmoving and vehicle travel over unpaved surfaces. These emissions would be controlled through adherence to the CMP's AQMP, which ensures project compliance with SJVAPCD Regulation VIII. As shown in Table 3.5-2, the project would not generate fugitive dust emissions above the analysis thresholds. Accordingly, the project would not expose sensitive receptors to substantial fugitive dust concentrations.

Project activities are not expected to expose sensitive receptors to substantial DPM or fugitive dust concentrations because (1) the project is temporary and would only occur for approximately 2.5 months; (2) project activities would not occur within 1,000 feet of sensitive receptors; (3) the concentration of DPM decreases dramatically as a function of distance from the source (CARB 2005:9); (4) localized pollutant concentrations decline as a function of distance from the emission source thus project dust emissions would be substantially reduced at the nearest receptor location; and (5) BMPs would be used to reduce fugitive dust and equipment emissions. Accordingly, the project would not expose sensitive receptors to substantial DPM or fugitive dust concentrations. Impacts would be less than significant.

Valley Fever is another concern for projects located in the Central Valley because, based on Valley Fever incidence rates from the California Department of Public Health for 2021, over 50% of Valley Fever cases have been in people who live in the SJVAB (DPH 2023). However, the presence of *C. immitis* in the SJVAB does not guarantee that earthmoving activities would result in increased incidence of Valley Fever. Propagation of *C. immitis* is dependent on climatic conditions, with the potential for growth and surface exposure highest following early seasonal rains and long dry spells. *C. immitis* spores can be released when filaments are disturbed by earthmoving activities, although receptors must be exposed to and inhale the spores to be at increased risk of developing Valley Fever. Moreover, exposure to *C. immitis* does not guarantee that an individual will become ill—approximately 60% of people exposed to the fungal spores are asymptomatic and show no signs of an infection (USGS 2000). Dust control measures are the primary defense against Valley Fever

infection (USGS 2000). Fugitive dust controls required by compliance with SJVAPCD Regulation VIII would avoid dusty conditions and reduce the risk of contracting Valley Fever through routine watering and other controls. Therefore, the impact of exposure of sensitive receptors to increased Valley Fever risk from the project would be less than significant.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The generation and severity of odors is dependent on several factors, including the nature, frequency, and intensity of the source; wind direction; and the location of the receptor(s). Potential sources of odor during project activities include diesel exhaust from equipment and vehicles. Odors from these sources would be localized and generally confined to the immediate area surrounding the project site as they would only occur during active equipment and vehicle use. As stated previously, no sensitive receptors exist within 1,000 feet of the project site. Implementation of the project is, therefore, not likely to result in nuisance odors that would violate SJVAPCD's odor compliant thresholds. This impact would be less than significant.

3.5.3 References

California Air Resources Board (CARB). 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. Available: https://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf. Accessed: April 15, 2024.

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U.S. Environmental Protection Agency (USEPA). 2023. *Nonattainment Areas for Criteria Pollutants (Green Book)*. Last Revised: December 31, 2023. Available: https://www.epa.gov/green-book. Accessed: April 3, 2024.

U.S. Geological Survey (USGS). 2000. *Operational Guidelines (version 1.0) for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever)*. Available: https://pubs.usgs.gov/of/2000/0348/pdf/of00-348.pdf. Accessed: April 15, 2024.

3.6 Biological Resources

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?		X		
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
c.	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?				X
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?			X	
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
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?				X

3.6.1 Methodology

Biologists reviewed existing information and conducted pre-field and field surveys to gather information to prepare the biological resources effects analysis and support the impact conclusions.

3.6.1.1 Review of Existing Information

Prior to conducting a site visit, existing resources were reviewed to identify special-status species and other sensitive biological resources potentially occurring at, and in the vicinity of, the project site.

- The California Natural Diversity Database (CNDDB) list of plant and wildlife species documented in a 5-mile radius from the project site (CDFW 2024a).
- California Native Plant Society's (CNPS's) online Inventory of Rare and Endangered Plants of California records search of the Malaga USGS 7.5-minute quadrangles (CNPS 2024).
- The USFWS Information for Planning and Consultation (IPaC) search, generating a list of species that may occur in the vicinity of the project (USFW 2024a).
- The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory database (USFWS 2024c).
- Google Earth Imagery (Google Earth Pro 2024).

The CNDDB, CNPS, and USFWS lists can be found in Appendix B, *Species Lists*.

3.6.1.2 Field Survey

ICF biologists conducted a biological site assessment on April 11, 2024, to survey sensitive natural communities, special-status plant and wildlife habitat, and other biological resources. Biologists walked the entirety of the fence line and conducted meandering transects throughout the 19-acre biological study area, which includes the 6.5-acre project site, ensuring 100% visual coverage was achieved.

3.6.2 Existing Conditions

3.6.2.1 Land Cover Types

Ruderal annual grassland is the dominant land cover type in the biological study area, with disturbed and developed areas interspersed in the grassland. The ruderal areas are dominated by nonnative annual grasses and exposed soils. Dominate species include yellow star thistle (*Centaurea solstitialis*), common tarweed (*Madia elegans*), and species of brome (*Bromus spp.*). The project area is free of trees and woody shrubs and does not contain any buildings. Wildlife observations consisted of mourning dove (*Zenaida macroura*), unidentified sparrow species, red-tailed hawk (*Buto jamaicensis*), American crow (*Corvus brachyrhynchosI*), northern mockingbird (*Mimus polyglottosI*), killdeer (*Charadrius vociferus*), California ground squirrel (*Otospermophilus beecheyi*), and signs of brush rabbit (*Sylvilagus bachmani*). The majority of the wildlife observations made during the site assessment occurred in the eastern half of the property, outside of the 6.5-acre project area. The biological study area provides potential habitat for special-status species including San Joaquin kit fox (*Vulpes macrotis*) and western burrowing owl (*Athene cunicularia*), and limited potential foraging habitat for raptor species including Swainson's hawk (*Buteo swainsoni*).

The biological study area is bordered by an 8-foot-tall chain link fence, topped with rolled barbed wire. The fence primarily sits flush with the ground; however, some panels contain gaps of up to 6 inches that can facilitate wildlife movement. The biological study area is surrounded by commercial

buildings and yards, undeveloped vacant lots, and flood control basins. There are numerous trees and power poles suitable for nesting birds and raptors surrounding the biological study area. No nests or nest building activity was observed during the site assessment.

3.6.2.2 Special-Status Species

Special-status species are plants and animals that are legally protected or otherwise regulated or tracked by federal, state, or local resource agencies and species considered sufficiently rare by the scientific community to qualify for such listing. For the purposes of this document, special-status wildlife species fall into one or more of the categories noted in Table 3.6-1.

Based on CNDDB (CDFW 2024a) records and the CNPS inventory search (CNPS 2024), three special-status plant species were identified as having potential to occur in the vicinity of the biological study area: California jewelflower (*Caulanthus californicus*), California satintail (*Imperata brevifolia*), and Madera leptosiphon (*Leptosiphon serrulatus*). There were no special-status plants included on the USFWS (2024a) species list for the biological study area. The project area does not contain suitable habitat for any of these three species and is located outside of the mapped ranges for California satintail. A biological site assessment was conducted in the biological study area (as described in Section 3.6.1.2 *Field Survey*) during the reported blooming periods for all of the special-status plant species and none were observed. Therefore, it is assumed that no special-status plants are present in the project area.

Based on the USFWS (2024a) species list and the CNDDB (CDFW 2024a) records search, 16 special-status wildlife species were identified as having potential to occur in the vicinity of the biological study area. Of the 16 wildlife species identified, one has a moderate or high potential to occur in the project area given their known range and presence of suitable habitat. The remaining 15 special-status wildlife species have low to no potential to occur in the project area and are not discussed further. One additional special-status species, burrowing owl (*Athene cunicularia*), was not on the CNDDB list but suitable habitat was observed during the biological site assessment, and it was therefore included as having the potential to occur in the project area. All special-status wildlife species that were considered are listed in Table 3.6-1, which identifies their regulatory status, distribution, habitat requirements, and a rationale for their potential to occur in the project area. Discussions of the two special-status wildlife species that have a moderate to high potential to occur in the project area follow.

Table 3.6-1. Special-Status Wildlife with Potential to Occur in the Vicinity of the Project Area

Common and Scientific Names	Legal Status (Federal/ State/ Other)[a]	Distribution and Habitat Requirements	Potential for Occurrence in the Project Area
Amphibians			
California tiger salamander *Ambystoma californiense*	FT/ST/SSC	Occurs in the Central Valley, including Sierra Nevada foothills, up to approximately 1,000 feet, and coastal region from Butte County south to northeastern San Luis Obispo County. Found in grassland and oak woodland with seasonal ponds and/or pools for breeding; small mammal burrows in vicinity of breeding sites for underground retreats during the dry season.	None. No suitable habitat is located withing the project area. One historic CNDDB occurrence from 1936 occurs within 5 miles of the project area.
Western spadefoot *Spea hammondii*	PT/–/SSC	Species is found throughout the Central Valley and coastal lowlands from Shasta County in Northern California to Baja California in Mexico, at elevations ranging from sea level to 4,500 feet. In winter, breeds in vernal pools and seasonal wetlands with a minimum 3-week inundation period. In summer, aestivates in grassland habitat, in soil crevices, and rodent burrows.	Low. No suitable breeding habitat occurs in the project area; however, potential upland habitat occurs in the portion of the project area that borders the irrigation canal to the east. No CNDDB occurrences within 5 miles of the project area.
Invertebrates			
Crotch bumble bee *Bombus crotchii*	–/CE/–	Occurs throughout the Pacific Coast, Western Desert, and adjacent foothills throughout most of the state's southwestern region. Found in open grassland and scrub. Nests underground in abandoned rodent burrows. Colonies are annual and only the newly mated queens overwinter. The queens emerge from hibernation in early spring to search for nest sites. Host plant food includes milkweed (Asclepias sp.), pincushion (Chaenactis sp.), lupine (Lupinus sp.), bur clover (Medicago sp.), phacelia (Phacelia sp.), and sage (Salvia sp.).	Low. No suitable habitat is present in the project area. One historical CNDDB occurrence is within 5 miles of the project area.

Common and Scientific Names	Legal Status (Federal/ State/ Other)[a]	Distribution and Habitat Requirements	Potential for Occurrence in the Project Area
Monarch butterfly *Danaus plexippus*	CE/–/–	Adults breed and migrate throughout California and overwinter along the California coast and in central Mexico. Open habitats including fields, meadows, weedy areas, marshes, and roadsides. Monarch butterflies roost in wind-protected tree groves (such as eucalyptus) with nectar and water sources nearby. Breeding habitat (caterpillar host plants) are native milkweeds.	Low. No suitable breeding habitat occurs in the project area; however, adults may migrate through the area. No CNDDB occurrences within 5 miles of the project area.
Vernal pool fairy shrimp *Branchinecta lynchi*	FT/–/–	Endemic to the Central Valley, Central Coast Mountains, and South Coast Mountains of California. It ranges from the Vina Plains in Tehama County, through the Central Valley, and south along the Central Coast to northern Santa Barbara County. Occurs in grasslands of the Central Valley, central coast mountains, and south coast mountains. Inhabits the ephemeral water of swales and vernal pools. It is most commonly found in grassed or mud bottomed swales, earth sump, or basalt flow depression pools in unplowed grasslands.	None. No suitable habitat is present in the project area. No CNDDB occurrences within 5 miles of the project area.
Reptiles			
Blue-nosed Leopard Lizard *Gambelia silus*	FE/–/–	Western Merced County south to Kern County, and into western Tulare County; isolated population in western Madera County, and populations in Carrizo Plain and Cuyama Valley. Typically inhabits open, sparsely vegetated areas of low relief on the San Joaquin Valley floor and in the surrounding foothills; found in annual grasslands and valley sink scrub; requires small mammal burrows for shelter from predators and temperature extremes.	Low. Small patches of marginal habitat occur in the project area, however, these patches are highly disturbed and not large enough to support this species. There are no CNDDB occurrences within 5 miles of the project area.
Coast horned Lizard *Phrynosoma blainvillii*	–/–/SSC	Sacramento Valley, including foothills, south to southern California; Coast Ranges south of Sonoma County; below 4,000 feet in northern California. Occurs in grasslands, brushlands, woodlands, and open coniferous forest with sandy or loose soil; requires abundant ant colonies for foraging.	Low. The site is highly disturbed and contains hardpack soil. There is one historical CNDDB occurrence within 5 miles of the project area.

Common and Scientific Names	Legal Status (Federal/ State/ Other)[a]	Distribution and Habitat Requirements	Potential for Occurrence in the Project Area
Northern California Legless Lizard *Anniella pulchra*	–/–/SSC	Occurs from Contra Costa County south to Baja California, at elevations from sea level to 5,900 feet. Found in habitats with loose soil for burrowing or thick duff or leaf litter; often forages in leaf litter at plant bases; may be found on beaches, sandy washes, and in woodland, chaparral, and riparian areas.	Low. Marginal suitable habitat is present in the project area; however, soils are hardpack. There is one historical CNDDB occurrence within 5 miles of the project area.
California Glossy Snake *Arizona elegans occidentalis*	–/–/SSC	Occurs from Contra Costa County south to San Quintin, Baja California, including the central San Joaquin Valley and along the base of the Southern Coastal Range, at elevations ranging from sea level to 5,900 feet. Found in grasslands, coastal sage scrub, and chaparral in areas where soil is loose.	Low. Marginal suitable habitat is present in the project area; however, soils are hardpack. There is one historical CNDDB occurrence within 5 miles of the project area.
Northwestern Pond Turtle *Actinemys marmorata*	PT/–/SSC	California range includes Oregon border of Del Norte and Siskiyou Counties south along the coast to San Francisco Bay, inland through the Sacramento Valley, and on the western slope of Sierra Nevada. Occurs in ponds, marshes, rivers, streams, and irrigation canals with muddy or rocky bottoms and aquatic vegetation in woodland, grassland, and open forest.	Low. No aquatic habitat occurs in the project area; however, potential upland habitat is present. No CNDDB occurrences within 5 miles of the project area.
Birds			
Burrowing owl *Athene cunicularia*	–/–/SSC	Central and southern coastal habitats, Central Valley, Great Basin, and deserts. Formerly common in appropriate habitat throughout the state, excluding humid northwest coastal forests and high mountains. Present on larger offshore islands. Occurs in open annual grasslands or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Dependent upon burrowing mammals (especially California ground squirrel) for burrows. Various burrow surrogates, such as culverts, pipes, rock piles, and artificially constructed burrows are also used.	Moderate. Potential burrow and foraging habitats occur within the project area, although no individuals were observed and no CNDDB occurrences are within 5 miles of the project area.

Common and Scientific Names	Legal Status (Federal/ State/ Other)[a]	Distribution and Habitat Requirements	Potential for Occurrence in the Project Area
Swainson's hawk *Buteo swainsoni*	–/ST/–	Lower Sacramento and San Joaquin Valleys, the Klamath Basin, Northeastern plateau, Lassen County, and Mojave Desert. Nests peripherally to valley riparian systems in lone trees or groves of trees in agricultural fields. Valley oak, Fremont cottonwood, walnut, and large willow trees, ranging in height from 41 to 82 feet, are the most commonly used nest trees in the Central Valley.	Low. No potential nesting or foraging habitat is present in the project area, however, there are marginal potential nesting locations within a quarter mile of the project area. There are two CNDDB occurrences within 5 miles of the project area.
Western Yellow-billed Cuckoo *Coccyzus americanus occidentalis*	FT/–/–	Uncommon to rare summer resident in scattered locations throughout California. Breeding population along Colorado river, Sacramento and Owen Valley, along South Fork of Kern River, Santa Ana River and Amargosa River. May be present along San Luis Rey River. Occurs in deciduous riparian thickets or forests with dense, low-level or understory foliage, and which abut on slow-moving watercourses, backwaters, or seeps. Willow almost always a dominant component of the vegetation. In Sacramento Valley, also utilizes adjacent orchards, especially walnut orchards. Nests in sites with some willows, dense low-level or understory foliage, high humidity, and wooded foraging spaces.	None. No suitable habitat is located within the project area. There are also no CNDDB occurrences within 5 miles of the project area.
Mammals			
Fresno kangaroo Rat *Dipodomys nitratoides exilis*	FE/SE/–	Merced County south to northern Kings County. Elevated grassy patches on alkali plains or in grass terrain with scattered alkali patches on the flat valley floor of the San Joaquin Valley; found in areas with friable soils.	Low. Marginal potential habitat occurs in the project area; however, the site is highly disturbed and contains hardpack soils. There are no CNDDB occurrences within 5 miles of the project area.
San Joaquin Kit Fox *Vulpes macrotis mutica*	FE/ST/–	Principally occurs in the San Joaquin Valley and adjacent open foothills to the west; recent records from 17 counties extending from Kern County north to Contra Costa County. Saltbush scrub, grassland, oak, savanna, and freshwater scrub, with friable soils. San Joaquin kit foxes may construct their own dens, modify the burrow of other animals, or use manmade structures such as culverts and pipes.	Moderate. Existing burrows in short grass provide potential habitat within the project area. There are no CNDDB occurrences within 5 miles of the project area.

Common and Scientific Names	Legal Status (Federal/ State/ Other)[a]	Distribution and Habitat Requirements	Potential for Occurrence in the Project Area
Western Mastiff Bat *Eumops perotis californicus*	–/–/SSC	Year-round range spans most of California, with records absent from the northwest and northeast portions of the state. Typically roosts in crevices in cliffs and rocky outcrops, in colonies of fewer than 100 individuals; may also roost in bridges, caves and buildings that allow sufficient height and clearance for dropping into flight; there is at least one record of this species roosting in an untrimmed palm tree; forages in a variety of grassland, shrub, and wooded habitats, including riparian and urban areas, although most commonly in open, arid lands.	Low. No roost habitat occurs within the project area; however, adults may forage in the open grassland and along the adjacent irrigation canal. Two CNDDB occurrences within 5 miles of the project area.
Pallid Bat *Antrozous pallidus*	–/–/SSC	Low elevations throughout California. Occurs in a variety of habitats from desert to coniferous forest; most closely associated with oak, yellow pine, redwood, and giant sequoia habitats in northern California; prefers rocky outcrops, cliffs, and crevices with access to open habitats for foraging; uses caves, crevices, mines, and hollow trees for roosting.	Low. No roost habitat occurs within the project area; however, adults may forage in the open grassland and along the adjacent irrigation canal. One CNDDB occurrence within 5 miles of the project area.

[a] Status codes:

Federal

FE = Federally listed as Endangered under federal Endangered Species Act (ESA)
FT = Federally listed as Threatened under ESA
FC = Federal candidate for listing under ESA
SC = Federally listed as a Species of Concern

State

SE = State listed as Endangered under California Endangered Species Act (CESA)
ST = State listed as Threatened under CESA
SCE = State candidate for listing as Endangered under CESA

Other

SSC = California Species of Special Concern

Burrowing Owl

Burrowing owl is a California Species of Special Concern and a USFWS Bird of Conservation Concern (CDFW 2024b:72). They use open, well-drained grasslands, agricultural and range lands, and desert habitats often associated with burrowing animals. They also occupy golf courses, airports, road and levee embankments, and other disturbed sites where there is sufficient friable soil for burrows (Wilkerson and Siegel 2010:29; Gervais et al. 2008:221–222; Poulin et al. 2020). Burrowing owls typically use the burrows created by other species, particularly the California ground squirrel (*Otospermophilus beecheyi*), therefore, presence of these species is usually a key indicator of potential occurrence of owls (Poulin et al. 2020). In central California, most reported nest sites occur in abandoned ground squirrel burrows. Other mammal burrows and various burrow surrogates, such as culverts, pipes, rock piles, and artificially constructed burrows are also used (Rosenberg et al. 1998:14). Burrowing owls favor areas with short, sparse vegetation to facilitate detection of predators and hunting (Coulombe 1971:163; Zarn 1974:14; Plumpton and Lutz 1993:177–178). Typical habitats are treeless, with minimal shrub cover and woody plant encroachment, and have low vertical density of vegetation and low foliage height diversity (Plumpton and Lutz 1993a:176–178; Poulin et al. 2020).

Burrowing owls are tolerant of human-altered open spaces, such as areas surrounding airports, golf courses, and military lands where burrows may be readily adopted (Thomsen 1971:177; Gervais et al. 2008:221; Rosenberg et al. 2009:7). They may use burrows in open areas adjacent to unimproved and improved roads (Brenckle 1936:167; Gervais et al. 2008:221; Wilkerson and Siegel 2010:29). Burrowing owls forage in open grasslands, pastures, agricultural fields and field edges, fallow fields, and along the edges of roads and levees. Low vegetation aids in maximizing visibility and access. Short perches such as fence posts are often used to enhance visibility (Poulin et al. 2020).

The breeding season (defined as starting at pair bonding and lasting to fledging) generally occurs from February to August, with peak activity occurring from April through July (CDFG 2012:20; Poulin et al. 2020).

The biological study area provides potential burrow and foraging habitat for burrowing owl. Burrows created by California ground squirrel occur in areas with short vegetation. However, no signs of active owl burrows were observed during the site assessment on April 11, 2024, and there are no CNDDB occurrences within 5 miles of the project area (CDFW 2024c). Although no sign of burrowing owl activity was observed during the site assessment, there is a moderate potential for burrowing owl to occur within the 6.5-acre project area based on the presence of potential habitat and the project area occurring within the range of this species.

San Joaquin Kit Fox

San Joaquin kit fox is a federally endangered and a state-listed threatened species (CDFW 2024b:29). The species historically occurred in alkali scrub/shrub and arid grasslands throughout the level terrain of the San Joaquin Valley floor from southern Kern County north to Tracy in San Joaquin County, and up into more gradual slopes of the surrounding foothills and adjoining valleys of the interior Coast Ranges. Kit foxes typically den in relatively flat terrain or in gently sloping hills, washes, drainages, and roadside berms. Occupied habitats are usually associated with loose-textured soils, which facilitate den construction. Shallow soils with close proximity to bedrock, soils with high water tables, and impenetrable hardpan layers are generally avoided. Kit foxes will also

modify burrows dug by other animals, such as California ground squirrel (USFWS 2010). San Joaquin kit foxes may also use manmade structures such as culverts and pipes as burrow surrogates (USFWS 2020)

San Joaquin kit fox is primarily nocturnal and its prey consists primarily of nocturnal species such as kangaroo rats (*Dipodomys* spp.), pocket mice (*Perognathus* spp.), and white-footed mice (*Peromyscus* spp.) (USFW 2010). In natural areas, kit fox density and population stability are highest in areas with abundant kangaroo rats (USFWS 2010). In the northern portions of its range, San Joaquin kit fox consumes California ground squirrels, rabbits (*Sylvilagus* spp.), hares (*Lepus* spp.), and insects (USFWS 1998, 2010).

The project area provides potential denning habitat for San Joaquin kit fox. Existing burrows created by California ground squirrel in areas of short vegetation provide potential habitat within the project area. However, no active burrows or other sign of kit fox were observed during the site assessment on April 11, 2024, and there are no CNDDB occurrences within 5 miles of the project area (CDFW 2024c). Although no sign of kit fox activity was observed during the site assessment, there is a moderate potential for the species to occur within the project area due to the presence of potential habitat and the project area occurring within its range.

Migratory Birds and Raptors

In addition to special-status species, non–special-status migratory birds and raptors that may be present in or adjacent to the project area and that are protected by Fish & Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act were collectively included as part of the analysis. The typical breeding season for most birds is February 15 through August 31.

3.6.3 Environmental Effects

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?

No special-status plants were observed during the biological site assessment, and the project area is highly disturbed. Therefore, no potential impact on special-status plants is anticipated due to the project.

The biological study area contains numerous California ground squirrel burrow systems, which provide suitable habitat for San Joaquin kit fox and burrowing owl. These burrows occur in the eastern portion of the property, outside of the proposed excavation footprint, and would not be directly affected by the project. No signs (scat, tracks, visual observations) of San Joaquin kit fox or burrowing owl were observed during the site visit, and there are no documented CNDDB occurrences of either species within 5 miles of the project area (CDFW 2024a). However, given the presence of suitable burrow and grassland habitat in the biological study area, artificial burrow substrate in the project area, and the location of the project area within the range of both San Joaquin kit fox and burrowing owl, the project has the potential to directly affect these species through potential injury or mortality from construction-related machinery if they are present in or adjacent to the project site. Indirect effects could also occur from noise or visual disturbance. To avoid and minimize potential injury or mortality of San Joaquin kit fox and burrowing owl,

Mitigation Measures BIO-1, *Conduct Worker Environmental Awareness Training and Implement General Requirements*, BIO-2, *Avoid and Minimize Potential Impacts on San Joaquin Kit Fox,* and BIO-3, *Avoid and Minimize Potential Impacts on Burrowing Owl* would be implemented. With these mitigation measures, potential impacts on San Joaquin kit fox and burrowing owl would be less than significant.

The project is scheduled to be implemented during the fall and early winter, concluding in January 2025 (Section 2.5, *Project Schedule*), which is outside of the typical nesting bird season (February 15 through August 31). Therefore, the project is unlikely to affect nesting birds. However, if there is a change in the project schedule, ground-nesting birds such as killdeer (*Charadrius vociferus*) could be affected by project activities if active nests are present within or adjacent to the remediation area. Remediation activities could result in destruction of nests, which could cause injury or mortality of eggs or nestlings. Additionally, a project has the potential to affect nesting birds if nests occur on nearby power poles, trees, and other structures (buildings, bridges, etc.). None of these features are located within the proposed project area and direct impacts are not expected due to removal of nesting habitat. However, remediation project-related noise or visual disturbances could disrupt nesting activity of various passerines and raptors, including Swainson's hawk (*Buto swainsoni*) and red-tailed hawk. To avoid and minimize potential injury, mortality, or disturbance of nesting special-status and non-special status birds, Mitigation Measures BIO-1, *Conduct Worker Environmental Awareness Training and Implement General Requirements* and BIO-4, *Conduct Preconstruction Surveys and Avoid and Minimize Potential Impacts to on Nesting Birds and Raptors*, would be implemented. With these mitigation measures, potential impacts on nesting special-status and non-special-status birds would be less than significant.

Mitigation Measure BIO-1: Conduct Worker Environmental Awareness Training and Implement General Requirements

The applicant will retain a qualified biologist to develop and conduct a mandatory worker environmental awareness training about special-status species and other sensitive resources that could be encountered during project work (e.g., San Joaquin kit fox, burrowing owl, special-status and non-special status nesting birds). In addition, construction employees will be educated about the importance of controlling and preventing the spread of invasive plant infestations.

The biologist will prepare a handout that contains information (including photographs) about how to identify pertinent species, their habitat requirements, and the avoidance and minimization measures to be implemented. All personnel will receive worker environmental awareness training before conducting project work, and new personnel will receive the training as they are brought onto the project. Proof of personnel environmental training attendance will be kept on file by the biologist and made available to the applicant upon request. At least one copy of the handout will remain onsite throughout the duration of the project with the construction foreman.

General restrictions and guidelines that will be in the training and followed by project personnel are listed below. The project foreman will be responsible for ensuring that crew members adhere to these guidelines and restrictions.

- Before construction begins, the construction contractor will work with the project engineer and a biologist to identify sensitive locations (e.g., an active burrowing owl or kit fox burrow or nesting bird) to be protected with orange construction fencing or other high visibility

materials (e.g., stanchions or pilons and flagging) and will place stakes to indicate these locations. If fencing is used, it will be installed with a one-foot gap between the ground and the bottom of the fence so that small animals do not become trapped in the fence. The fencing or other high visibility materials will be installed before construction activities are initiated, maintained throughout the construction period, and removed when construction is completed. The protected areas will be designated as environmentally sensitive areas and clearly identified on the construction plans or resource protection exhibit, which will be prepared after the site review with the contractor and prior to construction.

- Work crews will be restricted to designated and clearly defined work areas and access routes. Staging of equipment and material sites will be restricted to designated areas.
- A biological monitor will make periodic visits to the project area to ensure that environmentally sensitive areas are being protected, provide environmental awareness training to new crew members, and determine if general restrictions and guidelines are being followed.
- Prior to mobilization to the project site, all equipment will be pressure washed clean to ensure noxious weeds are not imported into or out of the project area. Equipment shall be considered clean when there is no visible soil or plant parts.
- At the end of each workday, an escape ramp shall be placed at each end of any open excavation to allow wildlife that may become trapped to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. The biological monitor or designated construction personnel will check excavations, open pipes, and other areas prior to filling, moving, or disturbing to ensure that animals are not trapped or harmed by construction activities.
- Vehicles will not exceed the CMP-mandated maximum speed of 10 miles per hour when traveling off paved roads.
- Vehicle access across streams and wetlands shall be limited to existing roads and designated crossings.
- Laydown and staging areas will be located in previously developed or disturbed areas.
- Any erosion control materials required for the project will be rice straw or come from certified weed-free sources, as practicable (i.e., certified weed free straw wattles, mulch, etc.).
- All food-related trash will be disposed of and removed from the work area daily. Workers will not feed or otherwise attract fish or wildlife to the work area.
- No pets or firearms will be allowed on the project site.
- Workers will look underneath vehicles and other heavy equipment for wildlife before moving vehicles or equipment to ensure that no animals are crushed.
- No wildlife species will be handled and/or removed from the site by anyone except qualified biologists.
- Any worker who inadvertently injures or kills an animal or finds one dead, injured, or entrapped will immediately report the incident to the project foreman, who will immediately report the incident to the biologist.

Mitigation Measure BIO-2: Avoid and Minimize Potential Impacts on San Joaquin Kit Fox

- Preconstruction surveys will be initiated no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or any project-related activities with the potential to affect kit foxes. A USFWS- and CDFW-approved biologist with experience surveying for and observing the species will survey the project footprint and the area within 200 feet beyond the footprint to identify known or potential San Joaquin kit fox dens. Adjacent parcels under different land ownership will not be surveyed unless access is granted within the 200-foot radius of the project footprint. Dens will be classified in one of the four den status categories (potential den, known den, natal or pupping den, or atypical den) defined in the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011).
- Disturbance to all San Joaquin kit fox den status categories (described directly above), if encountered, will be avoided to the extent possible. Where avoidance is not possible, limited den destruction may be allowed provided the following procedures are observed.
- If an atypical, natal or pupping, known or potential San Joaquin kit fox den is discovered within a project footprint, the den will be monitored for 3 days by a USFWS- and CDFW-approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.
- If an active natal or pupping den is found within a project footprint, USFWS and CDFW will be notified immediately. The den will not be destroyed until the pups and adults have vacated and then only after further coordination with USFWS and CDFW.
- If San Joaquin kit fox activity is observed at the potential, known, or atypical den during the preconstruction surveys, den use will be actively discouraged with the approval of the USFWS- and CDFW-approved biologist, as described below, and monitoring will continue for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated by hand when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities). If at any point during excavation a San Joaquin kit fox is discovered inside the den, the excavation activity will cease immediately and monitoring of the den, as described above, will be resumed. Destruction of the den may be completed when, in the judgment of the biologist, the animal has escaped from the partially destroyed den.
- Construction requirements from *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or during Ground Disturbance* (USFWS 2011:5–9) or the latest guidelines will be implemented.
- If potential, known, atypical, or natal or pupping dens are identified within temporary work areas or within a 200-foot buffer of a temporary work area, exclusion zones around each den entrance or cluster of entrances will be demarcated. The configuration of exclusion zones will be circular, with a radius measured outward from the den entrance(s). No activities will occur within the exclusion zones. Exclusion zone radii for atypical dens and potential dens will be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens will be at least 100 feet and will be demarcated with

staking and flagging that encircle each den or cluster of dens but do not prevent access to the den by the foxes. Exclusion zone radii for natal or pupping dens will be at least 200 feet and will be demarcated using fencing, but a final buffer will be established in coordination with USFWS and CDFW.

- Written results of the surveys will be submitted to USFWS and CDFW within 5 calendar days of the completion of surveys and prior to the beginning of ground disturbance and/or construction activities in San Joaquin kit fox modeled habitat.

During construction, the following measures will be implemented for all activities in suitable San Joaquin kit fox habitat (as determined by a USFWS- and CDFW-approved biologist):

- The USFWS- and CDFW-approved biologist for San Joaquin kit fox will be the contact source for any employee or contractor who might incidentally kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox.
- Any contractor, employee, or other project-related personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox will immediately report the incident to the USFWS- and CDFW-approved biologist. The USFWS- and CDFW-approved biologist will contact USFWS and CDFW immediately in the case of a dead, injured or entrapped kit fox.
- USFWS and CDFW will be notified immediately of the accidental death or injury to a San Joaquin 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 Assistant Field Supervisor of Endangered Species. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045.
- New sightings of kit fox shall be reported to the CNDDB. 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 Service.

Mitigation Measure BIO-3: Avoid and Minimize Potential Impacts on Burrowing Owl

- A qualified biologist will conduct preconstruction take avoidance surveys for burrowing owl no less than 14 days prior to and within 24 hours of initiating ground-disturbing activities. The survey area will encompass the work area (including all construction and staging areas) and a 500-foot buffer around this area.
- To the maximum extent feasible, construction activities within 500 feet of active burrowing owl burrows will be avoided during the nesting season (February 1–August 31).
- If an active burrow is identified near a proposed work area and work cannot be conducted outside the nesting season (February 1–August 31), a no-activity zone will be established by a biologist experienced with burrowing owls in coordination with CDFW. The no-activity zone will be large enough to avoid nest abandonment and will extend a minimum of 250 feet around the burrow.
- If burrowing owls are present at the site during the nonbreeding season (September 1–January 31), a qualified biologist will establish a no-activity zone that extends a minimum of 150 feet around the burrow.
- If the designated no-activity zone for either breeding or non-breeding burrowing owls cannot be established, a wildlife biologist experienced in burrowing owl behavior will evaluate site-specific conditions and, in coordination with CDFW, recommend a smaller

buffer (if possible) that still minimizes the potential to disturb the owls. The site-specific buffer will consider the type and extent of the proposed activity occurring near the occupied burrow, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity to background activities.

- If burrowing owls are present in the direct disturbance area and cannot be avoided during the non-breeding season (generally September 1–January 31), passive relocation techniques (e.g., installing one-way doors at burrow entrances) may be used. Passive relocation may also be used during the breeding season (February 1–August 30) if a biologist with burrowing owl experience, coordinating with CDFW, determines through site surveillance and/or scoping that the burrow is not occupied by burrowing owl adults, young, or eggs. Passive relocation will be accomplished by installing one-way doors (e.g., modified dryer vents or other CDFW approved method), which will be left in place for a minimum of 1 week and monitored daily to ensure that the owls have left the burrow. Excavation of the burrow will be conducted using hand tools. During excavation of the burrow, a section of flexible plastic pipe (at least 3 inches in diameter) will be inserted into the burrow tunnel to maintain an escape route for any animals that may be inside the burrow.
- All project-related personnel will avoid the destruction of unoccupied burrows outside the work area to the extent feasible. The project biologist will place visible markers near burrows to ensure that they are not collapsed.

Mitigation Measure BIO-4: Conduct Preconstruction Surveys and Avoid and Minimize Potential Impacts on Nesting Birds and Raptors

- To the extent feasible, the project proponent will avoid construction activities in or near suitable or occupied nesting habitat during the breeding season of birds (generally February 1–August 31).
- A qualified biologist will conduct preconstruction nesting bird surveys within 5 days prior to construction activities. The survey area will encompass all suitable habitat within the work area (including all construction and staging areas) in addition to a 500-foot buffer around this area for tree-nesting raptors, and a 50-foot buffer around this area for all other bird species.
- If an active nest is identified in the survey area, non-disturbance buffers will be established around the nest sites to avoid disturbance or destruction of the nest site until the end of the breeding season (September 1) or until a qualified wildlife biologist determines that the young have fledged and moved out of the work area (this date varies by species). Fencing and/or flagging will be used to delineate the no-activity zone. To minimize the potential to affect the reproductive success of the nesting pair, the extent of the no-activity zone will be based on the distance of the activity to the nest, the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the species, and the dissimilarity of the proposed activity to background activities. The no-activity zone will be large enough to avoid nest abandonment and will vary depending on the species.
- Active nests will be monitored by the qualified biologist to track progress of nesting activities until the biologist determines that the young have fledged and are capable of independent survival or the nest site is no longer active.
- If, during construction, the qualified biologist determines that a nesting bird is disturbed by construction activities to the point where continued activities could lead to nest failure, the

qualified wildlife biologist(s) will have the authority to immediately stop work. The qualified wildlife biologist(s) will determine if additional protective measures (including increasing the non-disturbance buffer distance) need to be implemented and will continue monitoring the nest until the qualified biologist(s) determine that bird behavior has normalized.

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

The biological study area contains no riparian or other sensitive natural communities. USFWS's National Wetland Inventory database (USFWS 2024b) includes Central Canal, an irrigation canal, which runs along the property boundary to the east. No impacts on this waterway are expected, as all work will be completed outside of the aquatic corridor and Best Management Practices, including the preparation and implementation of a SWPPP will be implemented (see Section 2.4.3, *Best Management Practices*). There would be no impact.

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

The biological study area does not contain any signs of wetland features, and the USFWS NWI does not identify any features within the project footprint. Additionally, review of historical satellite imagery does not show evidence of wetland habitats occurring within the biological study area. There would be no impact.

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?

Given that the project area is located withing a highly developed area, the site has little to no potential to impact landscape-level terrestrial wildlife movement (i.e., migration corridors). The biological study area is categorized as a "limited connectivity opportunity" based on the CDFW's Terrestrial Habitat Connectivity map (CDFW 2024d). The impact would be less than significant.

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

The Fresno County General Plan includes policies that require the protection of nesting bird habitat and calls for projects with tree and vegetation removal to adhere to CDFW's Code Section 3503 and 3503.5 and the Migratory Bird Treaty Act. Through compliance with state and federal regulations protecting sensitive biological resources, and with the implementation of Mitigation Measure BIO-4, this potential impact would be less than significant.

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?

The project area is not located within the boundary of any adopted habitat conservation plan, natural community conservation plan, or other approved conservation plan. There would be no impact.

3.6.4 References

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3.7 Cultural Resources

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:					
a.	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		X		
c.	Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

3.7.1 Existing Conditions

The project site lies just outside of Fresno City limits in the San Joaquin Valley at an approximate elevation of 91 meters (298 feet) above mean sea level. The project site and surrounding area have historically been used for agricultural, industrial, and commercial purposes; therefore, the area has not retained its natural setting. The project site was used for agricultural purposes in the early twentieth century until the mid to late 1940s, when the northwestern portion was graded and replaced with a recycling plant. By 2009, the remaining agricultural areas of the project site had been graded and incorporated into the recycling plant. Central Canal, established in the early twentieth century, borders the eastern and southeastern boundaries of the project site. Within the vicinity of the project site, vegetation is comprised of seasonal grasses and weeds that form a low ground cover consistent with a graded, abandoned lot. Little to no vegetation is present within the 6.5-acre area of the project site proposed for remediation.

The project site is underlain by alluvial sediments from lake, playa, and terrace deposits from the Holocene period (Jennings et al. 2010). The Holocene dates to human occupation of the region and is generally conducive to the natural burial and preservation of archaeological deposits. Additionally, because of the episodic nature of alluvial sedimentation, the sudden burial of artifacts is possible, and alluvial soils have an increased likelihood of containing buried archaeological deposits (Waters 1992; Borejaza et al. 2014). However, the two soil series mapped within the project site, the Hesperia and Hanford Series, do not contain buried A-horizon soils (California Soil Resource Lab 1997, 1999). Additionally, the project site has been disturbed since the early twentieth century by grading, agricultural use, the development of roads within and adjacent to the site, and the development of the Southern Pacific Railroad and adjacent Central Canal.

Rincon Archaeologists Courtney Montgomery, MA, and Alyssa Newcomb, MSc, RPA, conducted a pedestrian survey of the project site on April 25, 2024. Rincon conducted a pedestrian survey using transect intervals spaced 15 meters and oriented generally from east to west. At that time, the project site consisted of refuse associated with the demolished recycling plant, including car parts, crushed boxes, household materials and appliances, and various metal pipes strewn throughout the site. The site has since been cleared of such debris.

3.7.2 Environmental Effects

a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

A search of the California Historical Resources Information System records identified 12 previously recorded cultural resources within 0.50 mile of the project site, one of which is located within the current project site (P-10-005998, 3270 Golden State Boulevard – International Recycling Company).

The identified resource is a now-demolished recycling plant built in the 1940s that was previously located in the northwestern portion of the site (Larsen and Toffelmier 2004a). The resource was evaluated for listing in the CRHR and for local listing in 2004 and was recommended ineligible. Two previously recorded historic-period resources are recorded directly adjacent to the project site. These include P-10-003930, a segment of the Southern Pacific Railroad built in 1872, and P-10-004677, Central Canal built in 1875. P-10-003930 was recommended not eligible for listing on the NRHP or CRHR (Baloian 2014). P-10-004677 was determined not eligible for the NRHP (California Office of Historic Preservation 2024) and was recommended not eligible for the CRHP in 2004 due to lack of historical significance and integrity (Larson and Toffelmier 2004b).

Reviews of aerial imagery and historical topographic maps reveal that a structure existed in the northern section of the project site in 1923, and the remainder of the project site was a triangular-shaped agricultural field bordered by the Southern Pacific Railroad to the west and the Central Canal to the east. No further information is available regarding the property in the northern portion of the project site.

No historical resources were identified during the pedestrian field survey. Therefore, the project does not have the potential to impact any historical built environment resources, and there would be no impact on historical resources.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

The results of a Sacred Lands File search conducted for the project site by the Native American Heritage Commission (NAHC) were negative. Additionally, the project site has been disturbed since the early twentieth century. Considering the geologic and natural setting of the project site, the potential for buried archaeological deposits is considered low. The lack of surface evidence of archaeological materials does not preclude their subsurface existence. The absence of substantial prehistoric or historic-period archaeological remains within the immediate vicinity, along with the existing level of disturbance in the project site, suggest there is a low potential for encountering intact subsurface archaeological deposits. However, the lack of surface evidence of archaeological materials does not preclude their subsurface existence. Incorporation of Mitigation Measures CR-1 and CR-2 would mitigate any unanticipated discoveries that could occur during earthmoving activities. Impacts on archaeological resources would be less-than-significant with mitigation incorporated.

Mitigation Measure CR-1: Cultural Resources Sensitivity Training

Prior to the commencement of project-related earthmoving activities, a qualified archaeologist who meets or exceeds the Secretary of the Interior's Professional Qualifications Standards for

Archaeology (National Park Service 1983) shall provide a Cultural Resources Sensitivity Training for the general contractor, subcontractors, and construction workers participating in earthmoving activities. The training will describe the potential of exposing archaeological resources, types of cultural materials that may be encountered, and directions on the steps that will be taken if such a find is encountered. In coordination with DTSC's Tribal Affairs program, the project proponent will reach out to locally affiliated Tribes regarding development of this training, and Tribal representatives will be provided an opportunity to review training materials, provide input, and directly participate in the training, if desired. This training may be presented alongside other environmental training programs required prior to construction. A Cultural Resources Sensitivity Training acknowledgment form will be signed by workers who receive the training.

Mitigation Measure CR-2: Unanticipated Discovery of Cultural Resources

In the event that cultural resources are unexpectedly encountered during earthmoving activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) will be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative will also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility will be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, a qualified archaeologist will prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the California Code of Regulations (CCR) Guidelines Section 15126.4(b)(3)(C). The data recovery plan will identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, will recover and document the scientifically consequential information that justifies the resource's significance. The lead agency will review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation will be submitted to the regional repository of the California Historical Resources Information System, per CCR Guidelines Section 15126.4(b)(3)(C).

c. Disturb any human remains, including those interred outside of dedicated cemeteries?

No human remains are known to be present within the project site. However, the discovery of human remains is always a possibility during earthmoving activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be of Native American origin, the Coroner will notify the NAHC, which will determine and notify an MLD. The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance. With adherence to existing regulations, the impact on human remains would be less-than-significant.

3.7.3 References

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———. 2004b. *California Department of Parks and Recreation (DPR) 523 series forms for P-10-004677.* JRP Historical Consulting. Report on file at Southern San Joaquin Valley Information Center, California State University, Bakersfield.

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3.8 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?				X
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

For a discussion of energy for the project, see Section 3.2, *Resources Not Likely to Be Affected*.

3.9 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
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? Refer to Division of Mines and Geology Special Publication 42.				
2. Strong seismic ground shaking?				
3. Seismic-related ground failure, including liquefaction?				
4. Landslides?				
b. Result in substantial soil erosion or the loss of topsoil?			X	
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 an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
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?				X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?				X
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

3.9.1 Existing Conditions

Technicon Engineering Services, Inc. (Technicon) conducted a geotechnical investigation report for the project site on March 31, 2022. The report found that there was no groundwater within the maximum depth of exploration at 21.5 feet bgs. The California Department of Water Resources Sustainable Groundwater Management Act (SGMA) Data Viewer Spring 2020 indicates the depth to

groundwater exceeds 70 feet below grade within the vicinity of the project. Groundwater is not anticipated to affect the design or construction of the project (Technicon 2022).

The ground surface is flat and generally consisted of bare soil with aggregate and debris. The project site consists of Holocene-aged Great Valley fan deposits. The general earth material profile depicted by the subsurface exploration consists of silty sand in the upper 13 feet underlain by alternating layers of silty sand and poorly graded sand to the depth explored of 21.5 feet bgs (Technicon 2022). The project site is not located within an Alquist-Priolo earthquake fault zone (CGS 2022).

3.9.2 Environmental Effects

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? Refer to Division of Mines and Geology Special Publication 42.

There are no Alquist-Priolo Earthquake faults or any known active faults in Fresno County, including the project site (CSG 2022). Because no known earthquake faults exist on or near the site, project activities would not expose people or structures to substantial adverse effects from fault rupture, including the risk of loss, injury, or death. There would be no impact.

2. Strong seismic ground shaking?

The project site is not in a seismically active area and, therefore, would not be exposed to moderate to strong shaking in the event of an earthquake in the region (CGS 2022). There would be no impact.

3. Seismic-related ground failure, including liquefaction?

The project site is not in a seismically active area and has an unlikely liquefaction susceptibility based on its geographic location (Technicon 2022). Soils susceptible to liquefaction, which generally occurs at depths shallower than 50 feet bgs, may lose their ability to support structures. However, the remediation project would not involve building any new structures would not place people or buildings at risk loss, injury, or death due to liquefaction. There would be no impact.

4. Landslides?

The ground surface is flat and consists of bare soil with aggregate and other debris (Technicon 2022). The general earth material profile consists of silty sand in the upper 13 feet underlain by alternating layers of sandy silt in poorly graded sand (Technicon 2022). No significant landslide hazards exist near the project site and, therefore, would not place people or buildings at risk loss, injury, or death involving landslides.

b. Result in substantial soil erosion or the loss of topsoil?

The project is expected to have some soil erosion through project-related excavation and earth disturbance. However, excavation and disturbance would be limited to the extent needed to achieve site cleanup goals, and the remedial activities outlined in Chapter 2, *Project Description*, would be

implemented in a manner that would not result in erosion or loss of topsoil beyond the extent of the project itself. Impacts would be less than significant.

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 an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

The project site and its surroundings are relatively flat with little relief. Therefore, the potential for slope instability, lateral spreading, landslide, or collapse is minimal. The soils on the project site would not be subject to subsidence because the project does not involve removal of groundwater. Additionally, the project would not involve any activities that could result in liquefaction of existing soils. There would be no impact.

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?

Expansive soils are characterized by their ability to undergo volume change due to variations in moisture content. Soils that expand usually contain clay minerals, such as smectite or vermiculite, which are able to absorb water and swell, increasing in volume when they get wet and shrinking when they dry (Jones 2017). The general earth material profile of the project site consists of silty sand in the upper 13 feet underlain by alternating layers of sandy silt in poorly graded sand (Technicon 2022), which are not expansive soils. In addition, remediation activities would not involve construction of new structures or facilities. Therefore, there would be no impact.

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

The project activities consist entirely of removal and disposal of soils and would, therefore, not require the use of septic tanks or alternative wastewater disposal systems, nor involve construction of such new systems. There would be no impact.

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

There is a potential for encountering paleontological resources because the proposed site remediation activities would involve ground disturbance. Although no paleontological resources have been identified and the project site has been previously disturbed, it is possible that ground disturbance during project construction could encounter unknown paleontological resources. BMPs for site remediation and implementation of Mitigation Measure CUL-1 will minimize and reduce the project's likelihood of affecting a unique paleontological resource or unique geologic feature. The impact would be less than significant.

3.9.3 References

California Geological Survey (CGS). 2022. Earthquake Zones of Required Investigation. Available: https://maps.conservation.ca.gov/cgs/EQZApp/. Accessed: April 22, 2024.

Jones, L. 2017. Encyclopedia of Engineering Geology. *Expansive Soils.* Available: https://link.springer.com/referenceworkentry/10.1007/978-3-319-12127-7_118-1. Accessed: April 22, 2024.

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3.10 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

3.10.1 Existing Conditions

The process known as the *greenhouse effect* keeps the atmosphere near Earth's surface warm enough for the successful habitation of humans and other life forms. The greenhouse effect is created by sunlight that passes through the atmosphere. Some of the sunlight striking Earth is absorbed and converted to heat, which warms the surface. The surface emits a portion of this heat as infrared radiation, some of which is re-emitted toward the surface by greenhouse gases (GHG). Human activities that generate GHGs increase the amount of infrared radiation absorbed by the atmosphere, thus enhancing the greenhouse effect, and amplifying the warming of Earth.

Increases in fossil fuel combustion and deforestation have exponentially increased concentrations of GHGs in the atmosphere since the Industrial Revolution (IPCC 2018). Rising atmospheric concentrations of GHGs at more than natural levels result in increasing global surface temperatures—a process commonly referred to as *global warming*. Higher global surface temperatures, in turn, result in changes to Earth's climate system, including increased ocean temperature and acidity, reduced sea ice, variable precipitation, and increased frequency and intensity of extreme weather events (IPCC 2018). Large-scale changes to Earth's system are collectively referred to as *climate change*.

The principle anthropogenic (human-made) GHGs contributing to global warming are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds, including sulfur hexafluoride (SF_6), hydrofluorocarbons (HFC), and perfluorocarbons (PFC). Unlike criteria air pollutants, which occur locally or regionally, the long atmospheric lifetimes of these GHGs allow them to be well mixed in the atmosphere and transported over distances. Within California, transportation is the largest source of GHG emissions (39% of emissions in 2021), followed by industrial sources (22%) (CARB 2023).

3.10.2 Environmental Effects

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Remediation activities would generate emissions of CO_2, CH_4, N_2O and HFCs from mobile and stationary equipment as well as employees' vehicles and haul trucks. The project would begin in

September 2024 and be completed by mid-November 2024, lasting approximately 2.5 months. Modeling outputs and detailed assumptions are included in Appendix C, *Air Quality and Greenhouse Gas Emissions Modeling*. The estimated emissions for the project are summarized in Table 3.10-1.

Table 3.10-1. Estimated Project Greenhouse Gas Emissions (metric tons per year)

Year	CO_2	CH_4	N_2O	CO_2e
2024	318	<1	<1	328
Total	318	<1	<1	328

CO_2 = carbon dioxide; CH_4 = methane; N_2O = nitrous oxide; HFC = hydrofluorocarbon; CO_2e = carbon dioxide equivalent, including the relative warming capacity (i.e., GWP) of each GHG.

As shown in Table 3.10-1, it is estimated that the project would generate approximately 328 metric tons of CO_2 equivalent ($MTCO_2e$) over the entire remediation period. The emissions generated by the project would result primarily from the use of diesel-powered equipment (e.g., excavators) and on-road vehicles (e.g., haul trucks, workers' vehicles).

SJVAPCD's (2015) CEQA Guidelines do not identify a GHG emissions threshold for construction-related emissions. This is because emissions released into the atmosphere during a project's construction phase are temporary and usually of a lesser magnitude than the project's operational phase emissions. Whereas construction-related emissions may occur for months, or, in some cases, years, a project's operational emissions can occur for decades.

For the remediation project, the construction phase comprises the entirety of the project, because, after remediation activities are completed, there would be no further project-related activities at the site. Further, the remediation project's activities have a shorter duration than most construction projects because no permanent infrastructure or facilities are being built. As shown in Table 3.10-1, project activities would result in 328 $MTCO_2e$ of GHG emissions. Because there is no construction related GHG threshold adopted by SJVAPCD, the remediation project's emissions would not exceed any thresholds of significance. Further, the project activities would be atypically short (2.5 months), and there would be no operational emissions. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant.

b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Assembly Bill (AB) 1279 outlines the state's GHG reduction goal of achieving net zero GHG emissions (i.e., reach a balance between the GHGs emitted and removed from the atmosphere) no later than 2045. CARB adopted the 2022 Scoping Plan for Achieving Carbon Neutrality as a framework for achieving AB 1279.

Although the remediation project would emit GHG, it nevertheless aligns with CARB's 2022 Scoping Plan. The project site was previously used for activities such as scrap metal recycling that resulted in the accumulation of hazardous waste. Extensive soil sampling has been conducted to identify COCs on the project site, including GHG-contributing substances like petroleum hydrocarbons. The project would remediate the soil containing these COCs, which will improve public health by removing environmental contaminants. Public health is an important aspect of the 2022 Scoping Plan (CARB 2022). The remediation activities will reduce COCs at the project site, and, consistent with the 2022 Scoping Plan, improve public health. Although the project would result in 328 MT CO_2e during 2.5

months of construction, this relative low quantity of emissions would not interfere with the carbon neutrality goal outlined in the Scoping Plan and AB 1279. Thus, the project is consistent with all applicable plans, policies, and regulations adopted for the purposes of reducing GHGs. Impacts would be less than significant.

3.10.3 References

California Air Resources Board (CARB). 2022. *2022 Scoping Plan for Achieving Carbon Neutrality*. Available: https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf. Accessed: April 10, 2024.

———. 2023. California High GWP Gases Inventory 2000-2021 – by Sector and Activity. Last revised: December 13, 2023. Available: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed: April 15, 2024.

Intergovernmental Panel on Climate Change (IPCC). 2018. Global Warming of 1.5°C. Chapter 1, Framing and Context. Summary for Policymakers. Available: https://www.ipcc.ch/site/assets/uploads/sites/2/2022/06/SPM_version_report_LR.pdf. Accessed: April 15, 2024.

San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. Available: https://www.valleyair.org/transportation/GAMAQI.pdf. Accessed: April 3, 2024.

3.11 Hazards and Hazardous Materials

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c.	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.	Be located on a site that 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?				X
e.	Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area?				X
f.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				X

3.11.1 Existing Conditions

The project site was used for cultivation of agricultural row crops until the 1950s and most of the site continued in agricultural use until the early 2000s. More recently, the eastern portion of the site was used for agriculture-related storage. In 1955 the northwest area of the site shifted from agricultural use to scrap metal recycling. IRT, a metal recycling facility, operated onsite until approximately 2020.

In 2016 DTSC investigated IRT for noncompliance with hazardous waste regulations and in 2021 issued a FICA agreement. In 2022, the DTSC issued an enforcement order requiring additional investigations be conducted in the northwestern portion of the property along with submittal of a

Current Conditions Report and Facility Investigation Work Plan. In 2022, soil samples were collected from 46 boring locations across the site. Sampling results identified various COCs, including PCBs, arsenic, cadmium, chromium, lead, mercury, and TPH. To expand on the prior investigation's data and to complete delineation of onsite soil impacts, soil samples were collected from an additional 457 borings between 2022 and 2024.

3.11.1.1 2024 Corrective Measures Proposal

Geosyntec Consultants prepared the CMP for the former scrap metals recycling facility in August of 2024 (Geosyntec 2024). The CMP was prepared to provide an evaluation of the nature and extent of soil impacts based on existing information and prior investigations conducted onsite. The CMP develops a remediation strategy that is protective of human health and the environment and would render the project site fit for reuse.

The CMP concluded that screening level exceedances in the active area[2] for VOCs, PCBs, metals, and TPHs were primarily limited to the top 4 feet of soil. Moreover, nearby groundwater was measured at least 85 feet bgs (Geosyntec 2024). Because no groundwater was encountered during site characterization work, it was not considered to be affected. According to the CMP, abatement activities as part of the remediation activities would be limited to the top 8 feet bgs.

The CMP states that exceedances of screening levels in the storage[3] and agriculture[4] areas of the site are limited to arsenic, chromium and hexavalent chromium. The CMP concludes that both the storage and agriculture areas were properly characterized, minimal impacts above screening levels are all confined to the surficial soils and below concentrations requiring remediation.

3.11.1.2 Department of Toxic Substances Control's EnviroStor Database

An April 2024 review of the DTSC's *EnviroStor* (DTSC 2024) database identifies the IRT facility on the project site as having an active status under DTSC's Site Cleanup Program as of July 1, 2019. The database listing identifies the site as affected by copper (and copper compounds), lead, PCBs, and metals in the soil (DTSC 2024).

3.11.2 Environmental Effects

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The project proposes to implement a CMP to address affected soil on the 6.5-acre site. The CMP proposes to address soil via *in situ* stabilization and excavation and offsite disposal. As such, activities associated with CMP implementation would require the transport, storage, use, and disposal of small amounts of hazardous materials, including fuels, hydraulic fluids, oils and lubricants, paint, and other similarly related materials in varying quantities (Geosyntec 2024). The release of these materials could occur during routine transport, disposal, or use, and could potentially expose workers, contaminate soil, and/or affect the surrounding environment. However,

[2] The *active area* (about 6.5 acres) is defined as the area where metal recycling activities primarily occurred.

[3] The *storage area* (about 5 acres) is defined as the area that was used for agriculture until 2006, and some parking/storage of vehicles, appliances, and other debris between 2006 and 2023.

[4] The *agriculture area* (about 8 acres) is defined as the area that has not had any activity other than agriculture and staging of drip irrigation tape inventory.

the materials used would mostly consist of chemicals, fuels, oils, and lubricants, all of which are commonly used materials. In the event of a spill, these materials would be localized and cleaned up as the spill occurs. Project activities would be subject to all applicable federal, state, and local laws and regulations pertaining to the transport, storage, use, and disposal of hazardous materials and hazardous wastes during implementation of the proposed project, as outlined in the CMP.

With adherence to all applicable federal, state, and local laws and regulations pertaining to the transport, storage, use, and disposal of hazardous materials and hazardous wastes, implementation of the proposed project would not a create a significant hazard to the public or the environment. Impacts would be less than significant.

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?

The project site has an environmental history that includes contaminated soils. As mentioned under Section 3.9.1, *Existing Conditions*, several environmental investigations have been conducted onsite to date. The CMP concluded that primarily shallow soils (top 4 feet) in the active area are affected by VOCs, PCBs, metals, and TPHs. The project proposes to implement the CMP to address affected soil onsite.

Site remediation activities (including well closures, excavation, stockpile management, backfilling, compaction, and grading), along with the aforementioned remediation activities as part of the CMP, have the potential to expose personnel and the surrounding environment to affected soils. However, these activities would be conducted after Fresno County, DTSC, and USEPA provide necessary approvals and all required permits are obtained. In addition, personnel working with potentially contaminated soil must conduct their work in accordance with the most current requirements of state and federal standards for HAZWOPER (8 CCR 5192; 29 CFR 1910.120). Onsite personnel would also operate in accordance with all applicable regulations of the Occupational Safety and Health Administration (OSHA), including in compliance with all California OSHA (Cal/OSHA) requirements, as well as any other applicable federal, state, and local laws and regulations.

Furthermore, an RDIP has been prepared and will be implemented concurrently with the CMP. The RDIP provides supporting plans and documents to ensure that project activities are implemented in a manner that minimizes potential risk to onsite workers and the surrounding environment, including offsite receptors. The RDIP includes a site- and project-specific health and safety plan (HASP), an AQMP, a sampling and analysis plan (SAP) and a waste management plan.

With adherence to all applicable federal, state, and local laws and regulations, along with implementation of the RDIP and its supporting plans and documentation, the proposed project would not a create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Impacts would be less than significant.

a. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no schools located within one-quarter mile of the proposed project. The closest school is Malaga Elementary School, located approximately 0.58 mile to the southeast, at 3910 S Ward Avenue. There would be no impact.

b. Be located on a site that 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?

Per the California Environmental Protection Agency's (CalEPA) *Cortese List Data Resources*,[5] the project site is not included in any of the databases listed (CalEPA 2024). As such, the project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. There would be no impact.

c. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area?

The project site is not located within an airport land use plan area or within 2 miles of an airport. The closest airport to the project site is the Fresno Chandler Executive Airport located approximately 4.90 miles to the northwest. Therefore, implementation of the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area. There would be no impact.

d. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Project activities would occur primarily within project boundaries, with the exception of related haul truck traffic, and would not include any characteristics (e.g., permanent road closures, long-term blocking of road access) that would physically impair or otherwise interfere with emergency response or evacuation in the vicinity. If lane closures are required, they would be on a temporary basis. All large vehicles entering and exiting the site would be guided by personnel using signs and flags to direct traffic. In addition, project activities would comply with any applicable general plan, hazard mitigation plan, response plan, and fire department or police department emergency response requirements.

As the proposed project would comply with applicable plans and emergency response requirements, impacts on an adopted emergency response plan or emergency evacuation plan would be less than significant.

e. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The proposed project site is located within a mostly developed area of Fresno, with no wildlands nearby. According to the CAL FIRE Draft Fire Hazard Severity Zones in LRA (CAL FIRE 2007), the site is not within a very high, high or moderate fire hazard severity zone. Therefore, there would be no impacts associated with the potential exposure to wildland fires.

[5] The following resources provide information regarding facilities meeting Cortese List requirements:

- List of Hazardous Waste and Substances sites from DTSC's EnviroStor database.
- List of Leaking Underground Storage Tank Sites from SWRCB's GeoTracker database.
- List of solid waste disposal sites identified by the California Water Resources State Water Board with waste constituents above hazardous waste levels.
- List of active Cease and Desist Orders and Cleanup and Abatement Orders from the California Water Resources State Water Board.
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.

3.11.3 References

California Environmental Protection Agency (CalEPA). 2024. *Cortese List Data Resources.* Available: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed: April 11, 2024.

California Department of Forestry and Fire Protection (CAL FIRE). 2007. *Draft Fire Hazard Severity Zones in LRA.* Available: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map/upload-2/fhszl06_1_map10.pdf. Accessed: April 11, 2024.

Department of Toxic Substances Control (DTSC). 2024. *Envirostor.* Available: https://www.envirostor.dtsc.ca.gov/public/. Accessed: April 11, 2024.

Geosyntec Consultants (Geosyntec). 2024. *Corrective Measures Proposal Former Scrap Metals Recycling Facility 3270 South Golden State Boulevard Fresno, California. Final*. San Diego, CA. Prepared for US Cold Storage 3270 South Golden State Boulevard Fresno, California.

3.12 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
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 that would:				
1. Result in substantial erosion or siltation on or off site;			X	
2. Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site;				X
3. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				X
4. Impede or redirect flood flows?				X
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

3.12.1 Existing Conditions

The project site is within the Dog Creek-Fish Slough watershed within the larger Tulare-Buena Vista Lakes watershed. The site is relatively flat and bound on two sides by elevated rail lines and bound by a berm to the southeast that runs adjacent to the Central Canal. The Fresno Colony Canal is located immediately north of the project site. The site is completely pervious, therefore stormwater infiltrates directly into the ground throughout the site. As a result, all stormwater and surface runoff stays onsite and does not discharge into the adjoining offsite irrigation canal. Stormwater surrounding the project site ultimately drains to the Lower Kings River. The Lower Kings River is listed as impaired for alkalinity (as calcium carbonate), copper, lead, paraquat, and toxicity (State Water Board 2022).

The project site is within the San Joaquin Valley Groundwater Basin, Kings Subbasin (DWR 2020). Depth to groundwater in the basin exceeds 70 feet bgs surrounding the project area, with localized groundwater depths approximately 85 feet bgs. Groundwater depths in the project area may vary due to rainfall or groundwater withdrawal. Groundwater contamination from an adjacent property is migrating in a northwesterly direction, away from the project site. Further, ongoing remedial efforts at the adjacent property have resulted in groundwater quality that is considered a *de minimis* condition (Geosyntec 2022).

The project site is outside of the 100-year floodplain, within FEMA Zone X (FIRM panels 06019C2130H and 06019C2140H [Technicon 2022]). FEMA Zone X is an area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level.

3.12.2 Environmental Effects

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Ground disturbing activities such as excavation and grading associated with the proposed remediation activities could adversely impact water quality. Contaminants from construction vehicles and equipment and sediment from soil erosion could also increase the pollutant load in runoff during construction. The project's inclusion of a site-specific SWPPP would ensure that impacts on water quality would be minimized. The SWPPP would describe commonly practiced BMPs, which would be implemented to control site runoff and reduce the discharge of pollutants from stormwater and other nonpoint-source runoff. Stormwater would be managed with BMPs such as silt fence, fiber rolls, and gravel bags. Implementation of a site-specific SWPPP would also ensure stormwater BMPs are maintained in a manner that ensures runoff complies with the appropriate water quality objectives for the region. A site-specific SWPPP will be prepared by a certified Qualified SWPPP Developer.

Site remediation would stabilize and remove impacted soils that could affect current or future overall risk onsite including runoff water quality. Soils impacted with lead above California hazardous thresholds would be stabilized *in situ* prior to excavation and offsite disposal. Excavated areas would be backfilled with clean fill. The site would be graded according to the grading plan, and no impervious surfaces are proposed as part of the remediation. As a result, runoff would continue to infiltrate through the ground, similar to existing conditions. Infiltration of stormwater through pervious areas provides natural pollutant filtration. Further, runoff would be managed in

accordance with all applicable laws and regulations including the Regional Stormwater Permit. Therefore, the impact would be less than significant.

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

Based on records from nearby facilities, groundwater is present at approximately 85 feet bgs (Geosyntec 2024). The maximum depth of excavation is 8 feet bgs. Therefore, groundwater dewatering is not anticipated, and no groundwater would be extracted as part of the corrective measures to address impacted soil. Further, no impervious areas are planned as part of the site remediation. Therefore, groundwater recharge would continue to occur through infiltration of precipitation. An irrigation well is located in the north-central portion of the project site and a residential well is located in the northwest portion of the site; neither is used and both are planned to be closed as part of this project. There is no intention to use groundwater for remediation activities and no groundwater pumping is required. Implementation of the project would not deplete or interfere with groundwater supply or recharge. Therefore, there would be no impact.

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 that would:

1. Result in substantial erosion or siltation on or off site?

Currently the project site is completely pervious and relatively flat. Site remediation would stabilize and remove impacted soils that could affect current or future overall risk onsite. Excavated areas would be backfilled with clean fill. During ground disturbing activities, erosion would be managed with stormwater BMPs such as silt fence, fiber rolls, and gravel bags. Implementation of a SWPPP would ensure erosion or siltation would not occur on- or offsite. The site would be graded according to the grading plan, and no impervious surfaces are proposed as part of the remediation. Following remediation activities, clean fill would be graded to tie in with existing site topography. As a result, remediation activities would not alter drainage patterns compared to existing conditions. Therefore, impacts would be less than significant.

2. Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site?

Currently the project site is completely pervious and relatively flat. Following remediation activities, clean fill would be placed to backfill excavated areas. The site would be graded to tie in with existing topography and prevent ponding in any one area. The project would not increase the impervious surface area or substantially increase runoff from the project site. As a result, drainage patterns would not be altered. Runoff would continue to infiltrate through the ground, similar to existing conditions. Further, runoff would be managed in accordance with all applicable laws and regulations, including the Regional Stormwater Permit. Therefore, there would be no impacts.

3. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Currently the project site is completely pervious. Remediation of the project site would not increase the impervious surface area or propose changes in drainage systems. Site remediation would remove impacted soils that could affect current or future overall risk onsite, including sources of polluted runoff. Clean fill placed in excavated areas would be graded to tie in with existing topography, and the site would be graded according to the grading plan. As a result, remediation activities would not alter drainage patterns, and runoff would continue to infiltrate, similar to existing conditions. Further, runoff would be managed in accordance with all applicable laws and regulations, including the Regional Stormwater Permit. Therefore, there would be no impact.

4. Impede or redirect flood flows?

The project site is outside of the 100-year floodplain. Currently the project site is completely pervious. Site remediation would stabilize and remove impacted soils that could affect current or future overall risk onsite. Excavated areas would be backfilled with clean fill. No structures that could impede flows or increase impervious surface areas are proposed as part of the project. Therefore, flood flows would not be impeded or redirected, and there would be no impacts.

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

The project site is not within a mapped dam inundation area (DSOD 2024). Further, the site is not susceptible to tsunamis or seiche inundation due to the distance from the Pacific Ocean and because there are no major waterbodies near the site. The project site is also outside of the 100-year floodplain and thus not subject to inundation. Therefore, there is no risk of release of pollutants, and there would be no impact.

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

Commonly practiced BMPs would be implemented to control construction site runoff and to reduce the discharge of pollutants from stormwater and other nonpoint-source runoff. Stormwater would be managed with BMPs such as silt fence, fiber rolls, and gravel bags. Implementation of a SWPPP would also ensure stormwater BMPs are maintained in a manner that ensures construction runoff complies with the appropriate water quality objectives for the region. The NPDES Construction General Permit also requires stormwater discharges not to contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards, including designated beneficial uses as described in the regional water quality control plan. The completely pervious surface area of the project site would also reduce stormwater runoff flows and associated pollutants through infiltration of runoff. In addition, no groundwater would be extracted as part of remediation activities. Therefore, the project would not obstruct the implementation of a sustainable groundwater management plan, nor would it conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. There would be no impact.

3.12.3 References

California Department of Water Resources (DWR). 2020. SGMA Basin Prioritization Dashboard. Available: https://gis.water.ca.gov/app/bp-dashboard/final/. Accessed: April 10, 2024.

California Department of Water Resources, Division of Safety of Dams (DSOD). 2024. California Dam Breach Inundation Maps. Available: https://fmds.water.ca.gov/maps/damim/. Accessed: May 14, 2024.

Geosyntec Consultants (Geosyntec). 2022. *Updated Phase I Environmental Site Assessment Site: 3270 South Golden State Boulevard, Fresno, California, 93725*. June 24.

———. 2024. *Corrective Measures Proposal Former Scrap Metals Recycling Facility 3270 South Golden State Boulevard Fresno, California. Final*. San Diego, CA. Prepared for US Cold Storage 3270 South Golden State Boulevard Fresno, California. State Water Resources Control Board (State Water Board). 2022. *California 2020-2022 Integrated Report*. EPA approved: May 11. Available: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html. Accessed: April 10, 2024.

Technicon Engineering Services, Inc. (Technicon). 2022. *Proposed Cold Storage Facility Geotechnical Investigation Report*. March 31.

3.13 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?				X
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?				X

For a discussion of land use and planning for the project, see Section 3.2, *Resources Not Likely to Be Affected*.

3.14 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?				X
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?				X

For a discussion of mineral resources for the project, see Section 3.2, *Resources Not Likely to Be Affected*.

3.15 Noise

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:					
a.	Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?			X	
b.	Generate excessive groundborne vibration or groundborne noise levels?			X	
c.	Be 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 and expose people residing or working in the project area to excessive noise levels?				X

3.15.1 Existing Conditions

Existing ambient noise levels in the project vicinity are generally high due to the surrounding land uses and nearby transportation infrastructure. The project site and most of the surrounding properties are zoned for heavy industrial use, and current uses in the project vicinity include recycling facilities, auto wrecking and repair facilities, a power plant, cold storage, a concrete plant, distribution centers, and self-storage facilities. All of these uses would be expected to generate noise during daily operations onsite, and many would also generate noticeable traffic (including heavy trucks for shipping, hauling, and deliveries) on the surrounding roadway network. Nearby transportation noise sources include South Golden State Boulevard and the Southern Pacific Railroad line bordering the site to the west and southwest, an east-west railroad spur line bordering the site to the north, and State Route 99 approximately 0.34 mile southwest of the site. The nearest residential uses are approximately 0.27 mile southeast of the project site. Because the nearest neighborhood is adjacent to industrial and manufacturing uses, ambient noise levels are likely higher than in a typical suburban neighborhood. Nonetheless, it can conservatively be assumed that homes are subject to ambient noise levels similar to normal suburban residential locations, with an approximate average L_{dn}[6] of 55 dBA (Hoover and Keith 2000).

[6] L_{dn} is defined as *Day-Night Average Sound Level*, the energy average of the A-weighted sound levels occurring during a 24-hour period, with a 10 dB penalty added to sound levels between 10:00 p.m. and 7:00 a.m.

3.15.2 Environmental Effects

a. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

The project would cause noise related to two types of activities: traffic on public streets and onsite remediation activities.

There would be two main sources of traffic generated by the remediation project. The first would be workers commuting daily to and from the project site in personal vehicles (typically automobiles or pickup trucks). The second would be heavy trucks used to haul items to and from the project site; these could include transporting equipment and hauling dirt from the site for disposal. Peak construction traffic would occur during the excavation and offsite disposal phase when contaminated soils are removed from the site for disposal. During this phase, an average of 8 one-way worker trips (i.e., 4 roundtrips) and 32 one-way haul truck trips (i.e., 16 roundtrips) would occur per weekday. Traffic noise analysis was conducted using a proprietary traffic noise model, with calculations based on data from the FHWA Traffic Noise Model, Version 2.5, Look-Up Tables (FHWA 2004). Chestnut Avenue is the nearest major street that travels immediately adjacent to noise-sensitive receptors (the closest homes southeast of the project site). Assuming an unlikely worst-case scenario where all 8 commuter trips and all 32 haul truck trips use this street and travel at the posted speed limit of 35 mph, construction traffic noise levels are predicted to be 45.2 dB L_{dn} for commuter trips and 55.9 dB L_{dn} for haul trucks. The noise modeling is provided in Appendix D, *Noise Modeling*. Adding these two levels together yields a total project traffic noise level of 56.2 dB L_{dn}, which is below the County's normally acceptable guideline of 60 dB L_{dn} for residential land uses (Table A-5 in Appendix A, *Regulatory Setting*). As outlined in the CMP, project truck traffic would be routed to avoid residential areas. Furthermore, the local streets already serve the existing heavy industrial uses in the area, including large numbers of daily heavy trucks. As a result, the addition of 8 commuter trips and 32 truck trips per day would make a negligible difference to existing traffic noise levels in the project vicinity. Project traffic noise impacts would be less than significant.

All remediation activity would take place within the County's exempted hours of 6:00 a.m. to 9:00 p.m. on Monday through Friday. As such, project noise would be exempt from the County's noise standards. Nonetheless, project noise levels were also evaluated relative to the Federal Transit Administration's (FTA) general assessment daytime criterion of 90 dBA 1-hour LA_{eq} for construction noise (Table A-2 in Appendix A). Project noise was analyzed using FTA modeling methodologies for general assessment (FTA 2018). 1-hour LA_{eq} noise levels were predicted based on the two noisiest pieces of construction equipment operating at the site simultaneously for a full hour. The source-to-receptor distance used in the analysis was the distance from the project site boundary to the closest residential property. FTA methodology assumes a noise attenuation (reduction) rate of 6 dB per doubling of distance from the source and any excess attenuation that might be provided by the barrier effects of intervening walls, buildings, or topography is conservatively ignored. The noise levels were calculated for each of the four proposed project phases with substantial onsite activities. Phase 5, Demobilization, was not assessed because no onsite operation of heavy construction equipment is anticipated for this phase. The noise modeling is provided in Appendix D, and the results are summarized in Table 3.15-1. As shown in Table 3.15-1, the predicted noise levels are well below the FTA criterion of 90 dBA 1-hour LA_{eq} (Table A-2 in Appendix A) for daytime construction noise. Impacts would be less than significant.

Table 3.15-1. Estimated Noise Levels from Onsite Activities

Phase	Two Loudest Pieces of Equipment	Source Noise Level at 50 feet, 1-Hour LA_{eq}, dBA	Noise Attenuation Due to Distance [a], dB	Combined Noise Level at Nearest Homes, 1-Hour LA_{eq}, dBA
1 – Mobilization (installation of BMPs)	Backhoe	77.6	-29.4	48.2
2 – Soil Stabilization	Excavator	80.7	-29.4	54.9
	Dozer	81.7	-29.4	
3 – Excavation and Offsite Disposal	Excavator	80.7	-29.4	54.9
	Dozer	81.7	-29.4	
4 – Backfilling and Grading	Excavator	80.7	-29.4	54.9
	Dozer	81.7	-29.4	

Source: Appendix D, *Noise Modeling*.
LA_{eq} = 1-hour A-weighted equivalent sound level; dB = decibels; dBA = A-weighted decibels.
[a] The distance to the closest noise-sensitive receptor is 1,470 feet.

b. Generate excessive groundborne vibration or groundborne noise levels?

The remediation project would involve the use of heavy construction equipment that could generate groundborne vibration. Large earthmoving equipment such as excavators, dozers, and backhoes anticipated for the project would generate typical vibration levels of 0.089 in/sec PPV and of 87 VdB L_v at a reference distance of 25 feet (FTA 2018).

The distances from the project site to the FTA impact criteria for potential building damage were calculated using the reference PPV of 0.089 in/sec at 25 feet. The results are summarized in Table 3.15-2. Referring to Table 3.15-2, building damage would be a potential concern for buildings within 8 to 15 feet of construction (depending on the type of structure). There are no buildings within 15 feet of the project site. Therefore, impacts related to potential building damage from groundborne vibration during project construction would be less than significant.

Table 3.15-2. Distances to Federal Transportation Administration Groundborne Vibration Impact Criteria for Building Damage

Building/Structural Category	Impact Criteria, PPV, in/sec	Distance from Project Site to Impact Criteria, feet
I. Reinforced-concrete, steel or timber (no plaster)	0.5	8
II. Engineered concrete and masonry (no plaster)	0.3	12
III. Non-engineered timber and masonry buildings	0.2	15

Source: FTA 2018.
PPV = peak particle velocity.

Considering the potential for annoyance or interference from groundborne vibration, the closest vibration-sensitive land uses are the residences 1,470 feet to the southeast. These would be classified as FTA land use category 2, *Residences and buildings where people normally sleep*. Assuming vibration from earthmoving activities could occur frequently, the appropriate criterion would be 72 VdB (FTA 2018). The L_v at the homes is calculated to be 34 VdB, which is well below the

criterion of 72 VdB (Table A-3 in Appendix A) for annoyance or interference. Impacts would be less than significant.

c. Be 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 and expose people residing or working in the project area to excessive noise levels?

The remediation project would not create any new receptors or land uses that would be sensitive to aircraft noise. There are no airports or private airstrips within the vicinity of the project site. The closest airport is Fresno Yosemite International Airport, which is more than 5.5 miles to the northeast. At this distance, the project site is not exposed to substantial noise levels from aircraft operations. In addition, the project would not change the operations at any airport or airstrip and would not alter the aircraft noise exposure at any existing sensitive land uses. As such, project implementation would not expose people residing or working in the project area to excessive aircraft noise levels. There would be no impact.

3.15.3 References

Federal Highway Administration (FHWA). 2004. *FHWA Traffic Noise Model®, Version 2.5 Look-Up Tables User's Guide*. Final. FHWA-HEP-05-008 / DOT-VNTSC-FHWA-0406. December 2004. Washington, DC. Prepared by U.S. Department of Transportation, Research and Special Programs Administration, John A. Volpe National Transportation Systems Center Acoustics Facility. Cambridge, MA.

Federal Transit Administration (FTA). 2018. *Transit Noise and Vibration Impact Assessment Manual*. Final. FTA Report No. 0123. September 2018. Washington, DC. Prepared by Volpe National Transportation Systems Center. Cambridge, MA.

Hoover and Keith. 2000. *Noise Control for Buildings, Manufacturing Plants, Equipment, and Products*. Houston, TX.

3.16 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				X
b. Displace a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

For a discussion of population and housing for the project, see Section 3.2, *Resources Not Likely to Be Affected*.

3.17 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

For a discussion of public services for the project, see Section 3.2, *Resources Not Likely to Be Affected*.

3.18 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?				X
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

For a discussion of recreation for the project, see Section 3.2, *Resources Not Likely to Be Affected*.

3.19 Transportation

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:					
a.	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?				X
b.	Conflict or be inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b)?				X
c.	Substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d.	Result in inadequate emergency access?				X

3.19.1 Existing Conditions

Transportation facilities in the immediate site vicinity are South Golden State Boulevard, designated by Fresno County as a Super Arterial, and the Southern Pacific Railroad line, which border the project site to the southwest, and an east-west railroad spur line and the US Cold Storage Fresno West distribution facility on the north edge of the site. Fresno County defines a *Super Arterial* as a roadway with limited access to abutting private property and intersecting local streets, facilitating "mobility within the county and its cities, carrying through traffic on continuous routes and joining major traffic generators, freeways, expressways, and other arterials" (Fresno County 2000).

Nearby roadways, in addition to South Golden State Boulevard, include North Avenue, Central Avenue, and Chestnut Avenue, all designated as Arterials, and State Route 99, a Freeway (Fresno County 2000).

The Fresno County Rural Transit Agency (FCRTA) and Fresno Area Express (FAX) provide public transit in the area through public buses, express bus service, demand-response paratransit, and passenger rail service (City of Fresno 2024). FCRTA provides general public transit services to rural communities throughout Fresno County providing scheduled and fixed route services with designated bus stops along specific routes (FCRTA 2024). FAX is the largest provider of transit services in the region with over 10 million annual boardings operated by the Fresno Department of Transportation (City of Fresno 2024). FAX operates nine lines that provide service in two directions to and from downtown Fresno, five cross-town lines, and two neighborhood shuttle routes. Handy Ride is a demand response service for seniors and persons with disabilities, as required by the Americans with Disabilities Act (Fresno COG 2019). The closest transit stop is located approximately 1.5 miles north of the project site on SW Maple Avenue and E North Avenue (City of Fresno 2024).

There are no existing bicycle or pedestrian facilities along the site boundary.

3.19.2 Environmental Effects

a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

There are no existing bicycle or pedestrian facilities along the site boundary. Local plans do not include transit improvements in the project area and the project would not generate an increase in transit ridership. Site remediation activities would not affect the use of existing transit stops. The project is not anticipated to affect any circulation, pedestrian, public transit, or other types of transportation modes. There would be no impact.

b. Conflict or be inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b)?

Vehicle miles traveled (VMT) is a measure used in transportation planning for a variety of purposes. It measures the amount of travel for all vehicles in a geographic region over a given period of time, typically a 1-year period. VMT is calculated by adding all the miles driven by all the cars and trucks on all the roadways in a region. The project activities would generate VMT associated with up to 32 one-way truck trips per weekday hauling impacted soils approximately 60 miles for disposal at the Kettleman Hills Hazardous Waste Facility in Kettleman City over a 2.5-month period. The Governor's Office of Planning and Research issued a *Technical Advisory on Evaluating Transportation Impacts in CEQA* that indicates that, unless there is substantial evidence that a project would generate a significant level of VMT, be inconsistent with a sustainable communities strategy or general plan, projects that generate or attract fewer than 110 trips per day generally can be assumed to result in a less-than-significant impact on transportation. The project remediation activities would generate fewer than 110 trips per day. Therefore, VMT would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). There would be no impact.

c. Substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

There are no design features or incompatible uses associated with the project that would substantially increase traffic hazards because the activities would not alter the design of the public roadways system or create incompatible uses. Project remediation is expected to begin in September 2024 and conclude in November 2024. Transportation activities at the project site would consist primarily of trucks entering and exiting the project site during weekday daytime hours for the 2.5-month duration of the proposed remediation activities. These activities would be localized and temporary. Equipment and material staging areas would be onsite along the project site boundary next to South Golden State Boulevard. Site access would be at an existing access point on the northwest corner of the property, via South Golden State Boulevard. The project's BMPs, including the project Air Quality Management Plan, would ensure that the construction site entrance is safely maintained. Because the project does not include any design features that would alter roadways or any incompatible uses, there would be no increase in transportation hazards. There would be no impact.

d. Result in inadequate emergency access?

The project CMP and remediation would not affect emergency access to and from the project site. Approximately 32 truck trips per day would be associated with the remediation activities. Remediation activities would be temporary and would not affect emergency access to and from the project site. There would be no impact.

3.19.3 References

City of Fresno. 2024. Fresno Area Express Routes. Available: https://www.fresno.gov/transportation/fax/rider-tools/routes/%22%20/l%20%22route-41. Accessed: April 15, 2024.

Fresno County. 2000. *General Plan Policy Document*. Available: https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/18117-2000-general-plan-policy-document.pdf. Accessed: April 26, 2024.

Fresno County Rural Transit Agency (FCRTA). 2024. *About Us*. Available: https://www.ruraltransit.org/about/. Accessed: April 15, 2024.

Fresno Council of Governments (Fresno COG). 2019. Fresno County Regional Long-Range Transit Plan 2019-2050. Available: https://fresnocog.wpenginepowered.com/wp-content/uploads/2021/10/Fresno-County-Regional-Long-Range-Transit-Plan-050519-RL-34.pdf. Accessed: April 15, 2024.

Fresno County Rural Transit Agency (FCRTA) 2024. About Us. Available: https://www.ruraltransit.org/about/.Accessed: April 28, 2024.

3.20 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. 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		X		
b. 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.		X		

3.20.1 Existing Conditions

Department of Toxic Substance Control (DTSC) provided written notification to 11 Tribes on April 24, 2024, and requested response by June 5, 2024. Under AB 52, Tribes have 30 days to respond and request consultation. No responses were received.

3.20.2 Environmental Effects

a. 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)?

DTSC prepared and mailed letters to local California Native Americans in accordance with AB 52. No tribal cultural resources have been identified from AB 52 consultation efforts and the area of disturbance for the proposed project is not known or expected to contain any tribal cultural resources that would qualify as a historical resource or a unique cultural resource as defined in Public Resource Code Section 5020.1(k).

Although no tribal cultural resources have been identified and the project site has been previously disturbed, it is possible that ground disturbance during project construction could encounter unknown tribal cultural resources. Therefore, the project has the potential to significantly impact tribal cultural resources through ground disturbance and subsequent damage. Impacts would be

potentially significant, and Mitigation Measure CUL-2, *Unanticipated Discovery of Cultural Resources*, as described in Section 3.7, *Cultural Resources*, would reduce potential impacts on tribal cultural resources to a less-than-significant level.

b. 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?

No tribal cultural resources have been identified, and the area of disturbance for the proposed project is not known or expected to contain any tribal cultural resources 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.

Although no tribal cultural resources have been identified and the project site has been previously disturbed, the project has the potential to significantly impact tribal cultural resources through ground disturbance and subsequent damage. Impacts would be potentially significant, and Mitigation Measure CUL-2, *Unanticipated Discovery of Cultural Resources*, as described in Section 3.7, *Cultural Resources*, would reduce potential impacts on tribal cultural resources to a less-than-significant level.

3.21 Utilities and Service Systems

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:					
a.	Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b.	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c.	Result in a determination by the wastewater treatment provider that 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?				X
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?				X
e.	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.21.1 Existing Conditions

The project site is relatively flat and bound on two sides by elevated rail lines and bound by a berm to the southeast that runs adjacent to the Central Canal. The site is completely pervious; therefore, stormwater infiltrates directly into the ground throughout the site. As a result, all stormwater and surface runoff stays onsite and does not discharge into the adjoining offsite irrigation canal (State Water Board 2022). The surrounding area is industrial with recycling facilities, auto wrecking and repair facilities, a power plant, cold storage, a concrete plant, distribution centers, and self-storage facilities. The Fresno area's electric and natural gas services are provided by PG&E.

3.21.2 Environmental Effects

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The project would not increase the impervious surface area or substantially increase runoff from the project site. As a result, there would be no impacts related to stormwater drainage system capacity. Because the project consists entirely of remediation activities, there would be no wastewater generated, no electricity or natural gas consumed, and no long-term demand for water beyond that used for dust suppression. Because the project only involves remediation activities, it would not result in increased demand for wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities. There would be no impact.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

The proposed project would need water for dust suppression during remediation activities. No other water use is expected in association with project activities. The impact would be less than significant.

c. Result in a determination by the wastewater treatment provider that 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?

Because there would be no wastewater associated with the project, it would not lead to increased wastewater treatment demand beyond existing conditions. There would be no impact.

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?

Waste associated with the project would consist entirely of the excavated soil to be transported and disposed of at the Kettleman Hills Hazardous Waste Facility. Minimal other solid waste—primarily used supersacks in which the ISS admixture is delivered to the site, tarps used to cover the stockpiles, and possibly pallets on which the supersacks may be delivered—would be generated by the project and also disposed of at Kettleman Hills. There would be no impact.

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

Project activities would require the onsite storage, transport, and disposal of hazardous materials at the Kettleman Hills Hazardous Waste Facility. These activities would be subject to and in compliance with all applicable federal, state, and local laws and regulations pertaining to the transport, storage, use, and disposal of hazardous materials and hazardous waste as described in the *Project Description* and in Section 3.11, *Hazards and Hazardous Materials*, of this IS/MND. This impact would be less than significant.

3.21.3 References

Department of Toxic Substances Control (DTSC). 2024. Available: Kettleman Hills Facility Draft Permit Documents | Department of Toxic Substances Control (ca.gov). Accessed: April 23, 2024.

State Water Resources Control Board (State Water Board). 2022. *California 2020–2022 Integrated Report*. EPA approved: May 11, 2022. Available: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html. Accessed: April 15, 2024.

3.22 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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?				X
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks of, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
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 on the environment?				X
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?				X

For a discussion of wildfire for the project, see Section 3.2, *Resources Not Likely to Be Affected.*

3.23 Mandatory Findings of Significance

a. Does the project have the potential to 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?

As stated in Section 3.6, *Biological Resources*, the project would not cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. The 6.5-acre remediation project site is within a larger 19-acre parcel that is characterized by ruderal annual grassland interspersed with disturbed and developed areas; most of the 6.5-acre remediation site consists of disturbed and developed areas.

The project area is free of trees and woody shrubs and does not contain any buildings. Three special-status plant species were identified as having potential to occur in the vicinity of the biological study area: California jewelflower, California satintail, and Madera leptosiphon. However,

the project site does not contain suitable habitat for any of these three species and is located outside of the mapped ranges for California satintail. A biological site assessment conducted during the reported blooming periods for all of the special-status plant species found none. Therefore, it is assumed that no special-status plants are present within the project site.

Wildlife observations consisted of mourning dove, unidentified sparrow species, red-tailed hawk, American crow, northern mockingbird, killdeer, California ground squirrel, and signs of brush rabbit. The majority of the wildlife observations made during the site assessment occurred in the eastern half of the property, outside of the 6.5-acre remediation project site. The biological study area provides potential habitat for special-status species including San Joaquin kit fox and western burrowing owl and limited potential foraging habitat for raptor species including Swainson's hawk.

Remediation project-related noise or visual disturbances could disrupt nesting activity of various passerines and raptors, including Swainson's hawk and red-tailed hawk. To avoid and minimize potential injury, mortality, or disturbance of nesting special-status and non-special status birds, Mitigation Measures BIO-1 and BIO-4 would ensure that potential impacts on nesting special-status and non-special-status birds would be avoided.

Kit foxes typically den in relatively flat terrain or in gently sloping hills, washes, drainages, and roadside berms. Occupied habitats are usually associated with loose-textured soils, which facilitate den construction. San Joaquin kit fox may also use manmade structures such as culverts and pipes as burrow surrogates. Implementation of Mitigation Measure BIO-2 would minimize potential impacts of the remediation project on San Joaquin kit fox.

Although no sign of burrowing owl activity was observed during the site assessment, there is a moderate potential for burrowing owl to occur within the 6.5-acre project site based on the presence of potential habitat and the site occurring within the range of this species. Implementation of Mitigation Measure BIO-3 would minimize project impacts on burrowing owl.

As described in Section 3.7, *Cultural Resources*, no historical resources were identified during the pedestrian field survey of the project site. Therefore, the project does not have the potential to impact any historical built environment resources, and there would be no impact on historical resources.

The absence of substantial prehistoric or historic-period archaeological remains within the immediate vicinity, along with the existing level of disturbance in the project site, suggest there is a low potential for encountering intact subsurface archaeological deposits. However, the lack of surface evidence of archaeological materials does not preclude their subsurface existence. Incorporation of Mitigation Measures CR-1 and CR-2 would mitigate any unanticipated discoveries that could occur during earthmoving activities, ensuring that impacts on archaeological resources would be less-than-significant.

Section 3.9, *Geology and Soils*, notes that the project site consists of Holocene-aged Great Valley fan deposits, which have low potential for paleontological resources. The proposed site remediation activities would involve ground disturbance. However, project BMPs for site remediation would minimize and reduce the project's likelihood of affecting a unique paleontological resource or unique geologic feature, and the impact would be less than significant.

With implementation of mitigation measures, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of any 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. These impacts would be less than significant with mitigation.

b. Does the project have impacts that are individually limited but cumulatively considerable?

The analysis above concludes that the project would have either no impact or less-than-significant localized impacts on a number of resources (aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazardous materials, hydrology and water quality, land use, mineral resources, noise, traffic, and tribal cultural resources). Because the project would not induce population growth or result in the development of new housing or employment-generating uses, it would not combine with cumulative development to increase the demand for public services, recreation facilities, or utilities, the expansion of which could result in significant environmental effects. Further, the analysis indicates that lifetime operation of the project would reduce GHG emissions, resulting in a beneficial effect on GHG emissions. Implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, CUL-1, and CUL-2, would minimize potential localized construction impacts on nesting special-status and non-special-status birds, endangered species, and cultural resources.

The project would not result in a considerable contribution to cumulative impacts because its impacts would not combine with those of cumulative development. The project's contribution to cumulative impacts would be less than significant.

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The project would have no significant adverse effects on human beings. The project site is in an area characterized by industrial uses. There would be no significant increase in remediation-related air emissions or noise levels, and there would be no significant exposure to geologic or seismic hazards or to hazardous materials as a result of the project. Rather, the project would remove existing hazardous materials from the project site. For all other topics, there would be either no impact or a less-than-significant impact. Therefore, the project's impacts on human beings would be less than significant.

Chapter 4
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Appendix A

Regulatory Setting

Appendix A
Regulatory Setting

A.1 Aesthetics

A.1.1 Federal and Local

No federal or local plans, policies, regulations, or laws related to aesthetics, light, and glare are applicable to the project.

A.1.2 State

California Scenic Highway Program

California Scenic Highway Program California's Scenic Highway Program was created by the California Legislature in 1963 and is managed by the California Department of Transportation (Caltrans). The goal of the program is to protect and enhance the natural scenic highway corridors from changes that would affect the aesthetic value of the land adjacent to highways. A highway may be designated *scenic* depending on how much of the natural landscape travelers can see, the scenic quality of the landscape, and the extent to which development intrudes on travelers' enjoyment of the view (Caltrans 2024). The nearest officially designated scenic highway is a portion of Route 180 located approximately 70 miles east of the project site.

A.1.3 Local

No local plans, policies, regulations, or laws related to aesthetics are applicable to the project.

A.1.4 References

Department of Transportation (Caltrans). 2024. *Scenic Highways–California State Scenic Highways*. Available: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed; April 10, 2024.

A.2 Agriculture and Forestry Resources

No regulations, ordinances, laws, or standards related to agriculture and forestry resources are applicable to the project.

A.3 Air Quality

A.3.1 Federal

Clean Air Act and Ambient Air Quality Standards

The federal Clean Air Act (CAA), (promulgated in 1963 and amended several times thereafter), establishes the framework for modern air pollution control in the United States. CAA directs the U.S. Environmental Protection Agency (EPA) to establish federal air quality standards, known as national ambient air quality standards (NAAQS), and specifies future dates for achieving compliance. EPA has set NAAQS for six criteria pollutants: ozone, carbon monoxide (CO), particulate matter (PM) of 10 microns in diameter and smaller (PM10) and 2.5 microns in diameter and smaller (PM2.5), sulfur dioxide (SO2), nitrogen dioxide (NO2), and lead (Pb). NAAQS are divided into primary and secondary standards; the former are set to protect human health with an adequate margin of safety, the latter to protect environmental values, such as plant and animal life (Clean Air Act Section 109).

A.3.2 State

California Clean Air Act and Ambient Air Quality Standards

In 1988, the California Legislature adopted the California CAA, which established a statewide air pollution control program. The California CAA requires all air districts in the state to endeavor to meet California ambient air quality standards (CAAQS) by the earliest practical date. Unlike the federal CAA, the California CAA does not set precise attainment deadlines. Instead, the California CAA establishes increasingly stringent requirements for areas that will require more time to achieve the standards. CAAQS are generally more stringent than NAAQS and incorporate additional standards for sulfates, hydrogen sulfide, visibility-reducing particles, and vinyl chloride.

The California Air Resources Board (CARB) and local air districts bear responsibility for achieving the CAAQS, which are to be achieved through district-level air quality management plans to be incorporated into the state implementation plan (SIP). In California, EPA has delegated authority to prepare SIPs to CARB, which, in turn, has delegated that authority to individual air districts. CARB traditionally has established state air quality standards, maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving SIPs.

The California CAA substantially adds to the authority and responsibilities of air districts. The California CAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation control measures. The California CAA also emphasizes the control of “indirect and area-wide sources” of air pollutant emissions. An indirect source is a facility or land use that attracts or generates motor vehicle traffic. The California CAA gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish traffic control measures.

A.3.3 Local

Air District Thresholds

The project site is in the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), the role of which is to achieve clean air to protect public health and the environment. SJVAPCD's primary responsibility is to attain and maintain the NAAQS and CAAQS in the San Joaquin Valley Air Basin (SJVAB) by regulating air pollution emissions from stationary and industrial sources. These responsibilities are met by adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, and inspecting stationary sources of air pollutants. The SJVAPCD 2015 *Guidance for Assessing and Mitigating Air Quality Impacts* was used to inform the approach for modeling project impacts.

The air district thresholds have been developed to prevent further deterioration of ambient air quality, which is influenced by emissions generated by projects in the SJVAB. The project-level thresholds therefore consider relevant past, present, and reasonably foreseeable future projects in the project area. Therefore, the emissions thresholds in Table A-1 represent the maximum emissions the project may generate before it would result in a cumulatively considerable adverse contribution to existing air quality conditions.

SJVAPCD's cumulative thresholds are based on the SJVAPCD Rule 2201 (New Source Review—NSR) offset thresholds of significance for criteria pollutants. SJVAPCD has determined these thresholds are an appropriate and effective means of promoting consistency in significance determinations in the environmental review process and are applicable to both stationary and non-stationary emissions sources. SJVAPCD's attainment plans demonstrate that project-specific emissions below their thresholds would have a less-than-significant impact on air quality (SJVAPCD 2015).

In addition to their cumulative thresholds, SJVAPCD has established a 100-pound-per-day screening criteria, shown in Table A-1, to help determine whether increased emissions from a project would cause or contribute to a violation of CAAQS or NAAQS. Projects with emissions below the screening criteria would not be in violation of CAAQS or NAAQS. Projects with emissions above the screening criteria would require an ambient air quality analysis to confirm this conclusion (SJVAPCD 2015).

Table A-1. SJVAPCD Thresholds of Significance for Construction-related Criteria Air Pollutants and Precursors

Criteria Pollutant or Precursor	Threshold of Significance (tons/year)	Daily Screening Criteria
ROG	10	100-pound-per-day of any criteria pollutant
NOx	10	
CO	100	
SO_2	27	
PM_{10}	15	
$PM_{2.5}$	15	

Source: SJVAPCD 2015.

ROG = reactive organic gases; NOx = nitrogen oxide; CO = carbon monoxide; SO2 = sulfur dioxide; PM10 = particulate matter less than 10 microns in size; PM2.5 = particulate matter less than 2.5 microns in size.

A.3.4 References

San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. *Guidance for Assessing and Mitigating Air Quality Impacts*. Available: https://www.valleyair.org/transportation/GAMAQI.pdf. Accessed: April 3, 2024.

A.4 Biological Resources

A.4.1 Federal

Endangered Species Act

The federal Endangered Species Act (ESA) is administered by the U.S. Fish and Wildlife Service (USFWS) for terrestrial and freshwater fish species and by the National Marine Fisheries Service (NMFS) for marine and anadromous species. ESA requires these federal agencies to maintain lists of threatened and endangered species. USFWS or NMFS can list species as either endangered or threatened. An *endangered* species is at risk of extinction throughout all or a significant portion of its range (ESA section 3[6]). A *threatened* species is likely to become endangered within the foreseeable future (ESA section 3[19]). Section 9 of ESA prohibits the take of any fish or wildlife species listed under ESA as endangered or threatened. *Take*, as defined by ESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." *Harm* is defined as "any act that kills or injures the species, including significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 Code of Federal Regulations [CFR] 17.3).

Endangered Species Act Section 7

Section 7 of ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of habitat critical to such species' survival. To ensure that its actions do not result in jeopardy to listed species or in the adverse modification of critical habitat, each federal agency must consult with USFWS and/or NMFS regarding federal agency actions that may affect listed species. The issuance of Clean Water Act (CWA) section 404 permits is a federal action that triggers a section 7 consultation. Consultation begins when the federal agency submits a written request for initiation to USFWS or NMFS, along with the agency's biological assessment of its proposed action, and when USFWS or NMFS accepts that biological assessment as complete. If USFWS or NMFS concludes that the action is not likely to adversely affect a listed species, the action may be conducted without further review under ESA. Otherwise, USFWS or NMFS must prepare a written biological opinion describing how the agency's action will affect the listed species and its critical habitat.

The Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918, as amended (MBTA), implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful, as is taking of any parts, nests, or eggs of such birds (U.S. Government Code [USC], title 16,

section 703). Take is defined more narrowly under the MBTA than under ESA and includes only the death or injury of individuals of a migratory bird species or their eggs. As such, *take* under the MBTA does not include the concepts of harm and harassment as defined under ESA. The MBTA defines migratory birds broadly; all birds native to North America are considered migratory birds under the MBTA.

Clean Water Act Section 404

The CWA is the primary federal law that protects the physical, chemical, and biological integrity of the nation's waters, including lakes, rivers, wetlands, and coastal waters. Programs conducted under the CWA are directed at both point source pollution (e.g., waste discharged from outfalls and filling of waters) and nonpoint source pollution (e.g., runoff from parking lots). Under the CWA, the U.S. Environmental Protection Agency (USEPA) and state agencies set effluent limitations and issue permits under CWA section 402 governing point-source discharges of wastes to waters. The U.S. Army Corps of Engineers (USACE), applying its regulations under guidelines issued by EPA, issues permits under CWA section 404 governing under what circumstances dredged or fill material may be discharged to waters. These section 402 and 404 permits are the primary regulatory tools of the CWA. EPA has oversight over all CWA permits issued by USACE.

USACE issues two types of permits under section 404: general permits (either nationwide permits or regional permits) and standard permits (either letters of permission or individual permits). General permits are issued by USACE to streamline the section 404 process for nationwide, statewide, or regional activities that have minimal direct or cumulative environmental impacts on the aquatic environment. Standard permits are issued for activities that do not qualify for a general permit (i.e., activities that may have more than a minimal adverse environmental impact).

Clean Water Act Section 401 and the Porter-Cologne Water Quality Control Act

Under CWA section 401, states have the authority to certify federal permits for discharges to waters under state jurisdiction. States may review proposed federal permits (e.g., section 404 permits) for compliance with state water quality standards. The permit cannot be issued if the state denies certification. In California, the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Water Boards) are responsible for the issuance of section 401 certifications.

The Porter-Cologne Water Quality Control Act is the primary state law concerning water quality. It authorizes the State Water Board and Regional Water Boards to prepare management plans such as regional water quality plans to address the quality of groundwater and surface water. The Porter-Cologne Water Quality Control Act also authorizes the Regional Water Boards to issue waste discharge requirements defining limitations on allowable discharge to waters of the state. In addition to issuing section 401 certifications on section 404 applications to fill waters, the Regional Water Boards may also issue waste discharge requirements for such activities. Because the authority for waste discharge requirements is derived from the Porter-Cologne Water Quality Control Act and not the CWA, waste discharge requirements may apply to a somewhat different range of aquatic resources than do section 404 permits and section 401 water quality certifications. Applicants that obtain a permit from USACE under section 404 must also obtain certification of that permit by the Regional Water Board with jurisdiction over the project site.

A.4.2 State

California Endangered Species Act

California Endangered Species Act (CESA): (Fish & Game Code chapter 1.5, sections 2050–2115.5, California Code of Regulations (CCR), title 14, chapter 6, § 783.0-787.9). CESA protects or preserves all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation. CESA also states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved.

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 (California Fish and Game Code 1900‑1913) prohibits importation of rare and endangered plants into California, take of rare and endangered plants, and sale of rare and endangered plants. CESA defers to the plant protection act, which ensures that state-listed plant species are protected when state agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the act are not protected under CESA but rather under CEQA.

California Fish and Game Code Section 3503

The California Fish & Game Code Section 3503 prohibits the take, possession, or needless destruction of the nest or eggs of any bird; and Section 3513 prohibits the take or possession of any migratory nongame bird or part there of as designated in the MBTA. Any birds in the orders Falconiformes or Strigiformes (birds of prey, such as hawks and owls) are protected under Fish & Game Code Section 3503.5, which makes it unlawful to take, possess, or destroy their nest or eggs.

California Fully Protected Species

In the 1960s, before CESA was enacted, the California legislature identified specific species for protection under the Fish & Game Code. These *fully protected* species may not be taken or possessed at any time, and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of bird species for the protection of livestock. Fully protected species are described in sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) of the Fish & Game Code.

A.4.3 Local

Fresno County General Plan

The Fresno County General Plan (Fresno County 2024) provides specific policies protecting aquatic, upland, nesting bird, and other sensitive habitats and general guidance on how affected projects should mitigate potential impacts on wildlife and habitats.

- **OS-A.19.** Water Discharge Pollution Mitigation
- **OS-A.20.** Minimization of Sedimentation and Erosion
- **OS-D.4.** Riparian Protection Zones
- **OS-D.5.** Upland Habitat Protection
- **OS-E.1.** Avoid Habitat Loss
- **OS-E.2.** Construction Buffers
- **OS-E.17.** Endangered Species Habitat
- **OS-E.19.** Nesting Birds
- **OS-F.8.** Vegetation for Wildlife

A.5 Cultural Resources

A.5.1 Federal

National Register of Historic Places

Although the project does not have a federal nexus, properties that are listed in or have been formally determined eligible for listing in the National Register of Historic Places (NRHP) are automatically listed in the California Register of Historic Places (CRHR). The NRHP was authorized by Section 101 of the National Historic Preservation Act and is the nation's official list of cultural resources worthy of preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture present in districts, sites, buildings, structures, and objects. Per 36 CFR Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria.

- **Criterion A:** Is associated with events that have made a significant contribution to the broad patterns of our history.
- **Criterion B:** Is associated with the lives of persons significant in our past.
- **Criterion C:** Embodies the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

- **Criterion D:** Has yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined as follows.

- **Location:** The place where the historic property was constructed or the place where the historic event occurred.
- **Design:** The combination of elements that create the form, plan, space, structure, and style of a property.
- **Setting:** The physical environment of a historic property.
- **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- **Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time.
- **Association:** The direct link between an important historic event or person and a historic property.

Certain properties are generally considered ineligible for listing in the NRHP, including cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions, relocated structures, or commemorative properties. Additionally, a property must be at least 50 years of age to be eligible for listing in the NRHP. Properties less than 50 years must be determined to have "exceptional importance" to be considered eligible for NRHP listing.

A.5.2 State

California Environmental Quality Act

California Public Resources Code (PRC) Section 21084.1 requires lead agencies to determine if a project could have a significant impact on historical or unique archaeological resources. As defined in PRC Section 21084.1, a historical resource is a resource listed in, or determined eligible for listing in, the CRHR; a resource included in a local register of historical resources or identified in a historical resources survey pursuant to PRC Section 5024.1(g); or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. PRC Section 21084.1 also states resources meeting the above criteria are presumed to be historically or culturally significant unless the preponderance of evidence demonstrates otherwise. Resources listed in the NRHP are automatically listed in the CRHR, as are California Historical Landmarks 770 and above; both are, therefore, historical resources under CEQA. Historical resources may include eligible built environment resources and archaeological resources of the precontact or historic periods.

CEQA Guidelines Section 15064.5(c) provides further guidance on the consideration of archaeological resources. If an archaeological resource does not qualify as a historical resource, it

may meet the definition of a "unique archaeological resource" as identified in PRC Section 21083.2. PRC Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information, (2) has a special and particular quality such as being the oldest of its type or the best available example of its type, or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource does not qualify as a historical or unique archaeological resource, the impacts of a project on those resources will be less than significant and need not be considered further (CEQA Guidelines Section 15064.5[c][4]). CEQA Guidelines Section 15064.5 also provides guidance for addressing the potential presence of human remains, including those discovered during the implementation of a project.

According to CEQA, an impact that results in a substantial adverse change in the significance of a historical resource is considered a significant impact on the environment. A substantial adverse change could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (CEQA Guidelines Section 15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner of those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register (CEQA Guidelines Section 15064.5[b][2][A]).

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a][b]). Generally, a project that is found to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (the Standards) is considered to be mitigated below a level of significance (CEQA Guidelines Section 15126.4 [b][1]). For historical resources of an archaeological nature, lead agencies should also seek to avoid damaging effects where feasible. Preservation in place is the preferred manner to mitigate impacts to archaeological sites; however, data recovery through excavation may be the only option in certain instances (CEQA Guidelines Section 15126.4[b][3])

California Register of Historical Resources

The CRHR was established in 1992 and codified by PRC Sections 5024.1 and Title 14 Section 4852. The CRHR is an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change (PRC 5024.1(a)). The criteria for eligibility for the CRHR are consistent with the NRHP criteria but have been modified for state use in order to include a range of historical resources that better reflect the history of California (PRC 5024.1(b)). Unlike the NRHP however, the CRHR does not have a defined age threshold for eligibility; rather, a resource may be eligible for the CRHR if it can be demonstrated sufficient time has passed to understand its historical or architectural significance. Furthermore, resources may still be eligible for listing in the CRHR even if they do not retain sufficient integrity for NRHP eligibility (California Office of Historic Preservation 2011).

Generally, the California Office of Historic Preservation recommends resources over 45 years of age be recorded and evaluated for historical resources eligibility (California Office of Historic Preservation 1995:2).

A property is eligible for listing in the CRHR if it meets one of more of the following criteria.

- **Criterion 1:** Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- **Criterion 2:** Is associated with the lives of persons important to our past.
- **Criterion 3:** Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- **Criterion 4:** Has yielded, or may be likely to yield, information important in prehistory or history.

Governor's Executive Order B-10-11

Executive Order B-10-11 was signed by California Governor Edmund G. Brown, Jr., in September 2011. The order created a position of Tribal Advisor to the Governor. The Tribal Advisor is responsible for implementing effective government-to-government consultation between the Governor's administration and California Indian Tribes.

The order also states:

> It is the policy of this Administration that every state agency and department subject to [the Governor's] executive control shall encourage communication and consultation with California Indian Tribes. Agencies and departments shall permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

For the purpose of the Executive Order, the term "California Indian Tribe" refers to all federally recognized tribes and "other California Native Americans."

California Assembly Bill 52 of 2014

As of July 1, 2015, Assembly Bill (AB) 52 was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes, "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states the CEQA lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) define tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and that meets at least one of the following criteria, as summarized in CEQA Guidelines Appendix G:

1. Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k)

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 PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process with California Native American tribes that must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." California Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

California Senate Bill 18 of 2004

California Government Code Section 65352.3 (adopted pursuant to the requirements of Senate Bill [SB] 18) requires local governments to contact, refer plans to, and consult with Tribal organizations prior to making a decision to adopt or amend a general or specific plan. The Tribal organizations eligible to consult have traditional lands in a local government's jurisdiction, and are identified, upon request, by the Native American Heritage Commission (NAHC). As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005); "The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places." SB 18 refers to PRC Section 5097.9 and 5097.995 to define cultural places as follows.

- A Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9)
- A Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.995).

California Health and Safety Code

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined if the remains are subject to the Coroner's authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification.

California Public Resources Code Section 5097.98

Section 5097.98 of the California Public Resources Code states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5, shall immediately notify those persons (i.e., the Most Likely Descendant [MLD]) that it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD

shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

A.5.3 Local

Fresno County General Plan

Fresno County updated its general plan in 2024, which contains goals and policies that seek to preserve historical, archaeological, paleontological, geological, and cultural resources of the county through development review, acquisition, encouragement of easements, coordination with other agencies and groups, and other methods (Fresno County 2024). As presented in the Open Space and Conservation Element, these goals and policies include the following.

Goals

- **Goal OS-J:** To identify, protect, and enhance Fresno County's important historical, archaeological, paleontological, geological, and cultural sites and their contributing environment, and promote and encourage preservation, restoration, and rehabilitation of Fresno County's historically significant resources in order to promote historical awareness, community identity, and to recognize the county's valued assets that have contributed to past county events, trends, styles of architecture, and economy.

Policies

- **OS-J.1**: Preservation of Historic Resources: The County shall encourage preservation of any sites and/or buildings identified as having historical significance pursuant to the list maintained by the Fresno County Historic Landmarks and Records Advisory Commission.
- **OS-J.2**: Historic Resources Consideration: The County shall consider historic resources during preparation or evaluation of plans for discretionary development projects that may impact buildings or structures for a proposed project located on property that includes buildings, structures, objects, sites, landscapes, or other features that are 45 years of age or older at the time of permit application. The project applicants shall be responsible for preparing and implementation of the recommendations of a historical resources evaluation completed by qualified cultural resources practitioners.
- **OS-J.3**: Minimize Impacts: Whenever a historical resource is known to exist on a proposed project site, the County (i.e., Fresno County Historic Landmarks and Records Advisory Commission) shall evaluate and make recommendations to minimize potential impacts to said resource.
- **OS-J.4**: Cultural Resources Protection and Mitigation: The County shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archaeological, tribal, paleontological, and cultural sites and resources. For projects requiring ground disturbance and located within a high or moderate cultural sensitivity area, a cultural resources technical report may be warranted, including accurate archival research and site surveys conducted by qualified cultural resources practitioners. The need to prepare such studies shall be determined based on the tribal consultation process and initial outreach to local or state information centers.

- **OS-J.5**: Archaeological Sites Confidentiality: The County shall, within the limits of its authority and responsibility, maintain confidentiality regarding the location of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.
- **OS-J.6**: Native American Consultation: The County shall solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.
- **OS-J.7**: Historical Sites Inventory: The County shall maintain an inventory of all sites and structures in the county determined to be of historical significance (Index of Historic Properties in Fresno County).
- **OS-J.8:** Landmark Designation: The County shall support the registration by property owners and others of cultural resources in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark).
- **OS-J.9**: Historical Site Markers: The County shall provide for the placement of historical markers or signs on adjacent County roadways and major thoroughfares to attract and inform visitors of important historic resource sites. If such sites are open to the public, the County shall ensure that access is controlled to prevent damage or vandalism.
- **OS-J.10:** Cultural Resource Preservation: The County shall use the State Historic Building Code and existing legislation and ordinances to encourage preservation of cultural resources and their contributing environment.
- **OS-J.11:** Interpretive Services and Facilities: The County shall support efforts of other organizations and agencies to preserve and enhance historic resources for educational and cultural purposes through maintenance and development of interpretive services and facilities at County recreational areas and other sites.

A.5.4 References

Fresno County. 2024. *General Plan Policy Document: General Plan Review and Revision.* Final Draft. February. Available: fcgpr_general-plan_prd-county_01-12_24-clean.pdf (fresnocountyca.gov). Accessed: May 2024.

A.6 Energy

A.6.1 Federal

Energy Policy and Conservation Act and CAFE Standards

The Energy Policy and Conservation Act (EPCA) of 1975 was established to address various aspects of energy production and efficiency in the United States. Key provisions of EPCA include a Strategic Petroleum Reserve, Vehicle Fuel Economy Standards, and a Crude Oil Export Ban from 1977 to 2015. Corporate Average Fuel Economy (CAFE) standards were passed in 1975 as part of the EPCA that set a requirement for manufacturers to produce a fleet of vehicles that reached a specific average fuel economy.

A.6.2 State

Warren-Alquist Act

The 1975 Warren-Alquist Act designates the California Energy Commission as the state's primary energy policy and planning agency and was established to reduce wasteful, uneconomical, and unnecessary uses of energy through provisions and measures. The California Public Utilities Commission regulates privately-owned utilities in energy, rail, telecommunications, and water fields.

Clean Energy and Pollution Reduction Act

The Clean Energy and Pollution Reduction Act of 2015 (Senate Bill 350) requires doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

A.6.3 Local

No local plans, policies, regulations, or laws related to energy resources are applicable to the project.

A.7 Geology and Soils

No federal, state, or local plans, policies, regulations, or laws related to geology and soils are applicable to the project.

A.8 Greenhouse Gas Emissions

A.8.1 Federal

Executive Action on Greenhouse Gas Emissions

There is currently no federal law or legislatively mandated national greenhouse gas (GHG) reduction target. However, several federal executive orders (EO) have recently been signed by President Joe Biden related to GHG emissions and climate resiliency. EO 13990, signed in January 2021, set a national goal to achieve a 50 to 52 percent reduction from 2005 levels in economy-wide net GHG pollution in 2030. EO 14057, signed in December 2021, requires federal agencies to develop strategic processes for achieving, among other things, carbon-free electricity by 2030 and 100 percent zero-emission vehicle acquisitions by 2035. President Joe Biden has also signed two bills—Infrastructure Investment and Jobs Act (2021) and Inflation Reduction Act (2022)—that provide funding for infrastructure improvements that will reduce GHG emissions and bolster resilience to climate change.

A.8.2 State

Legislative Reduction Targets

Senate Bill (SB) 32 requires the state to reduce emissions to 40 percent below the 1990 level by 2030. Assembly Bill (AB) 1279 requires California to achieve net-zero GHG emissions (i.e., reach a balance between the GHGs emitted and removed from the atmosphere) no later than 2045 and to achieve and maintain net-negative GHG emissions from then on. It also mandates an 85 percent reduction in statewide anthropogenic GHG emissions (from 1990 levels) by 2045. AB 1279 requires state agencies aim to achieve net-zero GHG emissions resulting from their operations no later than 2035, or as soon as feasible thereafter.

The state's plan to reach these targets are presented in periodic scoping plans. CARB (2017) adopted the 2017 Climate Change Scoping Plan in November 2017 to meet the GHG reduction requirement set forth in SB 32. It proposes continuing the major programs of the previous scoping plan, including cap-and-trade regulation; low carbon fuel standards; more efficient cars, trucks, and freight movement; Renewables Portfolio Standard; and reducing methane (CH_4) emissions from agricultural and other wastes. CARB (2022) completed the *2022 Scoping Plan for Achieving Carbon Neutrality* in November 2022 to identify a technologically feasible, cost-effective and equity-focused path to achieve carbon neutrality by 2045, pursuant to AB 1279. The plan also assesses the state's progress toward meeting the GHG emissions reduction goal called for in SB 32.

A.8.3 Local

Air District Thresholds

SJVAPCD's (2015) CEQA Guidelines do not identify a GHG emissions threshold for construction-related emissions. Accordingly, there are no adopted quantitative GHG thresholds relevant to the soil remediation project. Therefore, direct and indirect GHG emissions from the project are discussed with respect to larger statewide GHG emission reduction goals, where a significant impact would occur if emissions would obstruct attainment of the targets outlined SB 32 or AB 1279.

A.9 Hazards and Hazardous Materials

A.9.1 Federal

Hazardous Waste Handling

The federal Toxic Substances Control Act (TSCA) of 1976 and the Resource Conservation and Recovery Act (RCRA) established a program to be administered by the USEPA) to regulate the generation, transport, treatment, storage, and disposal of hazardous waste. The TSCA authorized the EPA to secure information on all new and existing chemical substances and control those substances with unreasonable risks related to public health and the environment. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which specifically prohibits the use of certain techniques for the disposal of hazardous waste.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund," was enacted by Congress on December 11, 1980, and amended by the Superfund Amendments and Reauthorization Act on October 17, 1986. This law (42 USC 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites, provides for liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enabled revision of the National Contingency Plan (NCP). The NCP (40 CFR 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List.

Occupational Safety and Health Administration

The Occupational Safety and Health Act of 1970, administered by the Occupational Safety and Health Administration (OSHA), is intended to ensure the safety and health of American workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in 29 CFR 1910.

U.S. Department of Transportation Hazardous Materials Regulations

The U.S. Department of Transportation regulations cover all aspects of hazardous materials packaging, handling, and transportation (49 CFR 100–185). Some of the topics covered include 49 CFR Parts 107 (Hazard Materials Program), 130 (Oil Spill Prevention and Response), 172 (Emergency Response), 173 (Packaging Requirements), 174 (Rail Transportation), 176 (Vessel Transportation), 177 (Highway Transportation), 178 (Packaging Specifications), and 180 (Packaging Maintenance).

A.9.2 State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) was created in 1991. It unified California's environmental authority in a single cabinet-level agency and brought the California Air Resources Board (CARB), State Water Resources Control Board (State Water Board), Regional Water Quality Control Boards (RWQCBs), California Department of Resources Recycling and Recovery (CalRecycle), DTSC, Office of Environmental Health Hazard Assessment, and Department of Pesticide Regulation under one agency. These agencies were placed under the CalEPA umbrella for the protection of human health and the environment to ensure the coordinated deployment of state resources. Their mission is to restore, protect, and enhance the environment and ensure public health, environmental quality, and economic vitality.

Department of Toxic Substances Control

DTSC, a department of CalEPA, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. DTSC regulates hazardous waste primarily under the authority of the RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5–10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Cortese List

CalEPA maintains the Hazardous Wastes and Substances Site (Cortese) List, a planning document used by state and local agencies and developers to comply with CEQA requirements in providing information about the locations of hazardous materials release sites. Per Government Code section 65962.5, the Cortese List must be updated at least once annually. DTSC, the State Water Board, and CalRecycle contribute to the hazardous material release site listings.

Hazardous Waste Control Act

DTSC is responsible for enforcing the Hazardous Waste Control Act (California Health and Safety Code Section 25100 et seq.), a framework under which hazardous wastes are managed in California. The law provides for the development of a state hazardous waste program that administers and implements the provisions of the RCRA with regards to waste management system in California. It also provides for the designation of California-only hazardous waste and development of standards that are equal to or, in some cases, more stringent than federal requirements.

A.9.3 Local

The *Fresno County General Plan Policy Document*, Health and Safety Element, Section F: *Hazardous Materials*, contains policies relevant to the proposed project (Fresno County 2024).

- **Policy HS-F.3.** The County, through its Hazardous Materials Incident Response Plan, shall coordinate and cooperate with emergency response agencies to ensure adequate countywide response to hazardous materials incidents.
- **Policy HS-F.6.** The County shall work cooperatively with the State Department of Toxic Substances Control and Regional Water Quality Control Board to promote the timely and efficient cleanup of contaminated sites under the regulatory oversight of these agencies.

A.10 Hydrology and Water Quality

A.10.1 Federal

Clean Water Act

The federal Clean Water Act (CWA) of 1972 was enacted with the primary purpose of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. The CWA directs states to establish water quality standards for all waters of the United States and to review and

update such standards on a triennial basis. At the federal level, the CWA is administered by the USEPA. The USEPA has delegated responsibility for implementation of portions of the CWA, including water quality control planning and control programs, such as the National Pollutant Discharge Elimination System (NPDES) program, to the State Water Board), and the Regional Water Quality Control Boards (Regional Water Boards). The State Water Board establishes statewide policies and regulations for the implementation of water quality control programs mandated by federal and state water quality statutes and regulations. The following are important CWA sections.

- Section 303(d) requires that the states make a list of waters that are not attaining standards after the technology-based limits are put into place. For waters on this list (and where the USEPA administrator deems, they are appropriate), the states are to develop total maximum daily loads (TMDL). TMDLs are established at the level necessary to implement the applicable water quality standards.
- Section 401 requires an applicant for a federal license or permit to conduct any activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the act. This is most frequently required in tandem with a Section 404 permit request.
- Section 402 establishes the NPDES, a permitting system for the discharges (except for dredge or fill material) of any pollutant into waters of the United States. Regional Water Boards administer this permitting program in California. Section 402(p) requires permits for discharges of storm water from industrial/construction and municipal separate storm sewer systems (MS4s).
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States. This permit program is administered by the U.S. Army Corps of Engineers (USACE).

National Flood Insurance Program

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 restrict certain types of development on floodplains and provide for a National Flood Insurance Program (NFIP). The NFIP is a federal program administered by the Flood Insurance Administration of the Federal Emergency Management Administration (FEMA). FEMA is responsible for determining, based on USACE studies and in coordination with states and local governments, flood elevations and floodplain boundaries. FEMA is also responsible for identifying flood hazard areas and publishes a boundary map of flood hazards, including the 100-year floodplain, in those areas in connection with the NFIP. FEMA allows non-residential development in the floodplain; however, construction activities are restricted within the flood hazard areas, depending on the potential for flooding within each area. Floodplain mapping is an ongoing process and flood maps must be regularly updated for both major rivers and tributaries as land uses and development patterns change.

A.10.2 State

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) established the State Water Board and divided the state into nine Regional Water Boards, which are responsible for coordination and control of water quality within their respective jurisdictional boundaries. Waters of the State are defined more broadly than waters of the United States; they are defined as any

surface water or groundwater, including saline waters, within the boundaries of the state. This includes waters in both natural and artificial channels. The act requires the Regional Water Boards to establish water quality objectives while acknowledging that water quality may be changed to some degree without unreasonably affecting beneficial uses. Designated beneficial uses, together with the corresponding water quality objectives, also constitute water quality standards under the federal CWA. The Porter-Cologne Act also requires projects that are discharging, or proposing to discharge, wastes that could affect the quality of the state's water to file a waste discharge report with the appropriate Regional Water Board.

NPDES General Permit for Construction Activities

Most construction activities that disturb 1 acre of land or more are required to obtain coverage under the NPDES General Permit for Construction Activities (Construction General Permit). The State Water Board has issued a statewide Construction General Permit (Order WQ 2022-0057-DWQ, NPDES NO. CAS000002), adopted September 8, 2022. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation, which result in soil disturbances of at least 1 acre of total land area. The Construction General Permit requires the applicant to file a notice of intent (NOI) to discharge stormwater and to prepare and implement a stormwater pollution prevention plan (SWPPP). The SWPPP includes a site map and a description of proposed construction activities, along with a demonstration of compliance with relevant local ordinances and regulations, and an overview of the BMPs that would be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Permittees are further required to conduct annual monitoring and reporting to ensure that BMPs are correctly implemented and effective in controlling the discharge of stormwater-related pollutants.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SGMA) is a comprehensive three-bill package that Governor Jerry Brown signed into California state law in September 2014. The SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention only if necessary to protect the resource. The plan is intended to ensure a reliable groundwater water supply for California for years to come. SGMA requires the formation of local groundwater sustainability agencies (GSA), which are required to adopt groundwater sustainability plans (GSPs) to manage the sustainability of groundwater basins. GSAs for all high- and medium-priority basins, as identified by the California Department of Water Resources (DWR), must adopt a GSP, or submit an alternative to a GSP. SGMA also requires governments and water agencies of high- and medium-priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge.

The project overlies the Kings Subbasin of the San Joaquin Valley Groundwater Basin, which is designated as a high-priority basin (DWR 2020). The Kings Subbasin GSAs developed and submitted its initial GSPs to DWR in January 2020, but they GSPs were deemed incomplete. The Kings Subbasin GSA submitted its revised GSPs in July 2022. In March 2023, DWR announced the GSPs for the Kings Subbasin, which includes the McMullin Area GSA and 6 other GSAs, were recommended for approval.

A.10.3 Local

Regionwide Stormwater Permit

The Central Valley Water Board adopted a Regionwide MS4 Permit (Order R5-2016-0040) on June 23, 2016. The permit regulates discharges of stormwater and authorized non-storm water from MS4s. Owners or operators of large and medium MS4s are expected to enroll under this order as their current individual MS4 Permits expire. Owners or operators of small regulated MS4s currently enrolled under the State Water Board's Statewide General Phase II Small MS4 Permit may voluntarily enroll under this order.

Fresno County General Plan

The 2024 Fresno County General Plan Policy Document includes policies associated with hydrology and water quality (Fresno County 2024).

- **Policy PF-E.16.** The County shall minimize sedimentation and erosion through control of grading, cutting of trees, removal of vegetation, placement of roads and bridges, and use of off-road vehicles. The County shall discourage grading activities during the rainy season, unless adequately mitigated, to avoid sedimentation of creeks and damage to riparian habitat.
- **Policy PF-E.21.** The County shall require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and shall encourage the urban storm drainage systems and agricultural activities to use BMPs.
- **Policy OS-A.20.** The County shall minimize sedimentation and erosion through control of grading, cutting of trees, removal of vegetation, placement of roads and bridges, and use of off-road vehicles. The County shall discourage grading activities during the rainy season unless adequately mitigated to avoid sedimentation of creeks and damage to riparian habitat.
- **Policy OS-A.26.** The County shall continue to require the use of feasible and practical best management practices to protect streams from the adverse effects of construction activities and urban runoff.

A.10.4 References

Fresno County. 2000. *Fresno County General Plan Policy Document*. October 3.

A.11 Land Use and Planning

A.11.1 Federal and State

No federal or state plans, policies, regulations, or laws related to land use are applicable to the project.

A.11.2 Local

The Fresno County General Plan designates the project site for General Industrial use (Fresno County 2024a). The site carries a County zoning designation of Heavy Industrial (M-3) (Fresno

County 2024b). The M-3 zone is applied to areas appropriate for heavy industrial uses engaged in the mechanical or chemical processing of materials or substances into new products, the assembling of component parts, or the blending of materials, including animal and poultry slaughtering, automobile assembly or recycling, machine shops, petroleum refining, and a variety of heavy manufacturing uses, which may require appropriate buffering from adjacent commercial and residential uses.

The Fresno County General Plan contains no goals or policies relevant to the proposed project.

A.11.3 References

Fresno County. 2024a. *General Plan Policy Document: General Plan Review and Revision.* Final Draft. February. Available: fcgpr_general-plan_prd-county_01-12_24-clean.pdf (fresnocountyca.gov). Accessed: March 11, 2024.

Fresno County. 2024b. *Fresno County Zoning Ordinance (Zoning Ordinance Update)*. February 2024. Available: https://www.fresnocountyca.gov/files/sharedassets/county/v/3/public-works-and-planning/zoning-ordinance/zoning-ordinance-final.pdf. Accessed: March 11, 2024.

A.12 Mineral Resources

A.12.1 Federal

No federal plans, policies, regulations, or laws related to mineral resources are applicable to the project.

A.12.2 State

California Surface Mining and Reclamation Act

The California Surface Mining and Reclamation Act (SMARA) of 1975 requires the State Geologist to classify land into Mineral Resource Zones (MRZs), according to the known or inferred mineral potential of the land. The Department of Conservation's Division of Mine Reclamation and the State Mining and Geology Board are jointly charged with ensuring proper administration to the act's requirements. The process is based solely on geology, without regard to existing land use or land ownership. The primary goal of mineral land classification is to ensure that the mineral potential of land is recognized before land-use decisions are made that could preclude mining.

A.12.3 Local

The Fresno County General Plan, Health and Safety Element, Section C: *Mineral Resources*, contains policies relevant to the proposed project (Fresno County 2024).

- **Policy OS-C.2.** The County shall not permit land uses incompatible with mineral resource recovery within areas designated as Mineral Resource Zone 2 (MRZ-2). (See Figures 7-9, 7-10, and 7-11 in *General Plan Background Report* [Fresno County 2023].)
- **Policy OS-C.10.** The County shall not permit land uses that threaten the future availability of mineral resources or preclude future extraction of those resources.

A.12.4 References

Fresno County. 2024. *General Plan Policy Document: General Plan Review and Revision.* Final Draft. February. Available: fcgpr_general-plan_prd-county_01-12_24-clean.pdf (fresnocountyca.gov). Accessed: April 12, 2024.

A.13 Noise

A.13.1 Federal

Federal Transit Administration

While no federal regulations specifically apply to the remediation project, the Federal Transit Administration (FTA) has developed useful general assessment criteria for analyzing construction noise[1] and groundborne vibration (FTA 2018). These assessment criteria are based on the simultaneous operation of the two noisiest pieces of construction equipment at a project site(Table A-2).

Table A-2. Federal Transit Administration General Assessment Criteria for Construction Noise

	1-hour LA_{eq} (dBA)	
Land Use	**Day**	**Night**
Residential	90	80
Commercial	100	100
Industrial	100	100

Source: FTA 2018.

Notes: An A-weighted decibel (dBA) is an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear. The dBA scale is the most widely used scale for environmental noise assessment. A 1-hour A-weighted equivalent sound level (LA_{eq}) is the energy average of A-weighted sound levels occurring during a 1-hour period.

FTA has also developed guidelines for the assessment of groundborne vibration effects (FTA 2018). While these criteria were primarily developed for assessing groundborne vibration from rail operations, they are also recommended for the assessment of potential construction impacts. Two types of potential impact are considered: (1) annoyance and interference, and (2) building damage. Table A-3 summarizes FTA's criteria for assessing annoyance and interference, and Table A-4 summarizes FTA's criteria for assessing building damage.

[1] *Noise* is defined as sound that is loud, unpleasant, unexpected, or otherwise undesirable.

Table A-3. FTA Groundborne Vibration Impact Criteria for Annoyance and Interference

Land Use Category	Groundborne Vibration Impact Levels (VdB re 1 micro-inch/sec)		
	Frequent Events [a]	Occasional Events [b]	Infrequent Events [c]
Category 1: Buildings where vibration would interfere with interior operations	65 VdB [d]	65 VdB [d]	65 VdB [d]
Category 2: Residences and buildings where people normally sleep	72 VdB	75 VdB	80 VdB
Category 3: Institutional land uses with primarily daytime use	75 VdB	78 VdB	80 VdB

Source: FTA 2018.

VdB = vibration velocity decibels.

a. *Frequent events* are defined as more than 70 vibration events from the same source per day. Most rapid transit projects fall into this category.

b. *Occasional events* are defined as between 30 and 70 vibration events from the same source per day. Most commuter trunk lines have operations in this range.

c. *Infrequent events* are defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.

d. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. For equipment that is more sensitive, a detailed vibration analysis must be performed.

Table A-4. FTA Groundborne Vibration Impact Criteria for Building Damage

Building/ Structural Category	PPV, in/sec	Approximate L_v, VdB
I. Reinforced-concrete, steel or timber (no plaster)	0.5	102
II. Engineered concrete and masonry (no plaster)	0.3	98
III. Non-engineered timber and masonry buildings	0.2	94

Source: FTA 2018.

Notes: PPV = peak particle velocity (A measurement of ground vibration, defined as the maximum speed at which a particle in the ground is moving, expressed in inches per second [in/sec]); Lv = vibration velocity level (The root-mean-square velocity amplitude for measured ground motion, expressed in decibels. The reference velocity is 1 micro-inch per second. Vibration velocity decibels are denoted VdB to differentiate them from airborne noise decibels.); VdB = vibration velocity decibels.

A.13.2 State

No state plans, policies, regulations, or laws related to noise and vibration are applicable to the project.

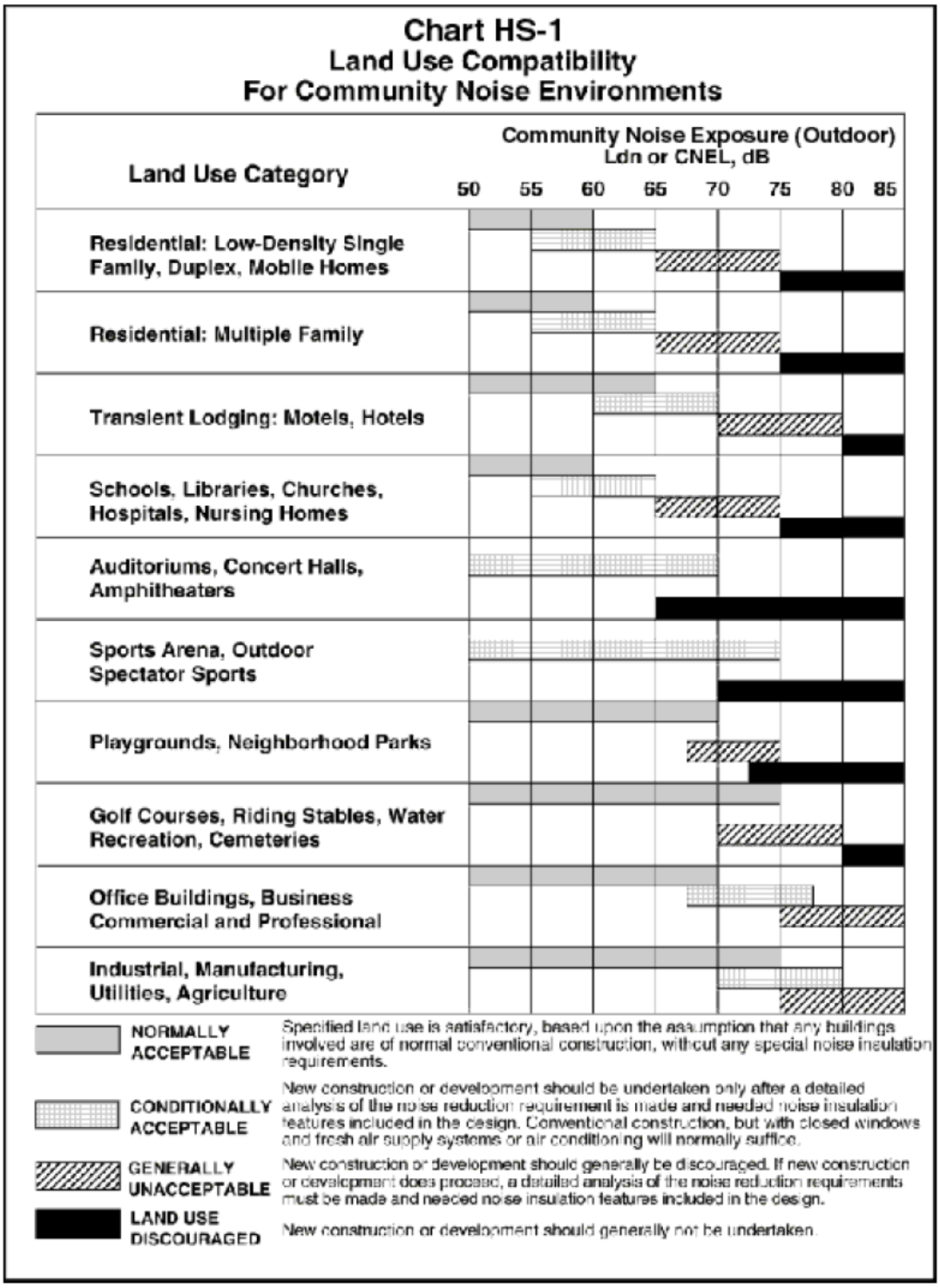
A.13.3 Local

Fresno County General Plan

Section G. *Noise*, of the Health and Safety Element of the Fresno County General Plan (Fresno County 2000) contains policies related to noise referenced in General Plan Chart HS-1, recreated as Table A-5 herein.

- **Policy HS-G.6.** The County shall regulate construction-related noise to reduce impacts on adjacent uses in accordance with the County's Noise Control Ordinance.
- **Policy HS-G.8.** The County shall evaluate the compatibility of proposed projects with existing and future noise levels through a comparison to Chart HS-1, "Land Use Compatibility for Community Noise Environments."

Table A-5. Fresno County General Plan Chart HS-1, Land Use Compatibility for Community Noise Environments



Fresno County Code of Ordinances

According to Section 8.40.060 of the Fresno County Code of Ordinances, *Noise source exemptions*, noise sources associated with construction are exempt from the noise standards, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 7:00 a.m. or after 5:00 p.m. on Saturday or Sunday. Outside of the exempted hours, the noise standards from Chapter 8.40, *Noise Control*, of the County's municipal code (based on FTA standards and summarized in Table A-6) would apply. In addition, Section 8.40.040 of the code provides exterior noise standards and states that it is "unlawful for any person… at any location within the unincorporated area of the county, to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any affected single- or multiple-family residence, school, hospital, church or public library situated in either the incorporated or unincorporated area to exceed the noise level standards."

Table A-6. Fresno County Exterior Noise Standards

Category (Noise Metric Descriptor)	Cumulative Number of Minutes in Any One Hour	Noise Level Standards, dBA	
		Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
1 (L_{50})	30	55	45
2 (L_{25})	15	60	50
3 ($L_{8.33}$)	5	65	55
4 ($L_{1.67}$)	1	70	60
5 (L_{max})	0	75	65

Source: FTA 2018.

Notes: L_{xx} = percentile exceeded sound level (describes the sound level exceeded for a given percentage of a specified period. For example, the L_{25} is the sound level exceeded 25 percent of the time [such as 15 minutes per hour]); l_{max} = the maximum sound level measured during a given measurement period; dBA = A-weighted decibel.

In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal the ambient noise level.

Each of the noise level standards specified above shall be reduced by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

A.13.4 References

Federal Transit Administration (FTA). 2018. *Transit Noise and Vibration Impact Assessment Manual*. Final. FTA Report No. 0123. September 2018. Washington, DC. Prepared by Volpe National Transportation Systems Center. Cambridge, MA.

A.14 Population and Housing

No federal, state, or local plans, policies, regulations, or laws related to population and housing are applicable to the project.

A.15 Public Services

No federal, state, or local plans, policies, regulations, or laws related to public services are applicable to the project.

A.16 Recreation

No federal, state, or local plans, policies, regulations, or laws related to recreation are applicable to the project.

A.17 Transportation

A.17.1 Federal

No federal or state plans, policies, regulations, or laws related to transportation are applicable to the project.

A.17.2 Local

Fresno Council of Governments

The Fresno Council of Governments (Fresno COG), a voluntary association of 16 local governments, is the state-designated regional transportation planning agency for Fresno County. The *2022 Regional Transportation Plan and Sustainable Communities Strategy* (Fresno COG 2022) includes the following relevant policies.

- **Policy 11:** Prioritize investment in and promote multimodal safety measures to reduce traffic fatalities and incidents in the region.
- **Policy 12:** Promote enhanced Transportation Systems Management (TSM) and Transportation Demand Management (TDM) strategies to reduce congestion and vehicle miles traveled.

Fresno County General Plan

The Fresno County General Plan Transportation and Circulation Element includes the following policy applicable to the project (Fresno County 2024).

- **Policy TR-A.25.** Vehicles Miles Traveled (VMT) Threshold Projects that would generate or attract more than 110 daily vehicle trips shall be evaluated for a transportation VMT impact on an individual basis. The threshold of significance shall be 87 percent of the countywide average rate of VMT. Any individual project resulting in VMT that exceeds 87 percent of the countywide average shall be required to implement project-specific mitigation measures aimed at reducing VMT generated by the project.

A.17.3 References

Fresno County. 2024. *General Plan Policy Document: General Plan Review and Revision.* Final Draft. February. Available: fcgpr_general-plan_prd-county_01-12_24-clean.pdf (fresnocountyca.gov). Accessed: April 12, 2024.

Fresno Council of Governments (Fresno COG) .2022. *2022 Regional Transportation Plan and Sustainable Communities Strategy*. Adopted July 28, 2022. Available: https://www.planfresno.com/sustainable-communities-strategies-fall-outreach/. Accessed: April 15, 2024.

A.18 Tribal Cultural Resources

A.18.1 Federal

National Historic Preservation Act

Most regulations at the Federal level stem from the National Environmental Policy Act (NEPA) and historic preservation legislation such as the National Historic Preservation Act (NHPA) of 1966, as amended. NHPA established guidelines to "preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice." The NHPA includes regulations specifically for Federal landholding agencies, but also includes regulations (Section 106) which pertain to all projects that are funded, permitted, or approved by any Federal agency and which have the potential to affect cultural resources. All projects that are subject to NEPA are also subject to compliance with Section 106 of the NHPA and NEPA requirements concerning cultural resources. Provisions of NHPA establish a National Register of Historic Places (The National Register) maintained by the National Park Service, the Advisory Councils on Historic Preservation, State Historic Preservation Offices, and grants-in-aid programs.

American Indian Religious Freedom Act and Native American Graves and Repatriation Act

The American Indian Religious Freedom Act recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. It establishes as national policy that traditional practices and beliefs, sites (including right of access), and the use of sacred objects shall be protected and preserved. Additionally, Native American remains are protected by the Native American Graves and Repatriation Act of 1990.

Other Federal Legislation

Historic preservation legislation was initiated by the Antiquities Act of 1966, which aimed to protect important historic and archaeological sites. It established a system of permits for conducting archaeological studies on Federal land, as well as setting penalties for noncompliance. This permit process controls the disturbance of archaeological sites on Federal land. New permits are currently issued under the Archeological Resources Protection Act (ARPA) of 1979. The purpose of ARPA is to enhance preservation and protection of archaeological resources on public and Native American

lands. The Historic Sites Act of 1935 declared that it is national policy to "Preserve for public use historic sites, buildings, and objects of national significance."

A.18.2 State

Assembly Bill 52 of 2014

AB 52 expanded CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (Public Resources Code [PRC] Section 21084.2). AB 52 further states when feasible, the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource (PRC Section 21084.3). PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe," and meets either of the following criteria:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k).

b. 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments and with respect to the interests and roles of project proponents, it is the intent AB 52 to accomplish the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in CEQA called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated (because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources).
5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, early in the CEQA environmental

review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision-making body of the lead agency.

6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.
8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.
9. Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified or adopted. AB 52 requires that lead agencies "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed in the jurisdiction of the lead agency.

A.18.3 Local

County of Fresno General Plan

The project site is located within the City of Fresno's SEDA, outside City limits but within the City's Sphere of Influence. Thus, the project site would be located under the County of Fresno's jurisdiction. Although school districts, including CUSD, are exempt from local land use controls, the following goals and policies from the County of Fresno's 2000 General Plan, Open Spaces and Conservation Element, indicate the project's furtherance of local tribal cultural resource planning efforts.

- **Policy OS-J.6:** The County shall solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.

A.19 Utilities and Service Systems

No regulations, ordinances, laws, or standards related to utilities and service systems are applicable to the project.

A.20 Wildfire

A.20.1 Federal

No federal plans, policies, regulations, or laws relevant to wildfire are applicable to the project.

A.20.2 State

California Fire Code

The California Fire Code (California Code of Regulations [CCR] Title 24, Part 9) incorporates the International Fire Code and necessary California amendments. It prescribes regulations consistent with nationally recognized good practices to safeguard life and property from the hazards of fire, explosion, and dangerous conditions arising from the storage, handling, and use of hazardous materials, as well as provisions to assist emergency response personnel.

Fire Hazard Severity Zones

Public Resources Code (PRC) Sections 4201–4204, and Government Code Sections 51175–51189, require identification of fire hazard severity zones (FHSZs) within California. Fire prevention areas under state jurisdiction are *state responsibility areas*. In state responsibility areas, the California Department of Forestry and Fire Protection (CAL FIRE) delineates three hazard ranges: moderate, high, and very high; whereas *local responsibility areas*, which are under the jurisdiction of local entities (e.g., cities and counties), are only required to identify Very High FHSZs (VHFHSZ). The hazard ranges are measured quantitatively, based on vegetation, topography, weather, crown fire potential (a fire's tendency to burn upwards into trees and tall brush), and ember production and movement.

A.20.3 Local

No local plans, policies, regulations, or laws related relevant to wildfire are applicable to the project.

Appendix B

Species Lists

CALIFORNIA NATIVE PLANT SOCIETY

CNPS Rare Plant Inventory

Search Results

3 matches found. Click on scientific name for details

Search Criteria: Quad is one of [3611966]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	GLOBAL RANK	STATE RANK	CA RARE PLANT RANK	CA ENDEMIC	DATE ADDED	PHOTO
Caulanthus californicus	California jewelflower	Brassicaceae	annual herb	Feb-May	FE	CE	G1	S1	1B.1	Yes	1984-01-01	No Photo Available
Imperata brevifolia	California satintail	Poaceae	perennial rhizomatous herb	Sep-May	None	None	G3	S3	2B.1		2006-12-26	 © 2020 Matt C. Berger
Leptosiphon serrulatus	Madera leptosiphon	Polemoniaceae	annual herb	Apr-May	None	None	G3	S3	1B.2	Yes	1980-01-01	 © 2008 Chris Winchell

Showing 1 to 3 of 3 entries

Suggested Citation:
California Native Plant Society, Rare Plant Program. 2024. Rare Plant Inventory (online edition, v9.5). Website https://www.rareplants.cnps.org [accessed 18 April 2024].

Scientific_Name	Common_Name	Occ_Number	Accuracy	Presence	Site_Date	Elm_Date	Federal_Status	State_Status	Global_ Rank	State _Rank	Rare_ Plant_ Rank	CDFW_ Status	Other_Status	Taxon_Group
Lytta molesta	molestan blister beetle	13	5 miles	Possibly Extirpated	19XXXXXX	19XXXXXX	None	None	G2	S2				Insects
Eumops perotis californicus	western mastiff bat	161	3/5 mile	Presumed Extant	1958XXXX	1958XXXX	None	None	G4G5T4	S3S4		SSC	BLM_S	Mammals
Eumops perotis californicus	western mastiff bat	47	1 mile	Presumed Extant	19910417	19910417	None	None	G4G5T4	S3S4		SSC	BLM_S	Mammals
Antrozous pallidus	pallid bat	147	1/10 mile	Presumed Extant	19091006	19091006	None	None	G4	S3		SSC	BLM_S; IUCN_LC; USFS_S	Mammals
Buteo swainsoni	Swainson's hawk	2720	80 meters	Presumed Extant	20160620	20160620	None	Threatened	G5	S4			BLM_S; IUCN_LC	Birds
Arizona elegans occidentalis	California glossy snake	1	5 miles	Presumed Extant	18930704	18930704	None	None	G5T2	S2		SSC		Reptiles
Anniella pulchra	Northern California legless lizard	116	5 miles	Presumed Extant	188XXXXX	188XXXXX	None	None	G3	S2S3		SSC	USFS_S	Reptiles
Ambystoma californiense pop. 1	California tiger salamander - central California DPS	478	5 miles	Extirpated	19360516	19360516	Threatened	Threatened	G2G3T3	S3		WL	IUCN_VU	Amphibians
Buteo swainsoni	Swainson's hawk	2583	5 miles	Presumed Extant	19560504	19560504	None	Threatened	G5	S4			BLM_S; IUCN_LC	Birds
Metapogon hurdi	Hurd's metapogon robberfly	2	5 miles	Possibly Extirpated	19221129	19221129	None	None	G1G2	S1S2				Insects
Phrynosoma blainvillii	coast horned lizard	863	5 miles	Possibly Extirpated	18930707	18930707	None	None	G4	S4		SSC	BLM_S; IUCN_LC	Reptiles
Bombus crotchii	Crotch's bumble bee	53	5 miles	Presumed Extant	18990429	18990429	None	Candidate Endangered	G2	S2			IUCN_EN	Insects
Caulanthus californicus	California jewelflower	38	5 miles	Extirpated	1986XXXX	XXXXXXX X	Endangered	Endangered	G1	S1	1B.1		SB_CalBG/RSABG; SB_SBBG; SB_UCBG	Dicots
Bombus pensylvanicus	American bumble bee	121	5 miles	Presumed Extant	19570404	19570404	None	None	G3G4	S2			IUCN_VU	Insects
Leptosiphon serrulatus	Madera leptosiphon	23	5 miles	Presumed Extant	192205XX	192205XX	None	None	G3	S3	1B.2		BLM_S; SB_SBBG; USFS_S	Dicots
Efferia antiochi	Antioch efferian robberfly	2	5 miles	Presumed Extant	19541215	19541215	None	None	G1G2	S1S2				Insects
Imperata brevifolia	California satintail	22	5 miles	Presumed Extant	18930731	18930731	None	None	G3	S3	2B.1		SB_CalBG/RSABG; SB_SBBG; USFS_S	Monocots

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

NOT FOR CONSULTATION

Location

Fresno County, California



Local office

Sacramento Fish And Wildlife Office

(916) 414-6600
(916) 414-6713

Federal Building

2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

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1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

NOT FOR CONSULTATION

2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Fresno Kangaroo Rat Dipodomys nitratoides exilis Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5150	Endangered
San Joaquin Kit Fox Vulpes macrotis mutica Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2873	Endangered

Birds

NAME	STATUS
Yellow-billed Cuckoo Coccyzus americanus There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/3911	Threatened

Reptiles

NAME	STATUS
Blunt-nosed Leopard Lizard Gambelia silus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/625	Endangered
Northwestern Pond Turtle Actinemys marmorata Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1111	Proposed Threatened

Amphibians

NAME	STATUS

NOT FOR CONSULTATION

California Tiger Salamander Ambystoma californiense There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/2076	Threatened
Western Spadefoot Spea hammondii Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5425	Proposed Threatened

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp Branchinecta lynchi Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/498	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

NOT FOR CONSULTATION

Bald & Golden Eagles

There are no documented cases of eagles being present at this location. However, if you believe eagles may be using your site, please reach out to the local Fish and Wildlife Service office.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply). To see a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

NOT FOR CONSULTATION

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats[3] should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

NOT FOR CONSULTATION

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Belding's Savannah Sparrow *Passerculus sandwichensis beldingi* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8	Breeds Apr 1 to Aug 15
Bullock's Oriole *Icterus bullockii* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 21 to Jul 25
California Gull *Larus californicus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 1 to Jul 31
Northern Harrier *Circus hudsonius* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15
Olive-sided Flycatcher *Contopus cooperi* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31

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Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey

effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

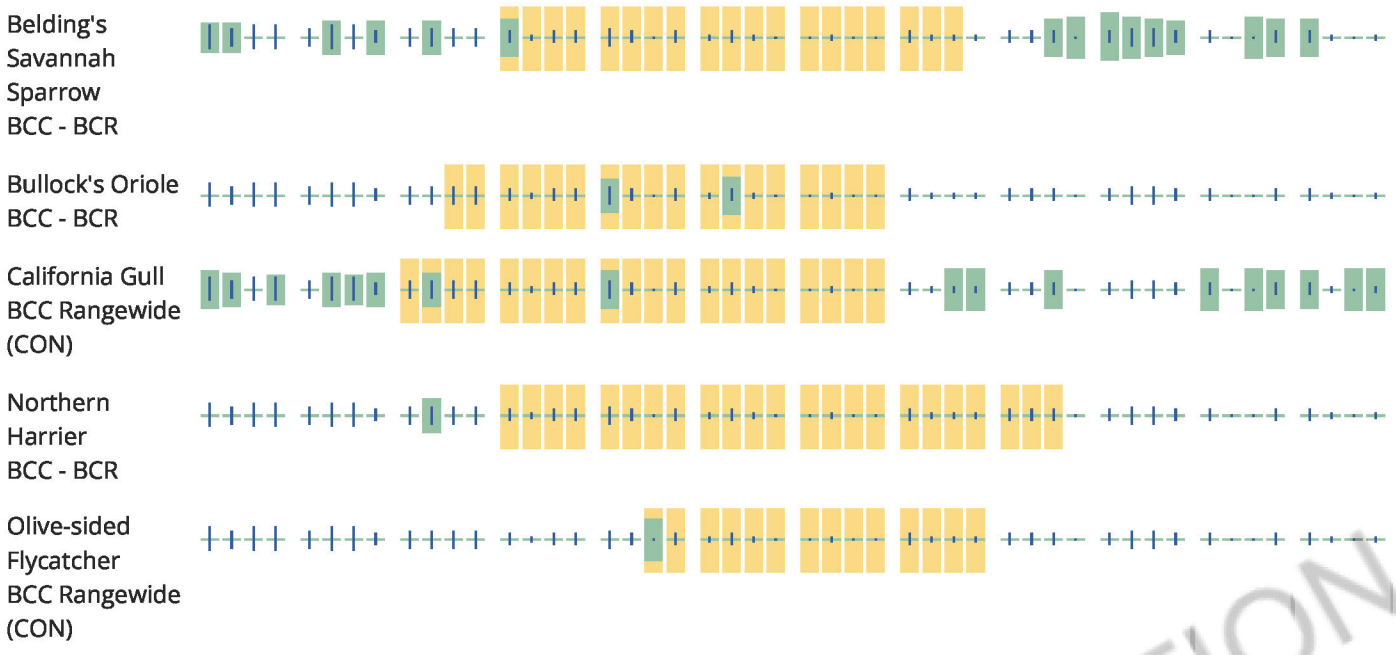
No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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■ probability of presence ■ breeding season | survey effort – no data

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

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The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

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If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

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Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

This location did not intersect any wetlands mapped by NWI.

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

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Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should

seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

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