City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 1-26-11

APPROVED BY
DEPARTMENT DIRECTOR

January 26, 2011

FROM: KEVIN FABINO, Planning Manager
Development and Resource Management Department

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: BONIQUE SALINAS, Planner
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-10-196 AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-10-196

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that the proposed Conditional Use Permit Application No. C-10-196 is appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. ADOPT the substituted project specific mitigation measures for Environmental Assessment No. C-10-196 dated October 29, 2010 (modified on January 18, 2011) and FIND that the new measures are equivalent or more effective in mitigating or avoiding potential significant effects and that they in themselves will not cause any potentially significant effects on the environment.

2. ADOPT the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. C-10-196 dated October 29, 2010.

3. APPROVE Conditional Use Permit Application No. C-10-196 subject to the following:

    a. Development shall take place in accordance with Exhibit A dated October 25, 2010 and Exhibits T, E-1, E-2, F-1, F-2 and F-3 dated October 8, 2010.

    b. Development shall take place in accordance with the Conditions of Approval dated January 26, 2011.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-10-196 filed by Raul Gonzalez on behalf of the City of Fresno Department of Public Utilities, Wastewater Division, pertains to approximately 8 acres of property (the total parcel is 170 acres) at the Fresno-Clovis Regional Wastewater Reclamation Facility located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues. The application proposes an upgrade to the existing dewatering facility located at the City of Fresno Wastewater Reclamation Facilities which will include following: the replacement of existing belt filter presses with new centrifuges, construction of new annex building, construction of new silo, and the paving of new access roads. The purpose of the dewatering facility is to remove liquid from the biosolids in order to reduce the hauling costs (the city pays per pound to haul away these biosolids). Centrifuges are a more technologically advanced method of producing dry biosolids.

The project is required to be reviewed by Planning Commission because pursuant to CEQA Guidelines Section 15074.1, prior to approving a project with substituted mitigation measures, a public hearing must be held.

PROJECT INFORMATION

PROJECT		Conditional Use Permit Application No. C-10-196 proposes the replacement of existing belt filter presses with new centrifuges, construction of new annex building, construction of new silo, and the paving of new access roads at the City of Fresno Wastewater Treatment Facility.
APPLICANT		Raul Gonzalez on behalf of the City of Fresno Department of Public Utilities, Wastewater Division
LOCATION		Located at the Fresno-Clovis Regional Wastewater Reclamation Facility located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues. (APN: 327-030-24T).
SITE SIZE		± 8 acres (entire parcel is approximately 170 acres)
LAND USE		Existing - Wastewater Treatment Facility Proposed - Modifications to the existing facility
ZONING		AE-5 (*Exclusive 5-Acre Agriculture*)
PLAN DESIGNATION AND CONSISTENCY		The project is consistent with 2025 Fresno General Plan land use of public facilities (wastewater treatment facility) designated for the site.
ENVIRONMENTAL FINDING		Finding of Mitigated Negative Declaration filed on October 29, 2010
PLAN COMMITTEE RECOMMENDATION		There is no Plan Implementation Committee in Council District 3
STAFF RECOMMENDATION		Staff recommends approval of Conditional Use Permit Application No. C-10-196, subject to the Conditions of Approval, and approval of the related environmental document with substituted mitigation measures.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	County	County	Agricultural
South	Public Facilities	AE-5 *Exclusive 5-Acre Agriculture*	Wastewater Treatment Plant
East	Public Facilities	AE-20 *Exclusive 20-Acre Agriculture*	Wastewater Treatment Plant
West	Public Facilities	AE-5 *Exclusive 5-Acre Agriculture*	Wastewater Treatment Plant

ENVIRONMENTAL FINDING

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies, including the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan, and Mitigated Negative Declaration (MND) No. A-09-02 (SCH # 2009051016).

The proposed project has been determined to not be fully within the scope of MEIR No. 10130 and Mitigated Negative Declaration No. A-09-02 as provided by CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and Mitigated Negative Declaration (MND) No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). It has been further determined that the proposed project is consistent with policies of the 2025 Fresno General Plan. Many of the project's potential impacts fall within the scope of Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan ("MEIR"), State Clearinghouse No. 2001071097 and Mitigated Negative Declaration (MND) No. A-09-02 and this Mitigated Negative Declaration is tiered from that MEIR and MND.

After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the MND adopted; and, that no new information, which was not know and could not have been known at the time that the MEIR was certified as complete or the MND was adopted, has become available.

Therefore, based on the attached environmental assessment and the list of identified mitigation measures, staff has determined the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2). A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. C-10-196 (State Clearinghouse No. 2010111001) was published on October 29, 2010 with comments received from state agencies through the State Clearinghouse.

Changes to Project Specific Mitigation Measures

After circulation of the environmental finding prepared for Environmental Assessment No. C-10-196, there was a recommendation to modify several mitigation measures related to biological resources from the California Department of Fish and Game. Upon review of these revised mitigation measures, staff has determined that these mitigation measures are equally effective as the previous biological resources related mitigation measures. Pursuant to Section 15073.5(c), the Mitigated Negative Declaration is not required to be recirculated because the mitigation measures are being "replaced with equal or more effective measures or revisions".

BACKGROUND / ANALYSIS

Conditional Use Permit Application No. C-10-196 filed by Raul Gonzalez on behalf of the City of Fresno Department of Public Utilities, Wastewater Division, pertains to approximately 8 acres of property (the total parcel is 170 acres) at the City of Fresno Wastewater Treatment Facility located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues. The application proposes an upgrade to the existing dewatering facility located at the City of Fresno Wastewater Reclamation Facilities including the following: the replacement of existing belt filter presses with new

centrifuges, construction of new annex building, construction of new silo, and the paving of new access roads.

Specifically, the project proposes to replace existing belt filter presses dewatering equipment with centrifuge dewatering equipment and new centrifuge dewatering units sufficient to process 425 gallons per minute (gpm), with one of the centrifuges out of service. The proposed project will also provide the potential capability for future modification to allow up to 850 gpm of digested sludge to be dewatered by centrifuge, should that be called for in the future. The objectives of the project are to: increase the sludge dewatering facility reliability, increase the sludge cake storage capacity by providing a new silo; reduce hauling cost by the addition/use of centrifuges, reduce the negative impacts of struvite (precipitate) formation.

Mitigation Measures

As mentioned above, after circulation of the environmental finding prepared for Environmental Assessment No. C-10-196, there was a recommendation to modify several mitigation measures related to biological resources from the California Department of Fish and Game. Staff has determined that these mitigation measures are equally effective as the previous biological resources related mitigation measures. Pursuant to Section 15073.5(c), the Mitigated Negative Declaration is not required to be recirculated because the mitigation measures are being "replaced with equal or more effective measures or revisions". Pursuant to CEQA Guidelines Section 15074.21, in order for the City of Fresno to approve a project with deleted and substituted mitigation measures, the City of Fresno must do both of the following:

1) Hold a public hearing on the matter.... Where no public hearing would otherwise be held to consider the project, then a public hearing shall be required before a mitigation measure may be deleted and a new measure adopted in its place.

   This Planning Commission hearing serves as this public hearing.

2) Adopt a written finding that the new measures are equivalent or more effective in mitigating or avoiding potential significant effects and that they in themselves will not cause any potentially significant effects on the environment.

   Staff recommends that the Planning Commission adopt this finding as detailed at the beginning of this staff report in the Recommendation section.

<u>The mitigation measures to be deleted and replaced are as follows:</u>

1. **Original Mitigation Measure BI-1-1**: A preconstruction survey shall be conducted by a qualified biologist to examine potential burrows on the project site for the existence of burrowing owl. The survey shall be conducted within 30 days prior to any construction activities within 50 feet of the roadway to be repaved. Results of the preconstruction survey shall be prepared in a letter and given to the California Department of Fish and Game (CDFG) for their review and approval prior to any construction activities at the roadway.

   1a. **Revised Mitigation Measure BI-1-1**: A qualified biologist should perform surveys according to protocol (The California Burrowing Owl Consortium, 1993) prior to commencing Project-related activities or the City can assume that all burrows along the roads are occupied by burrowing owls and mitigate accordingly. A preconstruction survey is also warranted if Project activities do not commence within 30 days of completing protocol-level surveys. Results of the survey(s) shall be prepared in a letter and given to the California Department of Fish and Game (CDFG) for their review and approval prior to any Project-related activities.

2. **Original Mitigation Measure BI-1-2**: If burrowing owl or active burrow is found, the CDFG 1995 guidelines, "Staff Report on Burrowing Owl Mitigation," shall be consulted and the City shall select one of the following measures for implementation by a qualified biologist:

    a. Destroy vacant burrows prior to March 1 and/or after August 31
    b. Redesign (reschedule) the roadway repaving project element temporarily or permanently to avoid occupied burrows or nest sites until after the nesting/fledging season (March 1 through August 31)

    c. Delay the roadway repaving project until after the nesting/fledging season

    d. Install artificial burrows in open space areas of the project site and wait for passive relocation of the burrowing owl

    e. Active relocation of the burrowing owl with conditions. The City shall fund relocation of burrowing owl to unoccupied, suitable habitat that is permanently preserved (up to 6.5 acres per nesting pair) at a recognized burrowing owl mitigation bank.

2a. **Revised Mitigation Measure BI-1-2**: If burrowing owl occupancy is assumed or if protocol-level surveys detect presence of burrowing owl, all of the following mitigation measures should be implemented (DFG, 1995):

    a. Avoid active burrows by at least 250 feet during the nesting season (February 1 through August 31). Destroy burrows during the non-nesting season (September 1 through January 31) after owls are passively relocated (see d. below).

    b. Offset the loss of foraging and burrow habitat by acquiring and permanently protecting an appropriate amount of land (consult with the Department) at a location adjacent to occupied habitat and acceptable to the Department.

    c. Offset destruction of occupied burrows by enhancing existing unsuitable burrows or creating new artificial burrows at a ratio of 2:1 on the protected land from b.

    d. Passively relocate owls, if they must be moved. Allow one or more weeks to allow the owls to acclimate to alternative burrows.

    e. Provide funding for long-term management and monitoring of the protected land. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department.

LAND USE PLANS AND POLICIES

The subject site is located within the boundaries of the 2025 Fresno General Plan. The proposed project has been required to comply with all applicable goals and policies within this plan.

CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to the findings of Section 12-405-A-2 of the Fresno Municipal Code. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for this conditional use permit application as follows:

Findings per Fresno Municipal Code Section 12-405-A-2	
a. *All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,*	
Finding a:	The subject site is adequate in size and shape to accommodate the proposed use. Conditional Use Permit Application No. C-10-196 will comply with all applicable codes given that the special permit conditions of approval will ensure that all conditions are met prior to the site being occupied by the proposed use.
b. *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,*	
Finding b:	The proposed project will result in fewer trucks needed to haul the sludge given that the improved dewatering facility will result in less biosolids. Fewer trucks coming to the facility will result in fewer traffic impacts.
c. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.*	
Finding c:	The proposed use will not have a negative impact on either the subject site or neighboring properties given that the applicant has been required to comply with conditions that will help to protect the health, safety and welfare of public.

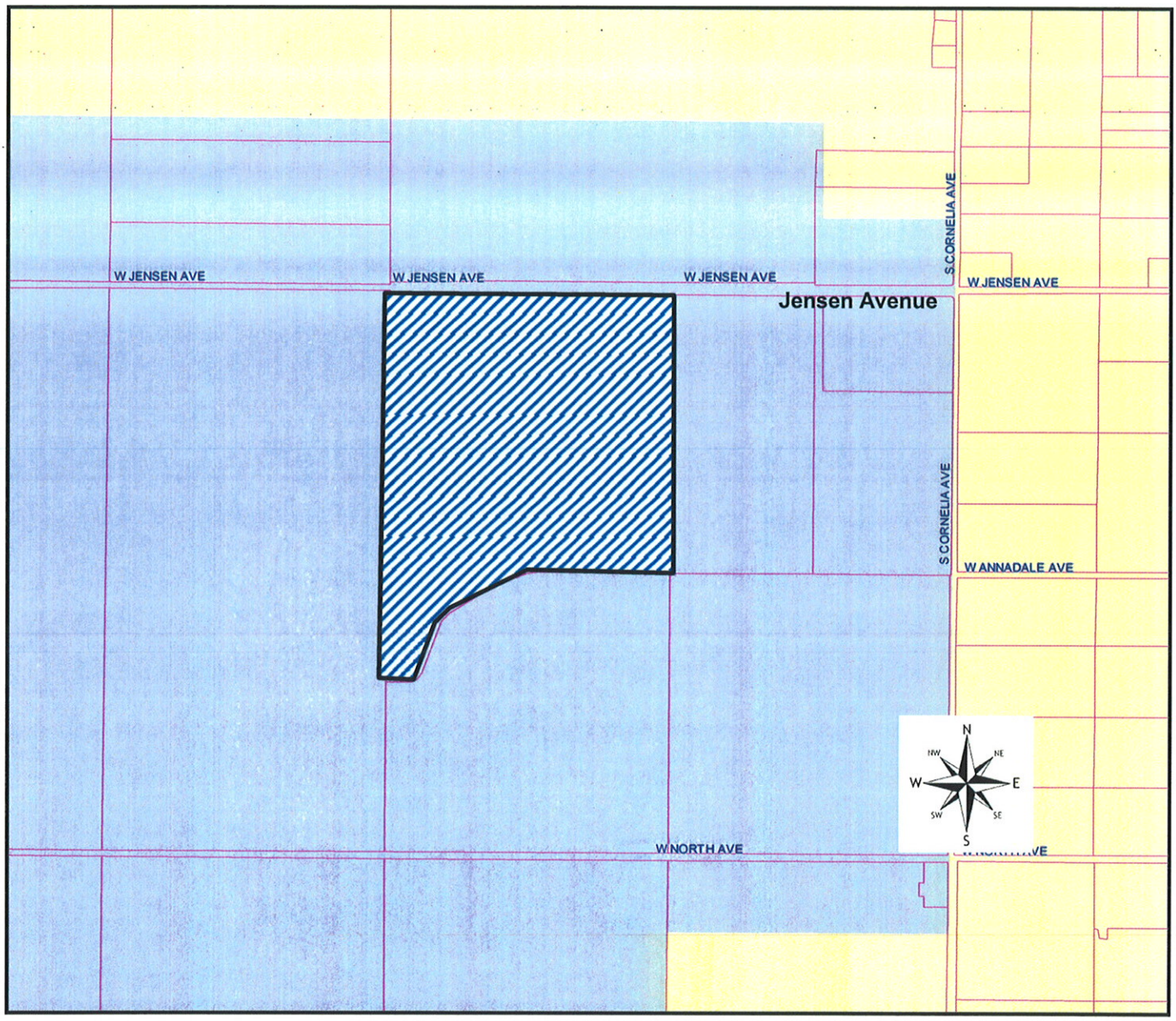
Conclusion

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit Application No. C-10-196 is appropriate for the project site.

Attachments:
- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph of site
- Exhibit C: Noticing Map (350-foot radius)
- Exhibit D: Letter from the Department of Fish and Game
- Exhibit E: Site Plan, Elevations and Floor Plans
- Exhibit F: Operational Statement
- Exhibit G: Conditions of Approval dated January 26, 2011
- Exhibit H: Environmental Assessment No. C-10-196

Exhibit A
Vicinity Map

VICINITY MAP



CONDITIONAL USE PERMIT APPLICATION NO. C-10-196

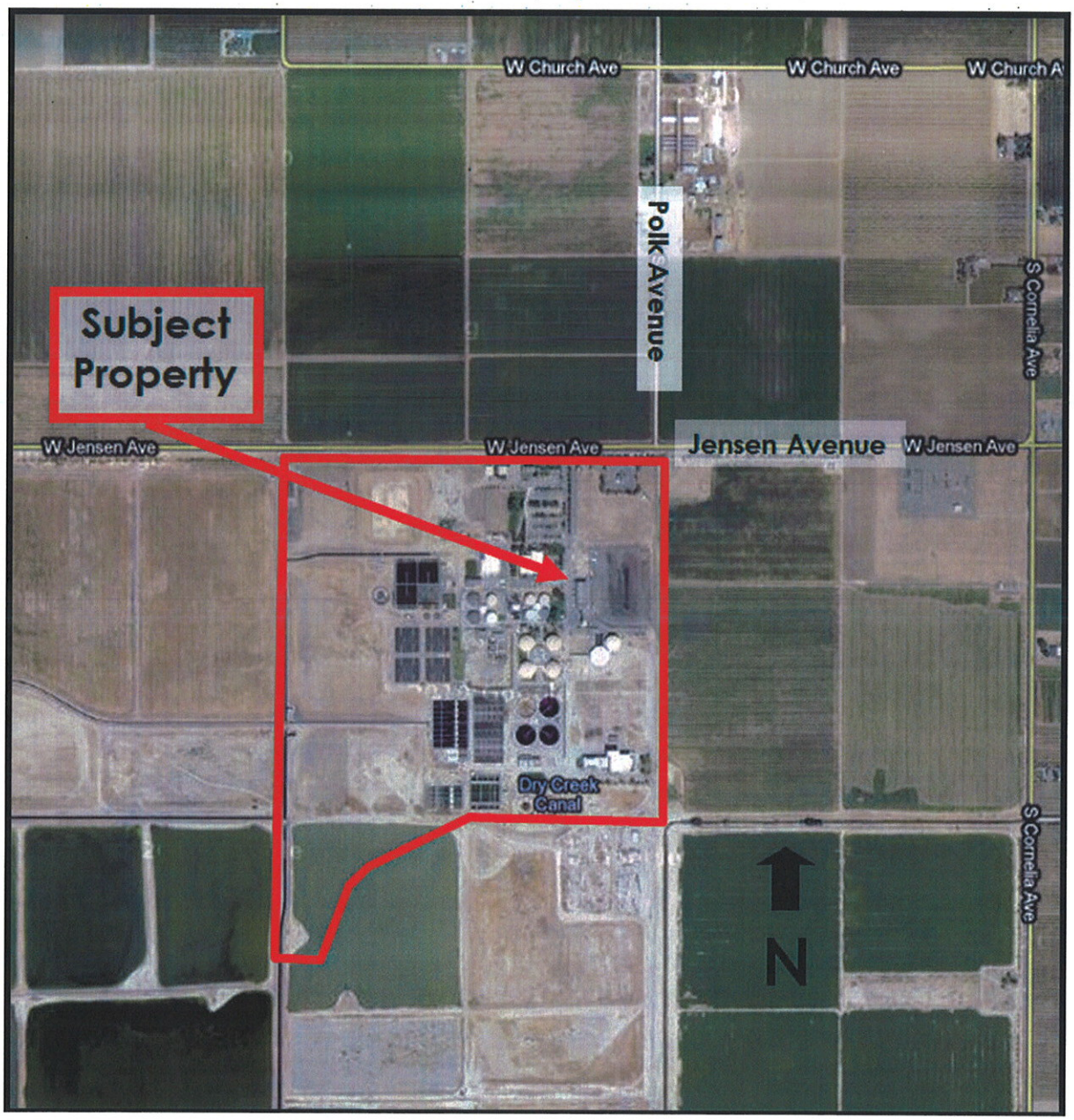
5607 W. Jensen Avenue

LEGEND

Subject Property

Exhibit B
Aerial Photograph of Site

Aerial Photo



Enlarged Project Area

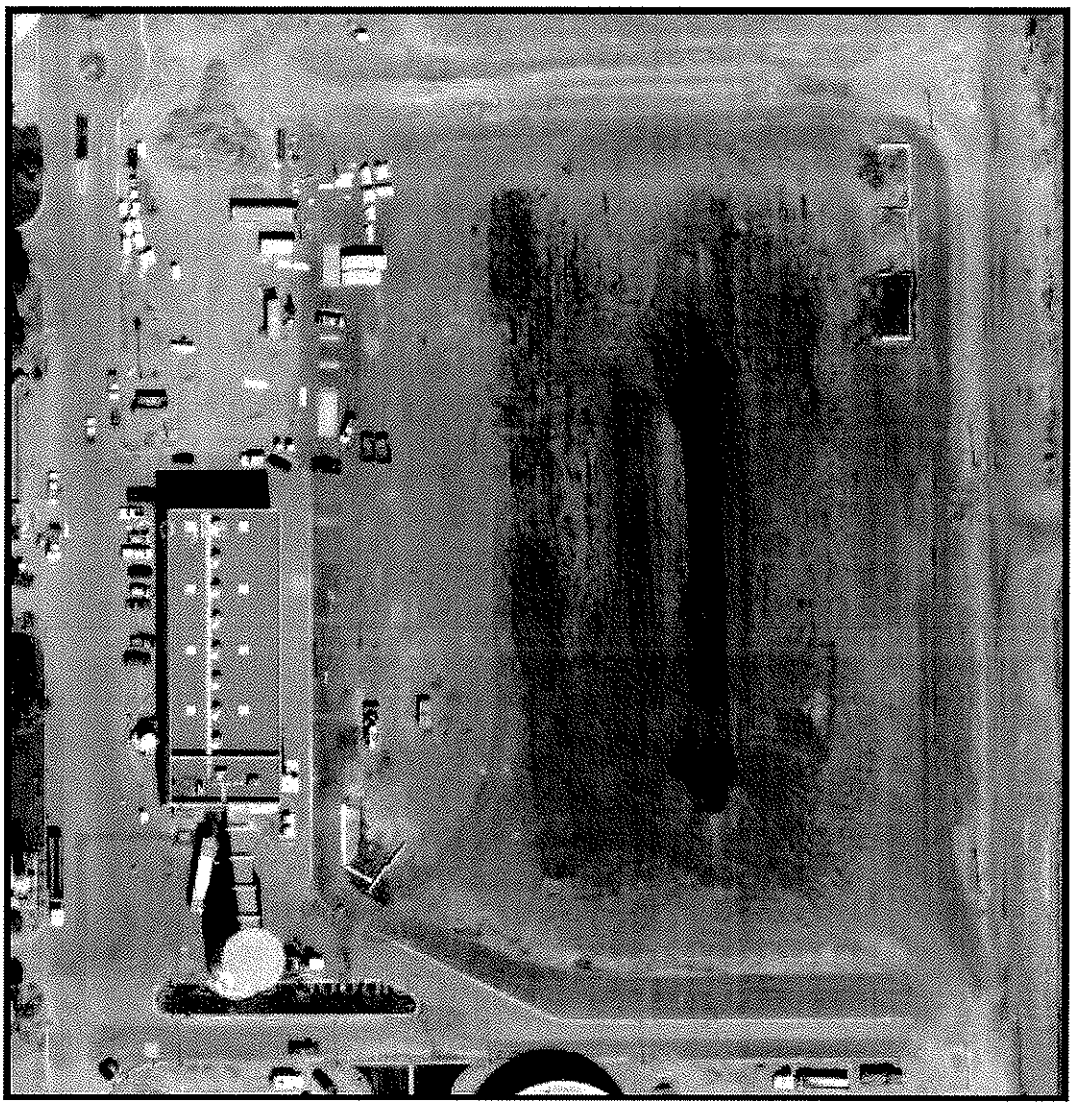
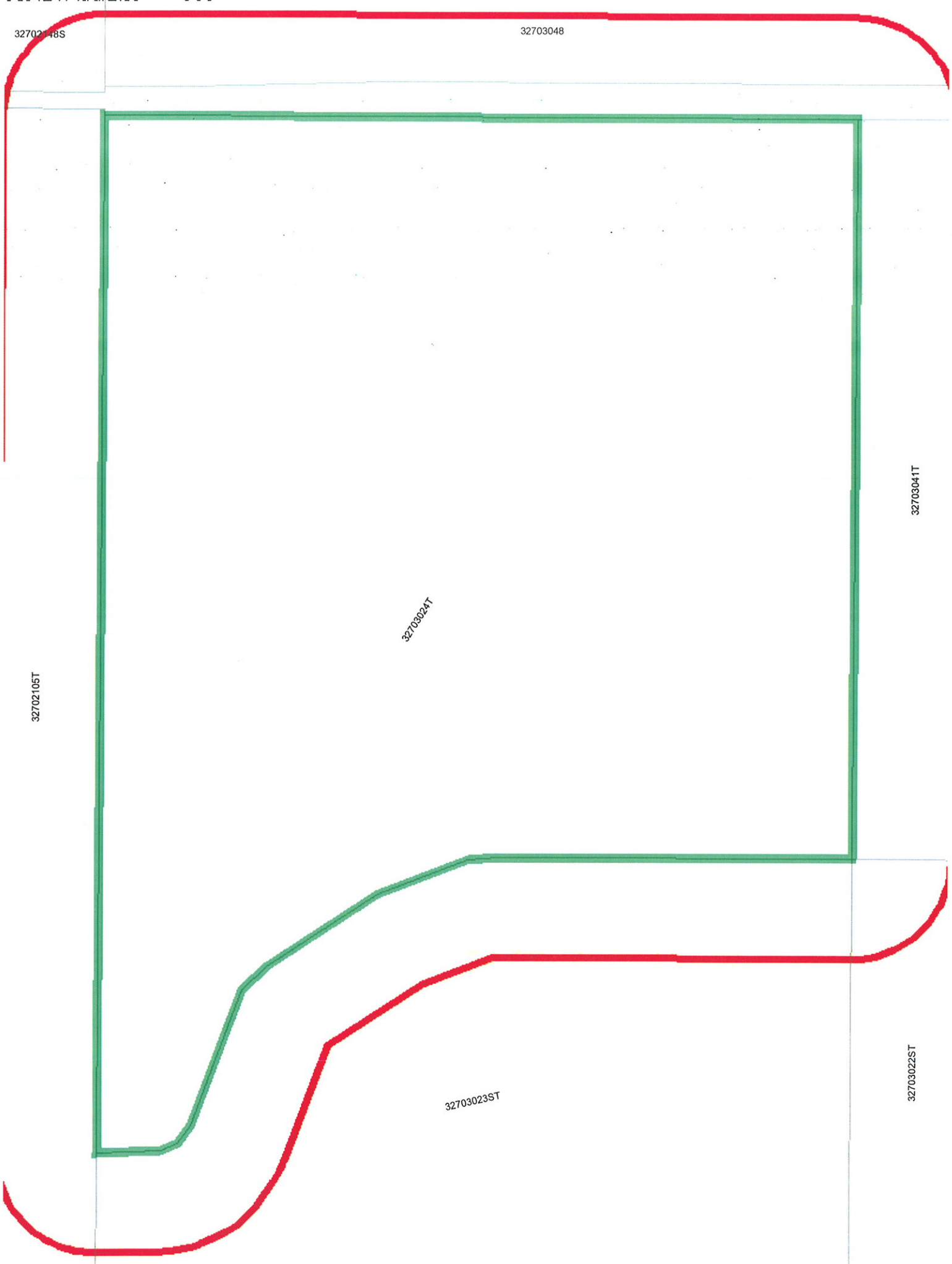


Exhibit C

Surrounding Property Notification Map (350-feet)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32703041T
32703024T
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32703023ST
32703022ST

Exhibit D
Letter from the Department of Fish and Game

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
http://www.dfg.ca.gov

JOHN McCAMMAN, Director

Clear
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November 23, 2010

Raul Gonzalez
City of Fresno
Wastewater Division
5607 West Jensen Avenue
Fresno, California 93706

Subject: Proposed Mitigated Negative Declaration (MND) and Initial Study
Fresno-Clovis Regional Wastewater Reclamation Facilities
Dewatering Facility Upgrade (CUP No. C-10-196)
SCH No. 2010111001

Dear Mr. Gonzalez:

The Department of Fish and Game (Department) has reviewed the information submitted by the City of Fresno (City) for the above Project. Project approval would allow the replacement of existing belt filter presses dewatering equipment with centrifuge dewatering equipment, construction of a new annex building, construction of a new silo, and pavement of new access roads on approximately eight (8) acres at the City of Fresno Wastewater Treatment Facility located south of West Jensen Avenue, between South Cornelia Avenue and South Chateau Fresno Avenue.

The proposed MND document indicates that burrowing owls (*Athene cunicularia*) are known to occur on percolation pond berms located approximately 0.25 miles from Project activities. Additional burrows were located along the road proposed for widening and paving; therefore, implementation of the Project has the potential to impact burrowing owls and mitigation measures are proposed.

Mitigation Measure BI-1 1. is not adequate to determine presence or absence of burrowing owls on-site. For maximum detectability, a qualified biologist should perform surveys according to protocol (The California Burrowing Owl Consortium, 1993) prior to commencing Project-related activities or the City can assume that all burrows along the roads are occupied by burrowing owls and mitigate accordingly. A preconstruction survey is also warranted if Project activities do not commence within 30 days of completing protocol-level surveys.

Mitigation Measure BI-1 2. is not adequate mitigation if only one of the five measures is implemented. If burrowing owl occupancy is assumed or if protocol-level surveys detect presence of burrowing owl, all of the following mitigation measures should be implemented (DFG, 1995):

a. Avoid active burrows by at least 250 feet during the nesting season (February 1 through August 31). Destroy burrows during the non-nesting season (September 1 through January 31) after owls are passively relocated (see d. below).

b. Offset the loss of foraging and burrow habitat by acquiring and permanently protecting an appropriate amount of land (consult with the Department) at a location adjacent to occupied habitat and acceptable to the Department.

c. Offset destruction of occupied burrows by enhancing existing unsuitable burrows or creating new artificial burrows at a ratio of 2:1 on the protected land from b.

d. Passively relocate owls, if they must be moved. Allow one or more weeks to allow the owls to acclimate to alternative burrows.

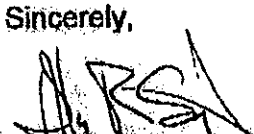
e. Provide funding for long-term management and monitoring of the protected land. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department.

Results of all surveys should be submitted to the Department for review and comment prior to commencing Project-related activities.

If the above mitigation measures are implemented, the Project-related impacts to burrowing owl will be less than significant.

If you have any questions regarding these comments, please contact Lisa Gymer, Environmental Scientist, at (559) 243-4014, extension 238 or lgymer@dfg.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

cc: See Page Three

cc: MWH
618 Michillinda Avenue, Suite 200
Arcadia, California 91007

Literature Cited:

California Department of Fish and Game. 1995. Staff report on burrowing owl mitigation; Memorandum, October 17, 1995.

The California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines; April, 1993.

Exhibit E

Site Plan, Elevations and Floor Plans

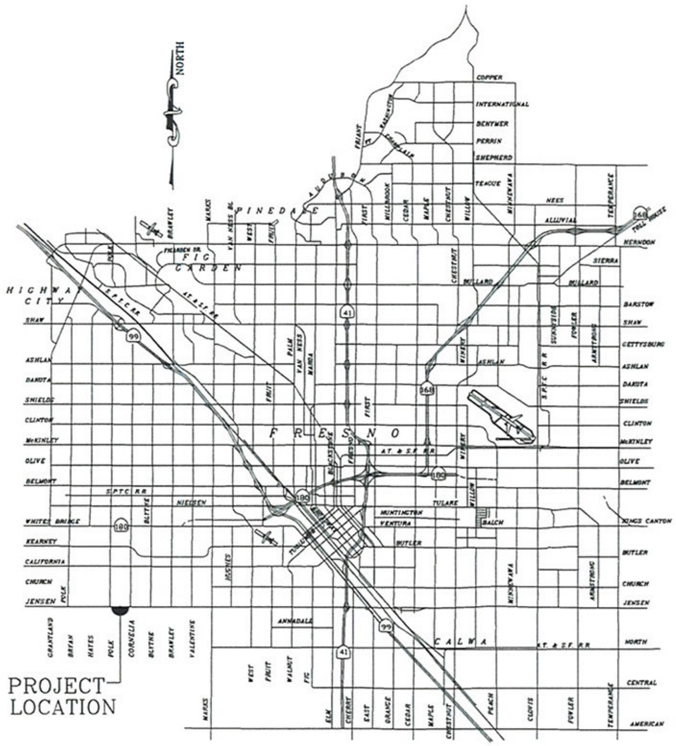
CITY OF

FRESNO

DEPARTMENT OF PUBLIC UTILITIES

FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY

DEWATERING FACILITY IMPROVEMENTS



VICINITY MAP

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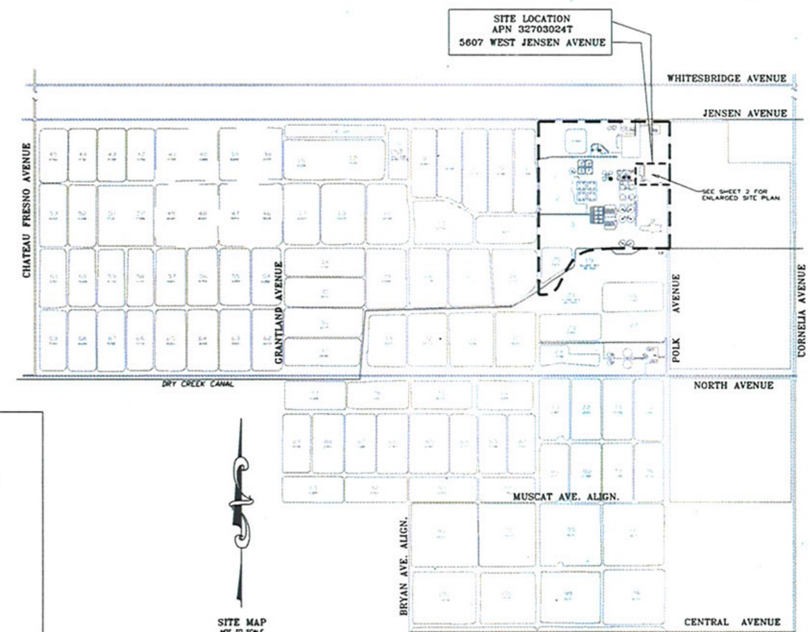
DRAWING INDEX:

FIG No.	DESCRIPTION.
1	COVER SHEET
2	CUP SITE MAP
3	BUILDING CODE DATA AND LIFE SAFETY PLANS
4	ANNEX FIRST FLOOR PLAN
5	ANNEX SECOND FLOOR PLAN
6	ANNEX ROOF PLAN
7	ANNEX EXTERIOR ELEVATIONS
8	SLC EXTERIOR ELEVATIONS

PROJECT DATA TABLE:

PROJECT SITE AREA-	8.5 ACRES / 371,000 Sq. Ft.
EXISTING BUILDING-	14,000 Sq. Ft.
PROPOSED BUILDING-	9,215 Sq. Ft.
BUILDING COVERAGE-	2.5%
PAVED AREA-	EXISTING 257,000 Sq. Ft.
LANDSCAPE AREA-	EXISTING 0.0 Sq. Ft.
GENERAL PLAN DESIGNATION-	PUBLIC FACILITY / WASTE WATER FACILITY
ZONE DESIGNATION-	AE-5
A.P.N.-	32703024T
PROJECT LOCATION-	5607 W. JENSEN AVE. FRESNO, CA 93706
CONTACT PERSON-	RAUL GONZALEZ PROJECT MANAGER (559) 621-5290



APPL. NO. C-10-196 EXHIBIT T DATE 10-8-10

PROJ ENG. ____________ DATE ________

TRAFFIC ENG. ____________ DATE ________

COND. APPROVED BY ____________ DATE

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

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CITY OF FRESNO REGIONAL WASTEWATER RECLAMATION FACILITY

DEWATERING FACILITY IMPROVEMENTS

COVER SHEET

SHEET FIG 1

1007134

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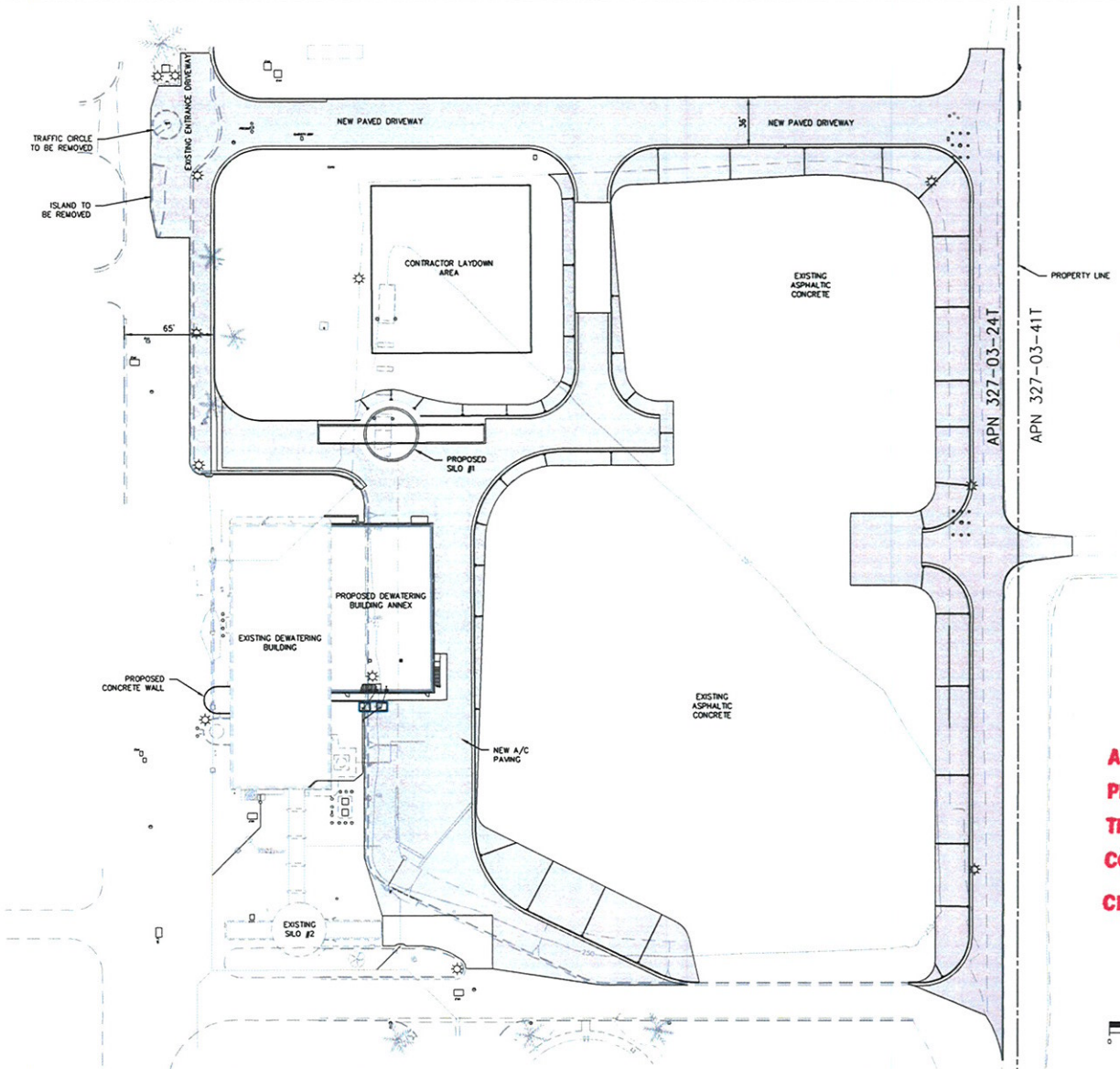

APPL. NO. C-10-196 EXHIBIT A DATE 10-25-10

PROJ ENG. _____ DATE _____

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COND. APPROVED BY _____ DATE

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

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DRAWN R.LOVIK

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PROVOST & PRITCHARD CONSULTING GROUP An Employee Owned Company

CITY OF FRESNO REGIONAL WASTEWATER RECLAMATION FACILITY

DEWATERING FACILITY IMPROVEMENTS

CUP Site Map

SHEET FIG 2

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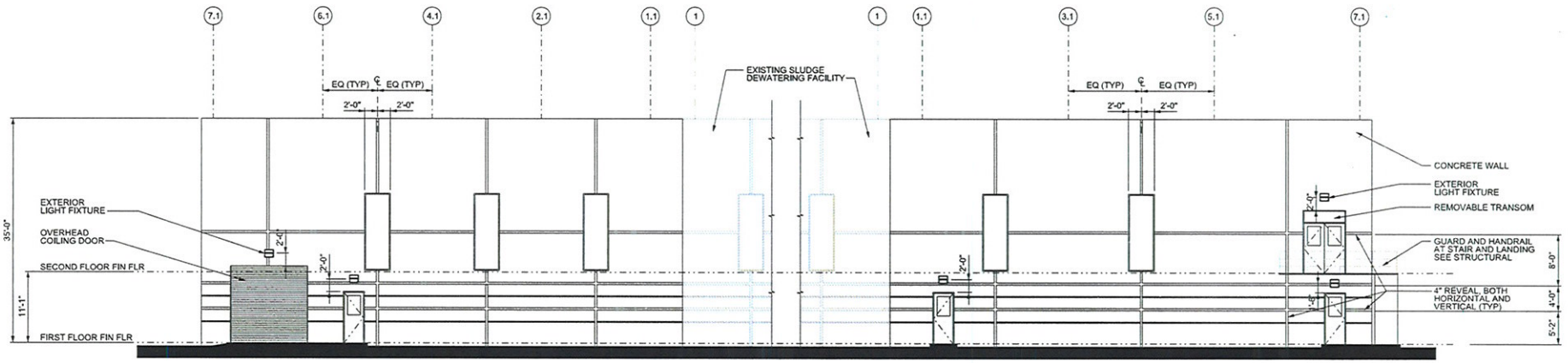
10/14/2010 11:57 AM G:\Clients\MWH Americas-1999\1995\01-Fresno Dewatering Facility\DWG\EXHIBIT\CUP Site Map.dwg-Brayden Lovik



NORTH ELEVATION
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SOUTH ELEVATION
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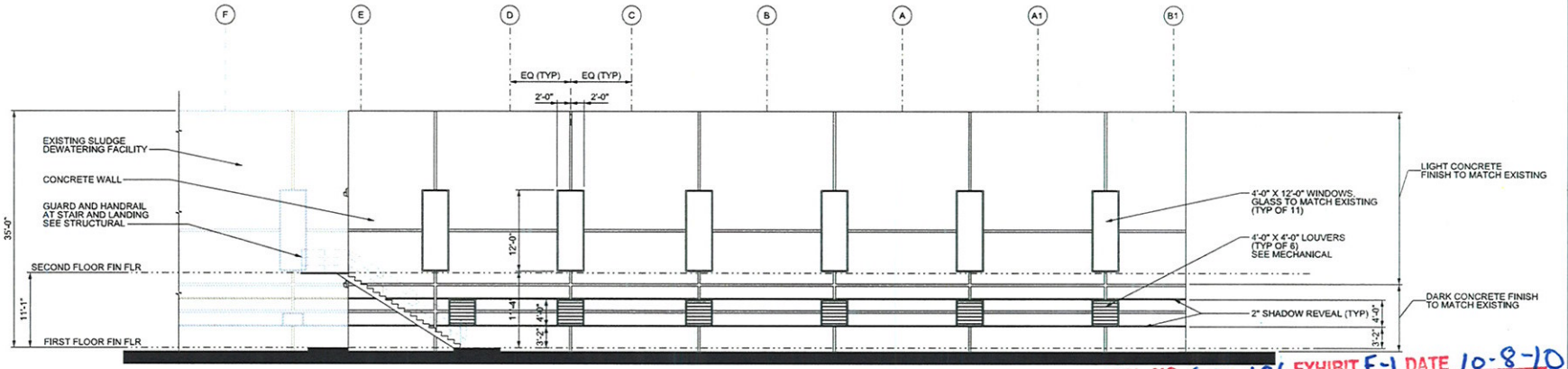

EAST ELEVATION
SCALE: 1/8" = 1'-0"

APPL. NO. C-10-196 EXHIBIT E-1 DATE 10-8-10

PROJ ENG. _____ DATE _____

TRAFFIC ENG. _____ DATE _____

COND. APPROVED BY _____ DATE

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

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CITY OF FRESNO
REGIONAL WASTEWATER RECLAMATION FACILITY

DEWATERING FACILITY IMPROVEMENTS
SLUDGE DEWATERING FACILITY ANNEX
ARCHITECTURAL
EXTERIOR ELEVATIONS

SHEET
FIG 7
1007134

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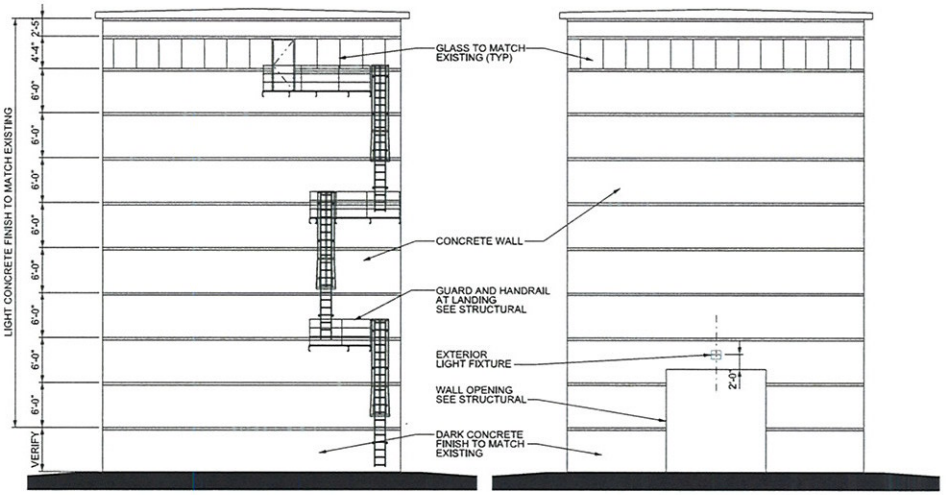

NORTH ELEVATION
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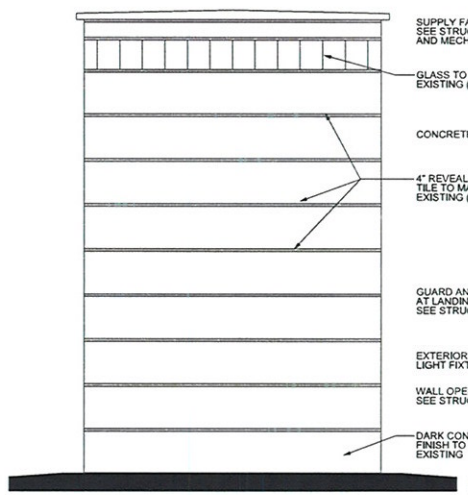
EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
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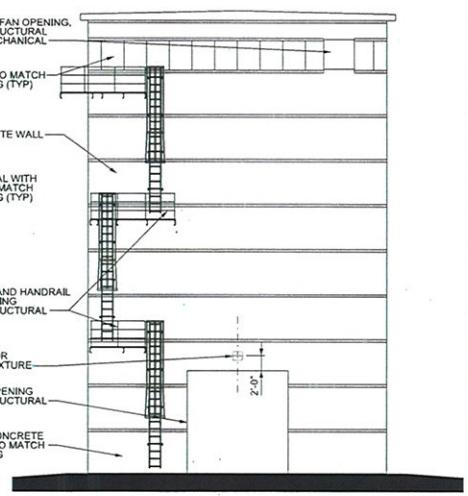


WEST ELEVATION
SCALE: 1/8" = 1'-0"

APPL. NO. C-10-196 EXHIBIT E-2 DATE 10-8-10

PROJ ENG. _____ DATE _____

TRAFFIC ENG. _____ DATE _____

COND. APPROVED BY _____ DATE

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

REV	DATE	BY	DESCRIPTION

SCALE: 1/8" = 1'-0"

WARNING: 0 ½ 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

DESIGNED E.NAVARRO
DRAWN E.NAVARRO
CHECKED CHECKED

MWH

CITY OF FRESNO
REGIONAL WASTEWATER RECLAMATION FACILITY

DEWATERING FACILITY IMPROVEMENTS
SLUDGE DEWATERING SILO
ARCHITECTURAL
EXTERIOR ELEVATIONS

SHEET
FIG 8
1007134

File: FCR-WWF_MXD.dgn Model: Layout1 ColorTable: bw.ctb DesignScript: MWH_Mod_PenTable_V8i.pen PltScale: 1:1 User: evinajar Plot Date: 13-SEP-2010 15:43

BUILDING CODE SUMMARY

DATE MODIFIED: 8/11/2010 9:33 AM

GOVERNING CODE:	2007 CALIFORNIA BUILDING CODE (CBC)
PROJECT NAME:	DEWATERING FACILITY IMPROVEMENTS
PROJECT NUMBER:	1007134
AREA/BUILDING:	SLUDGE DEWATERING FACILITY ANNEX

ACCESSIBILITY (CHAPTER 11) (YES/NO) NO (1103.3.9)

ABBREVIATIONS:
- N NO SEPARATION REQUIRED
- NL NOT LIMITED
- NP NOT PERMITTED
- NS NON-SPRINKLERED
- NR NOT REQUIRED
- S SPRINKLERED

CHEMICALS: (DATA FROM HAZARDOUS MATERIALS CLASSIFICATION GUIDE UNLESS OTHERWISE NOTED)

CHEMICAL	QUANTITY		NFPA 704 RATINGS				HAZARD PROPERTIES		CONTROL AREA (YES/NO)	OCCUPANCY
			HEALTH	FLAMMABILITY	REACTIVITY	SPECIAL	PHYSICAL	HEALTH		
INSIDE BUILDING										
	-	-	-	-	-	-	-	-	-	-
OUTSIDE BUILDING										
NONE	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-

OCCUPANCY, CONSTRUCTION TYPE, BUILDING LIMITIONS

OCCUPANCY: (CHAPTER 3)	F-1(a)		AUTOMATIC FIRE-EXTINGUISHING SYSTEMS REQUIRED: (903)	NO (b)
CONSTRUCTION TYPE: (CHAPTER 6)	TYPE II - B		FIRE ALARM AND DETECTION SYSTEMS REQUIRED: (907, 907.2, 907.2.4)	NO
BUILDING AREA:	9,213	SF	SMOKE AND HEAT VENT REQUIRED: (910.2)	NO
BASEMENT AREA: (BELOW GRADE)	-	SF	PORTABLE FIRE EXTINGUISHERS REQUIRED: (906 IFC)	YES
MAXIMUM BUILDING HEIGHT: (ABOVE GRADE)	35	FT		
NO OF STORY: (*)	1			
MEZZANINE (505): (YES/NO)	YES		EQUIPMENT PLATFORM (505.5): (YES/NO)	NO
MEZZANINE AREA: (505.2)	1,392	SF	EQUIPMENT PLATFORM AREA: (505.5.1)	- SF

ACTUAL AREA PER OCCUPANCY:

			MAX ALLOWABLE AREA (NO AREA MODIFICATION): (T503)		MAX ALLOWABLE HEIGHT:		MAX ALLOWABLE STORIES:
F-1	10,605	SF	15,500	SF	55	FT	2
-	-	SF	-	SF	-	FT	-
-	-	SF	-	SF	-	FT	-

MIXED USE AND OCCUPANCY (508)

ACCESSORY OCCUPANCIES: (508.3.1) (YES/NO)	NO	NONSEPARATED USES OCCUPANCIES: (508.3.2):	-
ACCESSORY SPACE / ROOM TYPE:	-	ALLOWABLE AREA AND HEIGHT BASED ON OCCUPANCY: (508.3.2.2)	-
ACCESSORY SPACE AREA:	- SF	SEPARATION NOT REQUIRED (508.3.2.3)	
SEPARATION NOT REQUIRED (508.3.1.3)			

SEPARATED OCCUPANCIES: (508.3.3)
REQUIRED SEPARATION OF OCCUPANCIES: (T508.3.3)

OCCUPANCIES:			S	/	NS		OPENING PROTECTIVE FIRE PROTECTION RATING: (T715.4)	ALLOWABLE AREA: (508.3.3.2) OCCUPANCIES:	CALCULATION:
B	/	F-1	=	-N	/	-N	HOUR	-	
-	/	-	=	-	/	-	HOUR	-	
-	/	-	=	-	/	-	HOUR	-	
								AREA CHECK:	

FIRE RESISTANCE RATINGS (CHAPTER 7)

TYPE OF ASSEMBLY	REQUIRED ASSEMBLY RATING:		FIRE PROTECTION RATING (T715.4, T715.5)	
EXTERIOR WALLS (T601)	NR	HOUR	-	HOUR
VERT. EXIT ENCLOSURE (1020.1)	-	HOUR	-	HOUR
SHAFT ENCLOSURES (707 EXCEPTION 3, 4, 7)	-	HOUR	-	HOUR
ELECTRICAL ROOM	NR	HOUR	-	HOUR
	-	HOUR	-	HOUR

MEANS OF EGRESS (CHAPTER 10)

OCCUPANCY:	F-1	-
FUNCTION OF SPACE FACTOR: (T1004.1.1)	300	-
OCCUPANT LOAD PER OCCUPANCY:	35	-
TOTAL OCCUPANT LOAD:	35	
EXIT AND EXIT ACCESS DOORWAYS REQUIRED: (1015.1)	1-	-
EXIT AND EXIT ACCESS DOORWAYS PROVIDED:	3-	-
EXITS REQUIRED PER ROOM/SPACE: (1019.1 OR 1019.2)	1-	-
EXITS PER ROOM/SPACE PROVIDED:	2-	-

BUILDING WITH ONE EXIT: (T1019.2)

OCCUPANCY	NO OF STORY ALLOWED	MAX OCCUPANTS ALLOWED	MAX TRAVEL DISTANCE	
-	-	-	-	FT
-	-	-	-	FT
-	-	-	-	FT
ACTUAL MAX TRAVEL DISTANCE:			-	FT

EXIT ACCESS TRAVEL DISTANCE PER OCCUPANCY: (T1016.1)

OCCUPANCY	S		NS	
F-1	-	FT /	200	FT
-	-	FT /	-	FT
-	-	FT /	-	FT
ACTUAL MAX TRAVEL DISTANCE:		FT /	113	FT

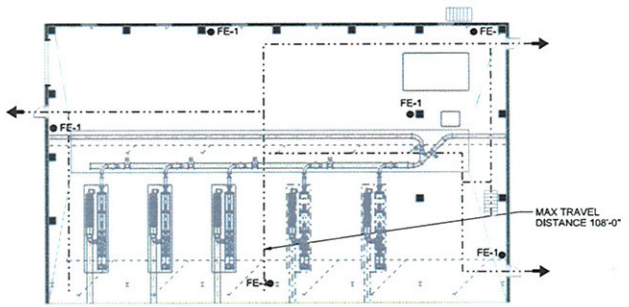
COMMON PATH OF EGRESS TRAVEL ALLOWED PER OCCUPANCY: (1014.3)

OCCUPANCY	ALLOWABLE DISTANCE	
F-1	75	FT
-	-	FT
-	-	FT
ACTUAL MAX COMMON PATH OF TRAVEL:	75	FT

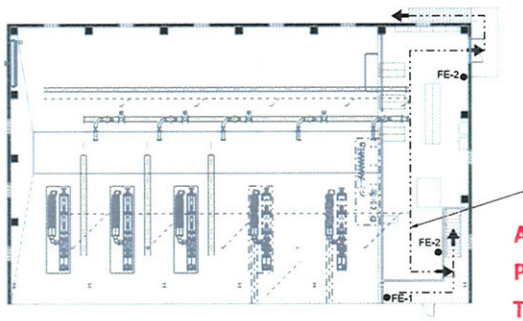
STAIRWAYS (1009)		
STAIRWAY WIDTH: (1009.1 EX. 1)	36	IN
MIN TREAD DEPTH: (1009.3)	11	IN
MAX / MIN RISERS HEIGHT: (1009.3)	7 / 4	IN
ALTERNATING TREAD DEVICE ALLOWED: (1009.9)	NOT USED	
OPEN TREAD ALLOWED: (1009.5.1 EXCEPTION)	YES	
OPEN RISER ALLOWED: (1009.3.3 EXCEPTION 1)	YES	
GUARD (1013) / HANDRAIL (1012)		
GUARD REQUIRED (1013.1): (>30 IN ABOVE FLOOR/GRADE)	YES	
GUARD HEIGHT: (1013.2)	42 IN MIN	
RAILS OPENINGS: (1013.3 EXCEPTION 3)	21 IN	
HANDRAIL HEIGHT: (1012.2)	>= 34 IN, <= 38 IN	

KEY NOTES:

(a)Existing Sludge Dewatering Facility is Occupancy Type B, Div 4 with Construction Type 2N, it contains an Automatic Fire-Extinguishing System.
(b)Combined fire area including mezzanine does not exceed 24,000 sf (903.2.3-1).
(c) A restroom is located in the Existing Sludge Dewatering Facility on the mezzanine, approx. 250ft walking distance from the attached Annex Building. (2902.4.1 EXCEPTION)



LIFE SAFETY PLAN- FIRST FLOOR
SCALE 1/8"=1'-0"



LIFE SAFETY PLAN- SECOND FLOOR
SCALE 1/8"=1'-0"

SHEET LEGEND

- → EXIT
- ● FE FIRE EXTINGUISHER
- - - - PATH OF MAX TRAVEL DISTANCE

GENERAL SHEET NOTES

1. HANDICAPPED ACCESSIBILITY:
   THIS BUILDING IS EXEMPT FROM CHAPTER 11 OF THE 2006 IBC BASED ON THE FOLLOWING STATEMENT, "SPACES FREQUENTED ONLY BY PERSONNEL FOR MAINTENANCE, REPAIR, OR MONITORING OF EQUIPMENT ARE NOT REQUIRED TO BE ACCESSIBLE. SUCH SPACES INCLUDE, BUT ARE NOT LIMITED TO..., MECHANICAL, ELECTRICAL OR COMMUNICATIONS EQUIPMENT ROOMS, PIPING OR EQUIPMENT CATWALKS, WATER OR SEWAGE TREATMENT PUMP ROOMS AND STATIONS, ELECTRICAL SUBSTATIONS AND TRANSFORMER VAULTS. ETC. (1103.2.9).

   THIS BUILDING IS EXEMPT FROM AMERICANS WITH DISABILITIES ACT (ADA) BASED ON THE FOLLOWING STATEMENT. "GENERAL EXCEPTIONS - EQUIPMENT SPACES: SPACES FREQUENTED ONLY BY PERSONNEL FOR MAINTAINENCE, REPAIR OR MONITORING OF EQUIPMENT ARE NOT REQUIRED TO BE ACCESSIBLE. SUCH SPACES INCLUDE, BUT ARE NOT LIMITED TO.... WATER OR SEWAGE TREATMENT PUMP ROOMS AND STATIONS."
   (ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES 2002, PART 4.1.1 (5)(b)(ii)).

2. EXCEPT FOR REGULAR MONITORING AND MAINTENANCE OF EQUIPMENT, THIS BUILDING IS NOT INTENDED FOR HUMAN OCCUPANCY FOR EXTENDED PERIODS OF TIME. THIS BUILDING'S PRIMARY PURPOSE IS TO HOUSE PROCESSING EQUIPMENT FOR WATER CONVEYANCE.

APPL. NO. G-10-196 EXHIBIT F-1 DATE 10-8-10
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

REV	DATE	BY	DESCRIPTION

SCALE 1/16" = 1'-0"

WARNING: 0 ½ 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

DESIGNED E.NAVARRO
DRAWN E.NAVARRO
CHECKED CHECKED

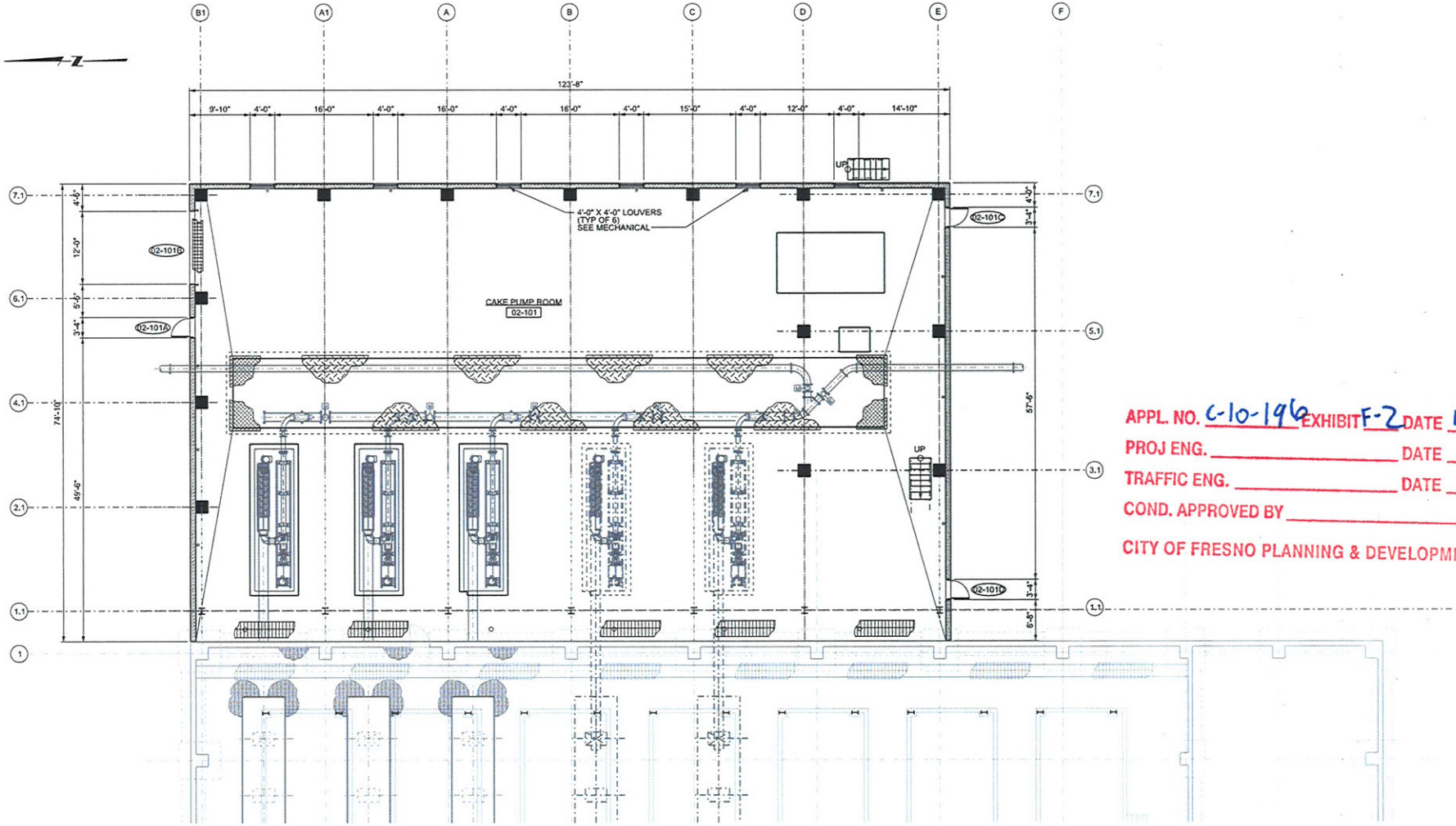
NOT FOR CONSTRUCTION
This document is an interim document and not suitable for construction. As an interim document, it may contain data that is potentially inaccurate or incomplete and is not to be relied upon without the express written consent of the preparer.

MWH

CITY OF FRESNO
REGIONAL WASTEWATER RECLAMATION FACILITY

DEWATERING FACILITY IMPROVEMENTS
SLUDGE DEWATERING FACILITY ANNEX
ARCHITECTURAL
BUILDING CODE DATA AND LIFE SAFETY PLANS

SHEET A-3
1007134



APPL. NO. C-10-196 EXHIBIT F-2 DATE 10-8-10

PROJ ENG. _____ DATE _____

TRAFFIC ENG. _____ DATE _____

COND. APPROVED BY _____ DATE

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

REV	DATE	BY	DESCRIPTION

SCALE 1/8" = 1'-0"

WARNING 0 ½ 1 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

DESIGNED E NAVARRO

DRAWN E NAVARRO

CHECKED CHECKED

MWH

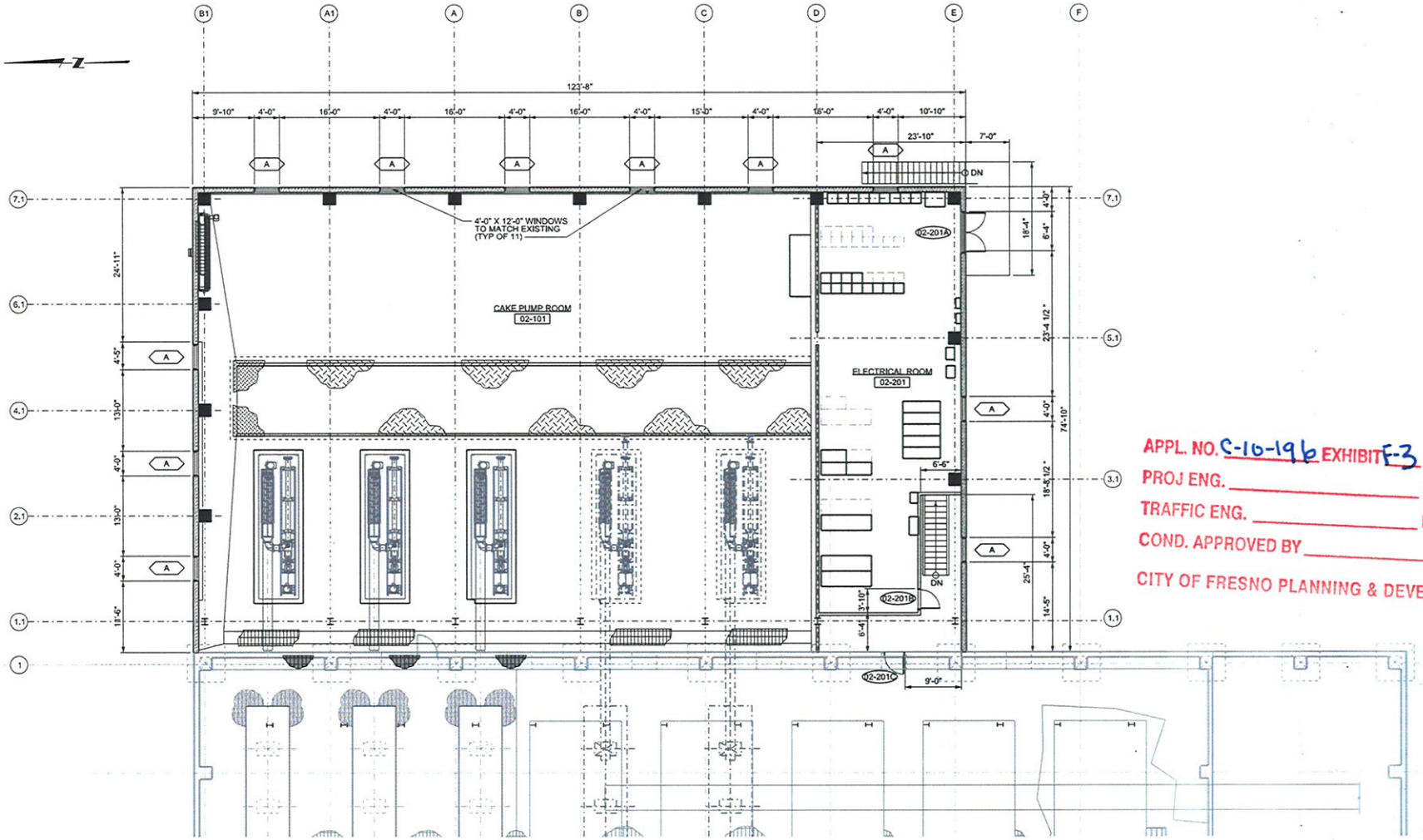
CITY OF FRESNO
REGIONAL WASTEWATER RECLAMATION FACILITY

DEWATERING FACILITY IMPROVEMENTS

SLUDGE DEWATERING FACILITY ANNEX
ARCHITECTURAL
FIRST FLOOR PLAN

SHEET FIG 4

1007134



APPL. NO. C-10-196 EXHIBIT F-3 DATE 10-8-10
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

REV	DATE	BY	DESCRIPTION

SCALE 1/8" = 1'-0"

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MWH

CITY OF FRESNO
REGIONAL WASTEWATER RECLAMATION FACILITY

DEWATERING FACILITY IMPROVEMENTS

SLUDGE DEWATERING FACILITY ANNEX
ARCHITECTURAL
SECOND FLOOR PLAN

SHEET FIG 5

1007134

Exhibit F
Operational Statement

City of
FRESNO
Department of Public Utilities

Wastewater Management Division
5607 West Jensen Avenue
Fresno, California 93706-9458
559-621-5100 – FAX 559-498-1700
www.fresno.gov

Providing Life's Essential Services

September 15, 2010

City of Fresno
Planning & Development Department
2600 Fresno St, Third Floor
Fresno, CA 93721-3604

Project: Enhanced Dewatering Facility
Subject: Operational Statement

Dear Sirs:

The Enhanced Dewatering Facility is being submitted by Raul Gonzalez of the City of Fresno on behalf of the Department of Public Utilities Wastewater Division. It pertains to 8 acres of property located at 5607 West Jensen APN 32703024T and is zoned AE-5. An authorization for planned land use of AE-5 to include the construction of the Enhanced Dewatering Facility is requested. The existing site currently exists of 170.72 acres with over 220 parking spaces. The proposed facility will be operated 24 hour per day, seven days a week. The proposed project will be constructed on the City of Fresno's Regional Wastewater Reclamation Facility (RWRF). The actual project site is approximately 0.2 mile south of our Jensen Avenue fence line. The General Plan land use designation is Public Facility – Wastewater Facility. There are no Community, Specific, or Redevelopment Plans associated with the facility.

This dewatering project is required to enhance the dewatering capacity at the Regional Water Reclamation Facilities (RWRF). The current dewatering facility does not provide adequate sludge dryness and system redundancy. Improved dewatering will be achieved by the use of centrifuges, replacing older generation belt filter presses. Sludge cake transport costs can be significantly reduced by increasing cake dryness. System redundancy will be provided by adding a second silo for storage and truck loading and adding progressive cavity cake pumps to convey dry solids to either silo rather than a single direction belt conveyor.

No new employees are required to staff the enhanced dewatering facility. These types of systems are fully automated and require minimal maintenance. The RWRF is currently staffed 24 hours a day, 7 days a week and it would be this staff's responsibility to maintain and monitor the system. The RWRF is a secure facility with controlled access 24 hours day, 7 days a week. No additional security measures will be required.

This equipment will be located in the existing Dewatering Building and a Dewatering Annex building to be constructed on the east side of the Dewatering Building. The Dewatering Annex and new silo will match the existing Dewatering Building and silo in architectural appearance and color scheme. The nearest City of Fresno neighbors are more than two and a half miles away while the nearest County of Fresno neighbor is agricultural and are more than a half mile away.

If you have any questions, please feel free to call me.

Sincerely,

Raul S. Gonzalez, P.E., S.E.
Project Manager
Regional Wastewater Reclamation Facility
5607 W. Jensen Avenue
Fresno, CA 93706
(559) 621-5290 ph
raul.gonzalez@fresno.gov

Exhibit G

Conditions of Approval dated January 26, 2011 (Including comments from other agencies)

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

JANUARY 26, 2011

CONDITIONAL USE PERMIT APPLICATION NO. C-10-196

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART A - PROJECT INFORMATION

1.	Assessor's Parcel No:	327-030-24T
2.	Job Address:	5607 West Jensen Avenue
3.	Street Location:	Located at the Fresno-Clovis Regional Wastewater Reclamation Facility located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues
4.	Existing Zoning:	AE-5 (*Exclusive 5-Acre Agriculture*)
5.	Planned Land Use:	Public Facilities (wastewater treatment facility)
6.	Plan Areas:	2025 Fresno General Plan
7.	Project Description:	Conditional Use Permit Application No. C-10-196 proposes the replacement of existing belt filter presses with new centrifuges, construction of new annex building, construction of new silo, and the paving of new access roads at the City of Fresno Wastewater Treatment Facility.

PART B – GENERAL CONDITIONS AND REQUIREMENTS

Conditional Use Permit Amendment Application No. C-10-196 is scheduled to be heard by the Fresno Planning Commission on January 26, 2011. Staff is recommending that Planning Commission approve Conditional Use Permit Application No. C-10-196 subject to the conditions of approval contained in this document.

A Mitigated Negative Declaration has been prepared for the proposed project that is dated October 29, 2010. A public notice of the attached Mitigated Negative Declaration finding for Environmental Assessment Application No. C-10-196 was published in *The Fresno Bee* on October 29, 2010. The proposed project was also routed to the State Clearinghouse on October 27, 2010 with two comments received from state agencies within the 30-day comment period which ended on November 30, 2010. **All relevant comments received from the State agencies have been incorporated into these conditions of approval or have been substituted as mitigation measures pursuant to Section 15074.1 of the CEQA Guidelines.**

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval are listed in the last section of this list of conditions under the heading "Part F - Miscellaneous" and may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed at the Planning Commission hearing on January 26, 2011.

In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by February 10, 2011.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on Exhibit A dated October 25, 2010. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit shall commence by **January 26, 2015** (four years from the date of approval). There is no exception.

To complete the back-check process for building permits relative to planning an zoning issues, submit four copies of this corrected, final site plan, together with three copies of the elevations and any fees and title reports for required covenants and any required studies or analyses to Bonique Salinas in the Development Services Division for final review and approval at least fifteen days before your final backcheck appointment. It may be necessary to resubmit these "corrected exhibits" a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the "corrected exhibits" are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring two additional copies of the site plan exhibit(s) to this appointment so that both the Development Services Division and Traffic Planning have a final signed-off copy of the site plan.

Copies of the final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Bonique Salinas at (559) 621-8024 or via e-mail at Bonique.Salinas@fresno.gov for an appointment for final sign-off for building permits following your receipt and substitution of the copies of the stamped, corrected, approved exhibits in the plan check sets.

PART C – PUBLIC IMPROVEMENT REQUIREMENTS

1) PUBLIC WORKS, ENGINEERING DIVISION REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

In a response dated October 28, 2010, the Public Works Department, Traffic Engineering Division determined that there are no on-site traffic related or off-site improvement requirements for the proposed project.

PART D – PLANNING/ZONING REQUIREMENTS

1) PLANNING

a) Development is subject to the following plans and policies:

1. AE-5 (*Exclusive 5-Acre Agriculture*)
2. 2025 Fresno General Plan

2) ZONING

a) Development is proposed in accordance with the existing AE-5 (*Exclusive 5-Acre Agriculture*) zone district.

b) The applicants shall comply with all conditions of approval indentified in all previously approved entitlement applications for the subject site.

2) BUILDING HEIGHT

a) The maximum allowable building height is 35-feet except for non-dwelling structures such as windmills, silos, water tanks, etc. The proposed silo exceeds this height but is a structure allowed to be over 35-feet in height.

3) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

Maintain all previously required building and landscape setbacks which are as follows:

a) Building Setbacks:

a. 35 feet along Jensen Avenue
b. 35 feet along Cornelia Avenue
c. 35 feet along Central Avenue
d. 35 feet along North Avenue

b) Landscape Setbacks:

a. 10-feet along Jensen Avenue

c) Although no trees are required because no new parking is proposed, maintain the existing requirement of providing 1 medium sized tree for every two parking stalls on-site.

4) SPACE BETWEEN BUILDINGS

a) N/A

5) FENCES, HEDGES, AND WALLS

a) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

b) Only those fences as shown on the site plan shall be reviewed for approval.

c) Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation. **(Include this note on the site plan.)**

6) OFF-STREET PARKING

a) Given that no new employees are proposed under the current project, no additional parking is required.

b) Provide an adequate number of accessible parking stalls as required by the State of California Building Code.

c) Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**

7) ENVIRONMENTAL MITIGATION MEASURES

a) The project shall comply with all project specific mitigations measures identified in the Mitigated Negative Declaration Project Specific Monitoring Checklist prepared for Environmental Assessment No. C-10-196 dated October 29, 2010, revised on January 18, 2011, which are as follows

Biological Resources

1. **Mitigation Measure BI-1-1**: A qualified biologist should perform surveys according to protocol (The California Burrowing Owl Consortium, 1993) prior to commencing Project-related activities or the City can assume that all burrows along the roads are occupied by burrowing owls and mitigate accordingly. A preconstruction survey is also warranted if Project activities do not commence within 30 days of completing protocol-level surveys. Results of the survey(s) shall be prepared in a letter and given to the California Department of Fish and Game (CDFG) for their review and approval prior to any Project-related activities.

2. **Mitigation Measure BI-1-2**: If burrowing owl occupancy is assumed or if protocol-level surveys detect presence of burrowing owl, all of the following mitigation measures should be implemented (DFG, 1995):

    a. Avoid active burrows by at least 250 feet during the nesting season (February 1 through August 31). Destroy burrows during the non-nesting season (September 1 through January 31) after owls are passively relocated (see d. below).

    b. Offset the loss of foraging and burrow habitat by acquiring and permanently protecting an appropriate amount of land (consult with the Department) at a location adjacent to occupied habitat and acceptable to the Department.

    c. Offset destruction of occupied burrows by enhancing existing unsuitable burrows or creating new artificial burrows at a ratio of 2:1 on the protected land from b.

    d. Passively relocate owls, if they must be moved. Allow one or more weeks to allow the owls to acclimate to alternative burrows.

    e. Provide funding for long-term management and monitoring of the protected land. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department.

Cultural Resources

3. **Mitigation Measure CUL-1:** The Project specifications shall state that if previously unidentified and potentially significant archaeological resources (e.g., stone artifacts, dark ashy soils or burned rocks, or old glass, metal, or ceramic artifacts) become apparent during ground disturbances, work in that location shall be diverted and a qualified archaeologist shall be contacted immediately to evaluate the nature and significance of the find.

4. **Mitigation Measure CUL-2:** Before construction-related earthmoving activities and excavation at depths of 2 feet below the surface (into the Modesto Formation), the services of a qualified Principal Paleontologist shall be retained and consulted.

5. **Mitigation Measure CUL-3:** Consistent with Federal and State law, if fossils are

discovered during excavation of the silo site, an approved Principal Paleontologist must be called to the site to develop mitigation measures to protect those resources. Based on the information in the PIR prepared for the Project, the Paleontologist shall determine when and where monitoring will be required, and who will conduct it.

The Paleontologist shall coordinate with appropriate construction contractor personnel to provide information regarding applicable requirements concerning protecting paleontological resources. Contractor personnel, particularly heavy-equipment operators, shall also be briefed on procedures to be followed in the event that fossil remains and a currently unrecorded fossil site are encountered by earthmoving activities if a paleontological construction monitor is not on the site. Additional briefing shall be presented to new contractor personnel as necessary. Names and telephone numbers of the monitor and other appropriate mitigation program personnel shall be provided to appropriate contractor personnel.

When required, monitoring shall consist of visually inspecting freshly exposed cuts into the Modesto Formation, and spoil piles for the discovery and recovery of larger fossil remains, and periodically dry test screening to allow for the discovery and recovery of smaller fossil remains. If larger vertebrate fossils are noted by construction workers or monitors, excavation there will cease, and the monitor will be notified. The monitors will then notify the Principal Paleontologist.

The monitor and recovery staff will salvage all larger vertebrate fossil remains, as soon as practicable and as quickly as possible, under the supervision of the Principal Paleontologist following Society of Vertebrate Paleontology (1995) and State (Caltrans, 2007) guidelines. The monitor shall document the location and proper geologic context of any recovered fossil occurrence or rock or sediment samples. Any recovered rock or sediment sample from the Modesto Formation shall be processed to allow for the recovery of smaller fossil remains that normally are too small to be observed by the monitor. Pursuant to Society of Vertebrate Paleontology (1995) standard measures, no more than 6,000 pounds (12,000 pounds total) of sediment need be processed from the Modesto Formation.

If the Paleontologist or monitor determines that the fossil site is too unproductive or the fossil remains not worthy of recovery by the monitor, no further action will be taken to preserve the fossil site or remains, and earthmoving activities shall be allowed to proceed through the site immediately.

All fossil specimens recovered from the Project site as a result of mitigation, including those recovered as the result of processing rock or sediment samples, will be treated (i.e., prepared, identified, curated, catalogued) in accordance with designated museum repository requirements. Rock or sediment samples will be submitted to commercial laboratories for microfossil, pollen, radiometric dating, or other analysis, as appropriate.

The monitor shall maintain daily monitoring logs that include the particular tasks accomplished, the earthmoving activity monitored, the location where monitoring was

conducted, the rock unit(s) encountered, the fossil specimens recovered, and associated specimen data and corresponding geologic and geographic site data. A final technical report of results and findings shall be prepared by the Paleontologist in accordance with any City requirement and archived at a repository mutually approved by the City and Paleontologist.

6. **Mitigation Measure CUL-4:** If human remains are uncovered, or in any other case when human remains are discovered during construction, the Fresno County Coroner is to be notified to arrange their proper treatment and disposition. If the remains are identified—on the basis of archaeological context, age, cultural associations, or biological traits—as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will determine the manner in which the remains are treated.

b) The project shall implement and incorporate, as appropriate and if applicable, the mitigation measures indentified in the Master Environmental Impact Report (MEIR) No. 10130 – 2025 Fresno General Plan Mitigation Monitoring Checklist (attached).

8) NOISE

a) Pursuant to Section 10-102.b of the FMC, noise levels for industrial zoned properties shall not exceed 70 decibels at anytime measured at the nearest subject property line. Future uses and/or development shall be required to comply with this provision.

PART E – CITY AND OTHER SERVICES

1) BUILDING AND SAFETY SERVICES DIVISION

a) Plans and permits are required.

2) FIRE PROTECTION REQUIREMENTS

a) Comply with the attached memorandum from the City Fresno Fire Department dated October 19, 2010.

3) FLOOD CONTROL REQUIREMENTS

a) Contact the Fresno Metropolitan Flood Control District to determine if any fees are due prior to issuance of building permits.

4) SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

a) Comply with the attached letter from the San Joaquin Valley Air Pollution Control District dated October 21, 2010.

5) DEPARTMENT OF PUBLIC UTIILITIES

a) Comply with the attached memorandums (2) from the Department of Public Utilities dated October 20, 2010 (also see e-mail from Greg Contreras dated October 26, 2010).

6) DEPARTMENT OF TRAFFIC ENGINEERING

a) No requirements.

7) FRESNO COUNTY ENVIRONMENTAL HEALTH

a) Comply with the requirements from the County of Fresno Department of Public Health dated October 21, 2010. Please note that the project was routed by the State Clearinghouse to the Regional Water Quality Control Board and no comments were received by this agency.

8) SCHOOL DISTRICT

a) Pay any required fees to the West Park Elementary/Washington Union High School District prior to issuance of building permits.

9) FRESNO IRRIGATION DISTRICT

a) Contact the Fresno Irrigation District for requirements, if any.

10) NATIVE AMERICAN HERITAGE COMMISSION

b) Comply with the attached letter from the Native American Heritage Commission dated November 2, 2010 (as applicable).

PART F – MISCELLANEOUS

1) Approval of this site plan is contingent upon the submittal of corrected exhibits showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

a) Comply with the operational statement submitted for the proposed project dated September 15, 2010.

b) Project applicant shall comply with requirements that may be imposed by the Regional Water Quality Control Board as it relates to the implementation o WDR Order No. 5-01-254.

c) Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**

d) If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on**

the site plan.)

e) If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**

f) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

All discretionary condition of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Department Director within 15 days.

City of

FRESNO

FIRE DEPARTMENT

Date: October 19, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department , Current Planning

From: MIKE SCHMIDT, Supervising Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: C-10-196 was filed as a major amendment by Raul Gonzalez on behalf of the City of Fresno, Department of Public Utilities-Wastewater Division, and pertains to 8 acres of property located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues, 5607 West Jensen Avenue, APN 327-030-24T. The applicant proposes the replacement of existing belt filter presses with new centrifuges, construction of new annex building, construction of new silo, the pavement of new access roads at the City of Fresno, Wastewater Treatment Facility. The annex building and silo will match the color and architectural style of existing structures. The property is zoned AE-5-UGM, Exclusive Five Acre Agricultural-Urban Growth Management.

Hydrants
Show location/s of existing fire hydrant/s within 450' of the proposed structure or install new hydrant/s with minimum 1500 GPM flow @ 20# residual pressure.

Fire hydrants shall be installed, tested, approved, and all surface access roads shall be installed and made serviceable prior to and during the time of construction. The hydrant 4 1/2" outlet shall face the access lane.

Clarify drive access around the proposed building with regard to access to fire hydrant/s.

General

Provide a site plan that shows the location of this project on the WWTP site.

Note on plans: All structures shall be provided with approved fire sprinklers because of the travel distance to the nearest fire station.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

October 21, 2010

Bonique Salinas
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Project: Conditional Use Permit Application No. C-10-196

District CEQA Reference No: 20100799

Dear Bonique Salinas:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

2. Therefore, the District concludes that the proposed project is not subject to District Rule 9510 (Indirect Source Review).

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Ms. Debbie Johnson at (559) 230-5817.

Sincerely,

David Warner
Director of Permit Services

Debbie Johnson

for Arnaud Marjollet
Permit Services Manager

DW: dj

Cc: File

City of FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: October 20, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department

From: GREG CONTRERAS, Senior Engineering Technician
Department of Public Utilities, Planning and Engineering

Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-10-196

General

C-10-196 was filed as a major amendment by Raul Gonzalez on behalf of the City of Fresno, Department of Public Utilities-Wastewater Division, and pertains to 8 acres of property located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues, 5607 West Jensen Avenue, APN 327-030-24T. The applicant proposes the replacement of existing belt filter presses with new centrifuges, construction of new annex building, construction of new silo, the pavement of new access roads at the City of Fresno, Wastewater Treatment Facility. The annex building and silo will match the color and architectural style of existing structures. The property is zoned AE-5-UGM, Exclusive Five Acre Agricultural-Urban Growth Management.

Environmental Recommendations

A NEGATIVE DECLARATION MAY BE ISSUED: The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

Sewer Requirements

Sewer facilities are available to provide service to the site subject to the following requirements:

1. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

1. No fees

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: October 20, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department, Current Planning

From: GREG CONTRERAS, Senior Engineering Technician
Public Utilities Department, Planning and Engineering Division

Subject: C-10-196 was filed as a major amendment by Raul Gonzalez on behalf of the City of Fresno, Department of Public Utilities-Wastewater Division, and pertains to 8 acres of property located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues, 5607 West Jensen Avenue, APN 327-030-24T. The applicant proposes the replacement of existing belt filter presses with new centrifuges, construction of new annex building, construction of new silo, the pavement of new access roads at the City of Fresno, Wastewater Treatment Facility. The annex building and silo will match the color and architectural style of existing structures. The property is zoned AE-5-UGM, Exclusive Five Acre Agricultural-Urban Growth Management.

Environmental Comments

It has been determined that public water facilities are not available at this time to serve the Project.

Bonique Salinas

From: Gregory Contreras
Sent: Tuesday, October 26, 2010 1:34 PM
To: Bonique Salinas
Subject: C-196

Hi Bonique,

Sorry for any confusion. City water is too far from the project site to make any water conditions. So no water requirements for this app.

Thank you,

Greg Contreras
Senior Engineering Technician

Department of Public Utilities
Planning and Engineering
2600 Fresno Street, Fresno, CA 93721
(559) 621-8553 FAX (559) 498-1304
gregorycs@fresno.gov

County of Fresno
Department of Public Health
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

October 21, 2010

FA0269404
LU0015816
PE 2602

Bonique Salinas
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Ms. Salinas:

PROJECT NUMBER: C-10-196

Conditional Use Permit Application No. C-10-196 was filed as a major amendment by Raul Gonzalez on behalf of the City of Fresno Department of Public Utilities/Wastewater Division, and pertains to 8 acres of property located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues. The applicant proposes the replacement of existing belt filter presses with new centrifuges, construction of new annex building, construction of new silo, the pavement of new access roads at the City of Fresno Wastewater Treatment Facility. The annex building and silo will match the color and architectural style of existing structures. The property is zoned AE-5/UGM *(Exclusive Five Acre Agricultural/Urban Growth Management).*

APN: 327-030-24T **ZONING: AE-5/UGM** **ADDRESS: 5607 West Jensen Avenue**

Recommended Conditions of Approval:

- Prior to occupancy, the applicant shall provide an Annual Update Form, and any necessary amendments, for the Hazardous Materials Business Plan on file with the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.

- Please ensure this project has been routed to the Regional Water Quality Control Board for review and comment.

REVIEWED BY:
Janet Gardner
Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health Division, ou=Fresno County Public Health Department, email=jgardner@co.fresno.ca.us, c=US
Date: 2010.10.21 11:49:22 -07'00'
R.E.H.S., M.P.H.
Environmental Health Specialist III

(559) 445-3271

jg

cc: Mendez / Mahal, Environmental Health Division (CT1900)

C-10-196 Jensen WWTP

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

November 2, 2010

RECEIVED
NOV - 4 2010
STATE CLEARING HOUSE

Bonique Salinas, Planner
City of Fresno
5607 West Jensen Avenue
Fresno, CA 93706

Clear
11-30-10
e

2010111001

Re: SCH#~~20111001~~ CEQA Notice of Completion; proposed Mitigated Negative Declaration for the **Conditional Use Permit No. C-10-196, Fresno-Clovis Regional Wastwater Reclamation Facilities Dewatering Facility Upgrade Project;** located in the City of Fresno; Fresno County, California

Dear Bonique Salinas:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604).* The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources **were not identified** within one-half mile of the Area of Potential Effect (APE). It is important to do early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for

information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list ,should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f])*et seq.)*, 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes.* Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Master Environmental Impact Report (MEIR) No. 10130 – 2025 Fresno General Plan Mitigation Monitoring Checklist

Project/EA No. C-10-196 **Date: January 26, 2011**

Mitigation Monitoring Checklist

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above-noted project's environmental assessment, required by City Council Resolution No. 2002-378 and Exhibit E thereof (adopted on November 19, 2002) to certify the MEIR for the 2025 Fresno General Plan Update. On June 25, 2009, through its Resolution No. 2009-146, the City Council adopted Environmental Assessment No. A-09-02 confirming the finding of a Mitigated Negative Declaration prepared for General Plan Amendment Application No. A-09-02 which updated the Air Quality Section of the Resource Conservation Element of the 2025 Fresno General Plan and incorporated additional and revised mitigation measures as necessary within the following monitoring checklist.

A - Incorporated into Project
B - Mitigated
C - Mitigation in Progress
D - Responsible Agency Contacted
E - Part of City-wide Program
F - Not Applicable

NOTE: Letters B-Q in mitigation measures refer to the respective sections of Chapter V of MEIR No. 10130

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-4. For development projects that are consistent with plans and policies, a site access evaluation	Prior to approval of	Public Works	X					

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors: a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services. b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.	land use entitlement	Dept./Traffic Planning; Planning and Development Dept.						
B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.	Ongoing	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to	Ongoing	Planning and Development Department Dept.	X					

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects. e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.								
C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.	Ongoing	Planning and Development Department Dept. SJVAPCD					X	
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments	X				X	
C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express					X	
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X	X				
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of	Ongoing (City-wide);	Department of Public		X	X			

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	and prior to approval of land use entitlement as applicable	Utilities and Planning and Development Department						
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities					X	
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X				X	
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department						X
D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Allowable_construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department						X
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department						X
D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.	Ongoing	Department of Public Utilities					X	

<table>
<tr><th>MITIGATION MEASURE</th><th>WHEN IMPLEMENTED</th><th>COMPLIANCE VERIFIED BY</th><th>A</th><th>B</th><th>C</th><th>D</th><th>E</th><th>F</th></tr>
<tr><td>D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)</td><td>Ongoing</td><td>Department of Public Utilities</td><td></td><td></td><td></td><td></td><td>X</td><td></td></tr>
<tr><td>D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.</td><td>Prior to approval of land use entitlement</td><td>Department of Public Utilities</td><td>X</td><td></td><td></td><td></td><td>X</td><td></td></tr>
<tr><td>D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.</td><td>Prior to approval of development project</td><td>Department of Public Utilities</td><td></td><td></td><td></td><td></td><td>X</td><td></td></tr>
<tr><td>D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:
<table>
<tr><th>FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES
(Analysis shall include acreage to all street centerlines.)</th><th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th></tr>
<tr><th>01/01/2005 THROUGH 12/31/2010</th><th>01/01/2010 THROUGH 12/31/2024</th><th>AFTER 01/01/2025</th></tr>
<tr><td>Single family residential</td><td>3.8</td><td>3.5</td><td>3.5</td></tr>
<tr><td>Multi-family residential</td><td>6.5</td><td>6.2</td><td>6.2</td></tr>
<tr><td>Commercial and institutional</td><td>2</td><td>1.9</td><td>1.9</td></tr>
<tr><td>Industrial</td><td>2</td><td>1.9</td><td>1.9</td></tr>
</table></td><td>Prior to approval of development project</td><td>Department of Public Utilities</td><td>X</td><td></td><td></td><td></td><td></td><td></td></tr>
</table>

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Landscaped open space: 3 / 2.9 / 2.9 South East Growth Area: 3.4 / 3.2 / 3.2 NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan								
D-13. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities					X	
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department					X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department					X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department						X
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.	Ongoing	Planning and Development Department						X

Project/EA No. C-10-196 **Date: January 26, 2010**

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department	X	X				
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities					X	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities					X	
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Dept. of Public Utilities	X				X	
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement	Dept. of Public Utilities and Planning and Development Department	X	X				
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X					
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.				X		
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.				X		

Project/EA No. C-10-196 **Date: January 26, 2010**

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.					X	
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.					X	
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net less of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					X	
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.	X					
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					X	
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					X	
J-1. If the site of a proposed development or public works project is found to contain unique	Ongoing/prior to	Planning and	X					

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.	approval of land use entitlement	Development Dept.						
J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X					
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	X					
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff	X					
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.	X				X	
K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025	Ongoing/upon	Planning and	X					

Project/EA No. C-10-196 **Date: January 26, 2010**

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details.	submittal of land use entitlement application	Development Dept.						
K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.					X	
L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Planning and Development Dept.	X				X	
N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.				X		
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.	X				X	

Exhibit H

Environmental Assessment No. C-10-196

Mitigated Negative Declaration and Initial Study for Conditional Use Permit Application No. C-10-196

(SCH No. 2010111001)

Fresno-Clovis Regional Wastewater Reclamation Facilities Dewatering Facility Upgrade

Lead Agency:
City of Fresno

Contact: Bonique Salinas,
Planner
(559) 621-8024

CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT

EA No. C-10-196 for

Conditional Use Permit Application No. C-10-196

APPLICANT:

Raul S. Gonzalez, Project Manager
City of Fresno Department of Public Utilities,
Wastewater Division
5607 West Jensen Avenue
Fresno, Ca 93706

PROJECT LOCATION:

5607 W. Jensen Avenue; County of Fresno
Assessor's Parcel Number: 327-030-24T
Latitude 36.704 N, Longitude -119.890 W

Filed with:

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, California 93721

STATE CLEARINGHOUSE
Office of Planning & Research
1400 Tenth Street, Suite 212
Sacramento, California 95814

PROJECT DESCRIPTION: Raul Gonzalez, on behalf of the City of Fresno Department of Public Utilities, Wastewater Division, has filed Conditional Use Permit Application No. C-10-196 pertaining to approximately 8 acres of property located on the south side of West Jensen Avenue between South Cornelia and South Chateau Fresno Avenues. The project proposes to replace existing belt filter presses dewatering equipment with centrifuge dewatering equipment and will provide new centrifuge dewatering units sufficient to process 425 gallons per minute (gpm), with one of the centrifuges out of service. The proposed project will also provide the potential capability for future modification to allow up to 850 gpm of digested sludge to be dewatered by centrifuge, should that be called for in the future.

The objectives of the project are to: increase the sludge dewatering facility reliability, increase the sludge cake storage capacity by providing a new silo; reduce hauling cost by the addition/use of centrifuges, reduce the negative impacts of struvite (precipitate) formation. Specifically, the applicant proposes the replacement of existing belt filter presses with new centrifuges, construction of new annex building, construction of new silo, the pavement of new access roads at the City of Fresno Wastewater Treatment Facility. The annex building and silo will match the color and architectural style of existing structures. The property is zoned AE-5/UGM *(Exclusive Five Acre Agricultural/Urban Growth Management).*

Notice is hereby given that the City of Fresno has prepared an Initial Environmental Study (IES) under the California Environmental Quality Act (CEQA) for the project described as the Dewatering Facility Upgrade Project. The City Council intends to adopt a Mitigated Negative Declaration (MND) for the project and has authorized the release of the MND for public review and comment on the above project and its potential impacts.

The proposed project would be located at Cornelia Avenue and Jensen Avenue, in the City of Fresno, within the boundaries of the existing Fresno-Clovis Regional Wastewater Reclamation Facilities (RWRF). The project is the construction and operation of upgraded sludge dewatering facilities in a new annex to the existing dewatering building, associated yard piping, construction piping to a new storage silo, a polymer storage facility,

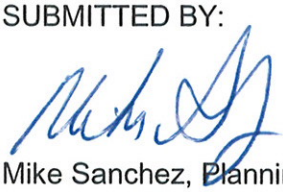
a new transformer, and improved paving for, extension and widening of an existing road. The total area disturbed within the existing plant site would be approximately 3.2 acres. The proposed dewatering facility would be a roofed concrete building with architectural features match the existing dewatering building, approximately 36 feet in height and about 6,350 square feet in area; a concrete silo, approximately 65 feet tall, 41 feet in diameter near one end; and connecting structures. The facility would look substantially similar to the existing dewatering building and silo; the yard piping would be buried.

The project site is not on any of the lists enumerated under Government Code section 65962.5.

The analysis in the IES indicates that the proposed project can be implemented without causing significant adverse environmental impacts with the incorporation of mitigation measures for specific issues.

Additional information on the proposed project, including the proposed environmental finding of a mitigated negative declaration initial study and all documents and technical studies referenced in the initial study, may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California 93721-3604. Please contact Bonique Salinas at (559) 621-8024 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Comments may be submitted at any time between the publication date of this notice and close of business on November 30, 2010. Please direct all comments to Bonique Salinas, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California, 93721-3604; or by email, Bonique.Salinas@fresno.gov; or by facsimile, (559) 498-1026.

NOTICE OF INTENT PREPARED BY: Bonique Salinas, Planner	SUBMITTED BY:  Mike Sanchez, Planning Manager CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
DATE: October 29, 2010	

MITIGATED NEGATIVE DECLARATION

City of Fresno
Fresno-Clovis Regional Wastewater Reclamation Facilities
Dewatering Facility Improvements

Project Description and Location

Conditional Use Permit Application No. C-10-196: The proposed Project requests authorization for the construction and operation of improved sludge dewatering facilities, an additional storage silo and associated yard piping adjacent to the existing sludge dewatering facilities, and widening and paving an access road on the site of the Fresno-Clovis Regional Wastewater Reclamation Facilities. The facilities construction would disturb at total of 3.2 acres on the existing plant site. The regional location of the Project and the Project site are shown in **Figure 1-1** and **Figure 1-2**, respectively, of the attached Initial Environmental Study (IES). A layout of proposed facilities is shown in IES **Figure 1-3**.

Lead Agency/Project Proponent

City of Fresno

State Clearinghouse Number

Contact Person

Mr. Raul Gonzalez, Project Manager (559) 621-5290

Bonique Salinas, Planner (559) 621-8024
2600 Fresno Street, 3rd Floor
Fresno, CA 93721

Finding

The Director of the Development and Resource Management Department, having reviewed the Initial Environmental Study (IES) of this proposed Project, including the recommendation of the City's staff, does hereby find and declare 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, the City of Fresno. A Mitigated Negative Declaration will be prepared.

The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the California Environmental Quality Act (CEQA) guidelines. The facts supporting this finding are presented in the attached IES prepared for the Project and in the reference materials cited in the IES.

Mitigation Measures

The City of Fresno Director of the Development and Resource Management Department hereby finds that the adoption and implementation of the following mitigation measures will reduce to less than significant or avoid potentially significant effects of the proposed Project.

Biological Resources

BI-1 To mitigate for potential impacts on burrowing owls along the roadway to be widened and paved, the following actions shall be incorporated into the project specifications:

1. A preconstruction survey shall be conducted by a qualified biologist to examine potential burrows on the project site for the existence of burrowing owl. The survey shall be conducted within 30 days prior to any construction activities within 50 feet of the roadway to be repaved. Results of the preconstruction survey shall be prepared in a letter and given to the California Department of Fish and Game (CDFG) for their review and approval prior to any construction activities at the roadway.
2. If burrowing owl or active burrow is found, the CDFG 1995 guidelines, "Staff Report on Burrowing Owl Mitigation," shall be consulted and the City shall select one of the following measures for implementation by a qualified biologist:
   a. Destroy vacant burrows prior to March 1 and/or after August 31
   b. Redesign (reschedule) the roadway repaving project element temporarily or permanently to avoid occupied burrows or nest sites until after the nesting/fledging season (March 1 through August 31)
   c. Delay the roadway repaving project until after the nesting/fledging season
   d. Install artificial burrows in open space areas of the project site and wait for passive relocation of the burrowing owl
   e. Active relocation of the burrowing owl with conditions. The City shall fund relocation of burrowing owl to unoccupied, suitable habitat that is permanently preserved (up to 6.5 acres per nesting pair) at a recognized burrowing owl mitigation bank.

Cultural Resources

CUL-1: The Project specifications shall state that if previously unidentified and potentially significant archaeological resources (e.g., stone artifacts, dark ashy soils or burned rocks, or old glass, metal, or ceramic artifacts) become apparent during ground disturbances, work in that location shall be diverted and a qualified archaeologist shall be contacted immediately to evaluate the nature and significance of the find.

CUL-2: Before construction-related earthmoving activities and excavation at depths of 2 feet below the surface (into the Modesto Formation), the services of a qualified Principal Paleontologist shall be retained and consulted.

CUL-3: Consistent with Federal and State law, if fossils are discovered during excavation of the silo site, an approved Principal Paleontologist must be called to the site to develop mitigation measures to protect those resources. Based on the information in the PIR prepared for the

Project, the Paleontologist shall determine when and where monitoring will be required, and who will conduct it.

The Paleontologist shall coordinate with appropriate construction contractor personnel to provide information regarding applicable requirements concerning protecting paleontological resources. Contractor personnel, particularly heavy-equipment operators, shall also be briefed on procedures to be followed in the event that fossil remains and a currently unrecorded fossil site are encountered by earthmoving activities if a paleontological construction monitor is not on the site. Additional briefing shall be presented to new contractor personnel as necessary. Names and telephone numbers of the monitor and other appropriate mitigation program personnel shall be provided to appropriate contractor personnel.

When required, monitoring shall consist of visually inspecting freshly exposed cuts into the Modesto Formation, and spoil piles for the discovery and recovery of larger fossil remains, and periodically dry test screening to allow for the discovery and recovery of smaller fossil remains. If larger vertebrate fossils are noted by construction workers or monitors, excavation there will cease, and the monitor will be notified. The monitors will then notify the Principal Paleontologist.

The monitor and recovery staff will salvage all larger vertebrate fossil remains, as soon as practicable and as quickly as possible, under the supervision of the Principal Paleontologist following Society of Vertebrate Paleontology (1995) and State (Caltrans, 2007) guidelines. The monitor shall document the location and proper geologic context of any recovered fossil occurrence or rock or sediment samples. Any recovered rock or sediment sample from the Modesto Formation shall be processed to allow for the recovery of smaller fossil remains that normally are too small to be observed by the monitor. Pursuant to Society of Vertebrate Paleontology (1995) standard measures, no more than 6,000 pounds (12,000 pounds total) of sediment need be processed from the Modesto Formation.

If the Paleontologist or monitor determines that the fossil site is too unproductive or the fossil remains not worthy of recovery by the monitor, no further action will be taken to preserve the fossil site or remains, and earthmoving activities shall be allowed to proceed through the site immediately.

All fossil specimens recovered from the Project site as a result of mitigation, including those recovered as the result of processing rock or sediment samples, will be treated (i.e., prepared, identified, curated, catalogued) in accordance with designated museum repository requirements. Rock or sediment samples will be submitted to commercial laboratories for microfossil, pollen, radiometric dating, or other analysis, as appropriate.

The monitor shall maintain daily monitoring logs that include the particular tasks accomplished, the earthmoving activity monitored, the location where monitoring was conducted, the rock unit(s) encountered, the fossil specimens recovered, and associated specimen data and corresponding geologic and geographic site data. A final technical report of results and findings shall be prepared by the Paleontologist in accordance with any City requirement and archived at a repository mutually approved by the City and Paleontologist.

CUL-4: If human remains are uncovered, or in any other case when human remains are discovered during construction, the Fresno County Coroner is to be notified to arrange their proper treatment and disposition. If the remains are identified—on the basis of archaeological context, age, cultural associations, or biological traits—as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will determine the manner in which the remains are treated.

Conclusion

The Director of the Development and Resource Management Department hereby finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act and reflects his independent judgment.

The location and custodian of the documents and any other materials that constitute the record of proceedings upon which the City of Fresno based its decision to adopt this Mitigated Negative Declaration are as follows:

Custodian:

City of Fresno
Development and Resource Management Department
Development Services Division
2600 Fresno Street, Room 3076
Fresno, California 93721
Phone: (559) 621-8024

City of Fresno

Mitigated Negative Declaration and Initial Environmental Study for the Dewatering Facility Upgrade Fresno-Clovis Regional Wastewater Reclamation Facilities

October 2010

MWH®

BUILDING A BETTER WORLD

CITY OF FRESNO

Fresno-Clovis Regional Wastewater Reclamation Facilities

Dewatering Facility Upgrade

Mitigated Negative Declaration and Initial Environmental Study

MWH Job No. 1007134

OCTOBER 2010

Prepared by:
MWH
618 Michillinda Avenue, Suite 200
Arcadia, CA 91007

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Mitigated Negative Declaration

Initial Environmental Study

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Section 1
Project and Agency Information

1.1 PROJECT TITLE AND LEAD AGENCY

Project Title:	Dewatering Facility Upgrade, Fresno-Clovis Regional Wastewater Reclamation Facilities
Lead Agency Name:	City of Fresno
Lead Agency Address:	5607 West Jensen Avenue Fresno, California 93706
Contact Person and Phone Number:	Mr. Patrick Wiemiller, Public Utilities Director (559) 621-8650 Mr. Raul Gonzalez, Project Manager (559) 621-5290
Project Sponsor:	Same as Lead Agency

1.2 PROJECT BACKGROUND AND OBJECTIVES

The proposed Project is the construction and operation of the biosolids (sludge) Dewatering Facility Upgrade and associated yard piping at the Fresno-Clovis Regional Water Reclamation Facility (RWRF) owned and operated by the City of Fresno, in Fresno County, California. The facility has a combined service area population of approximately 580,000, of which 495,000 are in Fresno and 90,000 in Clovis.

The City has prepared this environmental document to address the impacts of the construction and operation of the proposed Project. This Initial Environmental Study (IES) serves to identify the site-specific impacts, evaluate their potential significance, and determine the appropriate document needed to comply with California Environmental Quality Act (CEQA) guidelines.

1.3 PROJECT LOCATION AND ENVIRONMENTAL SETTING

The proposed Project facilities would be located at the RWRF, 5607 West Jensen Avenue, City of Fresno, Fresno County, California 93706. The regional location of the Project is shown in **Figure 1-1** and the location of the proposed facilities on the RWRF site in **Figure 1-2**. The approximate location is Section 22, Township 14 South, Range 19 East, Mount Diablo Base and Meridian (MDBM), or 36.704 north latitude, -119.890 west longitude. The facilities are located on the United States Geological Survey (USGS) Kearney Park 7.5 minute quadrangle. The proposed facilities' sites are surrounded by wastewater treatment facilities and percolation ponds. Land uses adjacent to the RWRF boundary are agricultural.

Figure 1-1
Regional Location

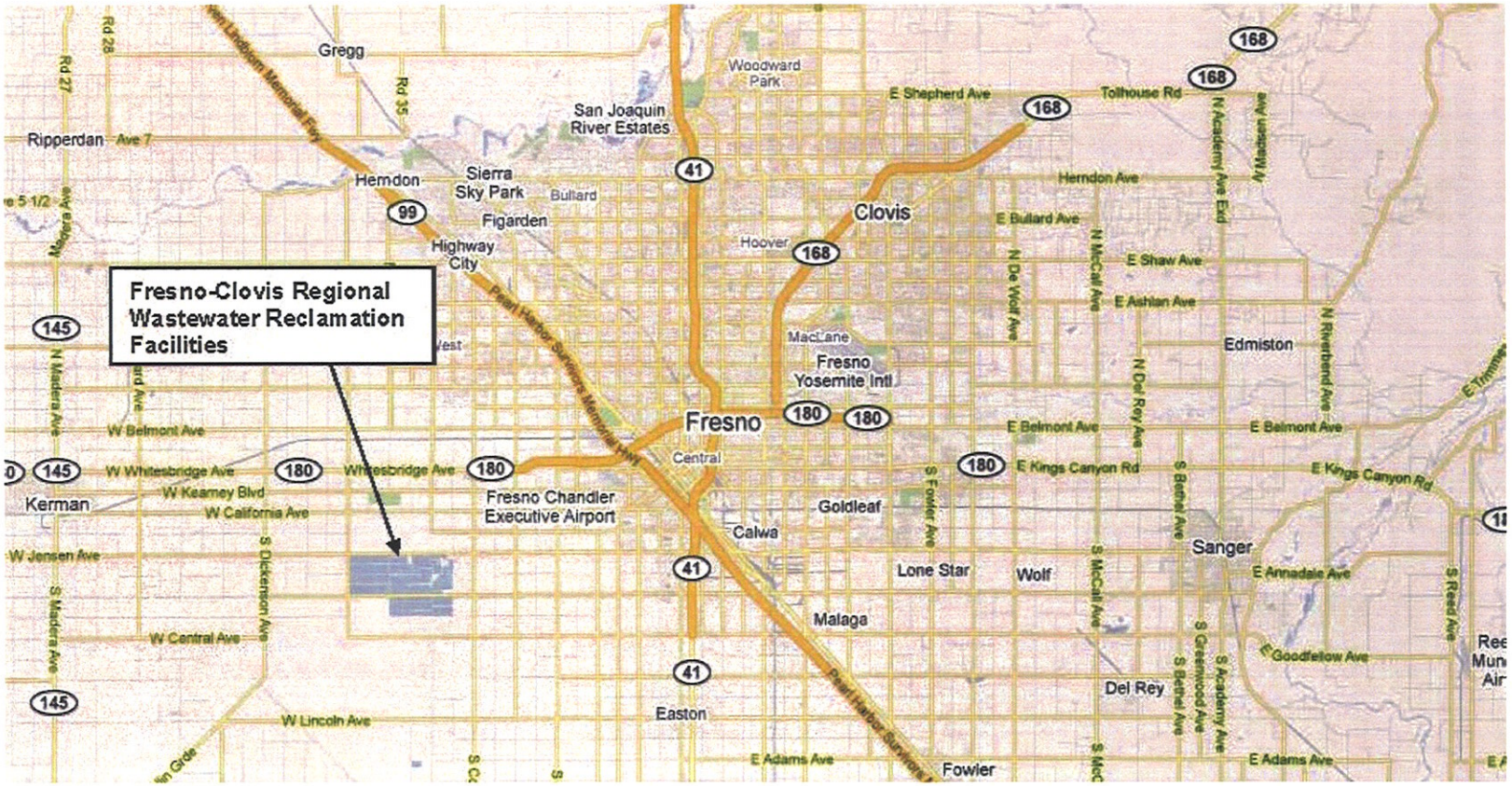


Figure 1-2
Existing Facilities

1.4 PROJECT DESCRIPTION

1.4.1 Current Facilities

The RWRF has a rated annual average design capacity of 80 million gallons per day (mgd); the RWRF provided treatment for an average flow of 68 mgd in 2008-2009. A portion of the RWRF effluent is recycled; the balance is discharged to percolation ponds. The biosolids generated from wastewater treatment are thickened, stabilized, and dewatered, and hauled to a facility for further treatment before the solids are land applied. The dewatered biosolids are called "cakes."

The sludge dewatering facility, housed within a Solids Dewatering Building, was constructed in the mid-1990s and consists of seven belt filter presses (BFPs) that drop dewatered sludge onto a belt conveyor. The belt conveyor conveys the sludge cake to an existing Serpentix conveyor that transports the sludge to the existing 430 cubic yard (cu yd) silo on the south side of the Solids Dewatering Building for truck loading. The current capacity of the existing facility is approximately 425 gallons per minute (gpm) of digested sludge. Typically, the current practice is to employ four of the seven BFPs.

1.4.2 Proposed Facilities

The Project will replace existing BFP dewatering equipment with centrifuge dewatering equipment and will provide new centrifuge dewatering units sufficient to process 425 gpm, with one of the centrifuges out of service. The Project will also provide the potential capability for future modification to allow up to 850 gpm of digested sludge to be dewatered by centrifuge, should that be called for in the future.

The objectives of the Project are to:

- increase the sludge dewatering facility reliability
- increase the sludge cake storage capacity by providing a new silo
- reduce hauling cost by the addition/use of centrifuges
- reduce the negative impacts of struvite (precipitate) formation

Several centrifuge layout and sludge cake conveyance options (based on centrifuge dewatering) were evaluated for the Schematic Design Report (MWH, 2010). The selected alternative consists of the following facilities:

- Three, 300-gpm centrifuges will be installed now; two centrifuges will provide the needed 425 gpm capacity needed at a moderate loading and the third centrifuge will serve as standby. Space is provided for future fourth and fifth centrifuges. Ultimately, up to 850 gpm of sludge could be processed with three machines and up to two standby units.
- A classifying conveyor and cake pump are dedicated to each centrifuge. Each centrifuge will drop sludge cake into a shaftless conveyor that will transfer the solids to the cake pump via a hopper.

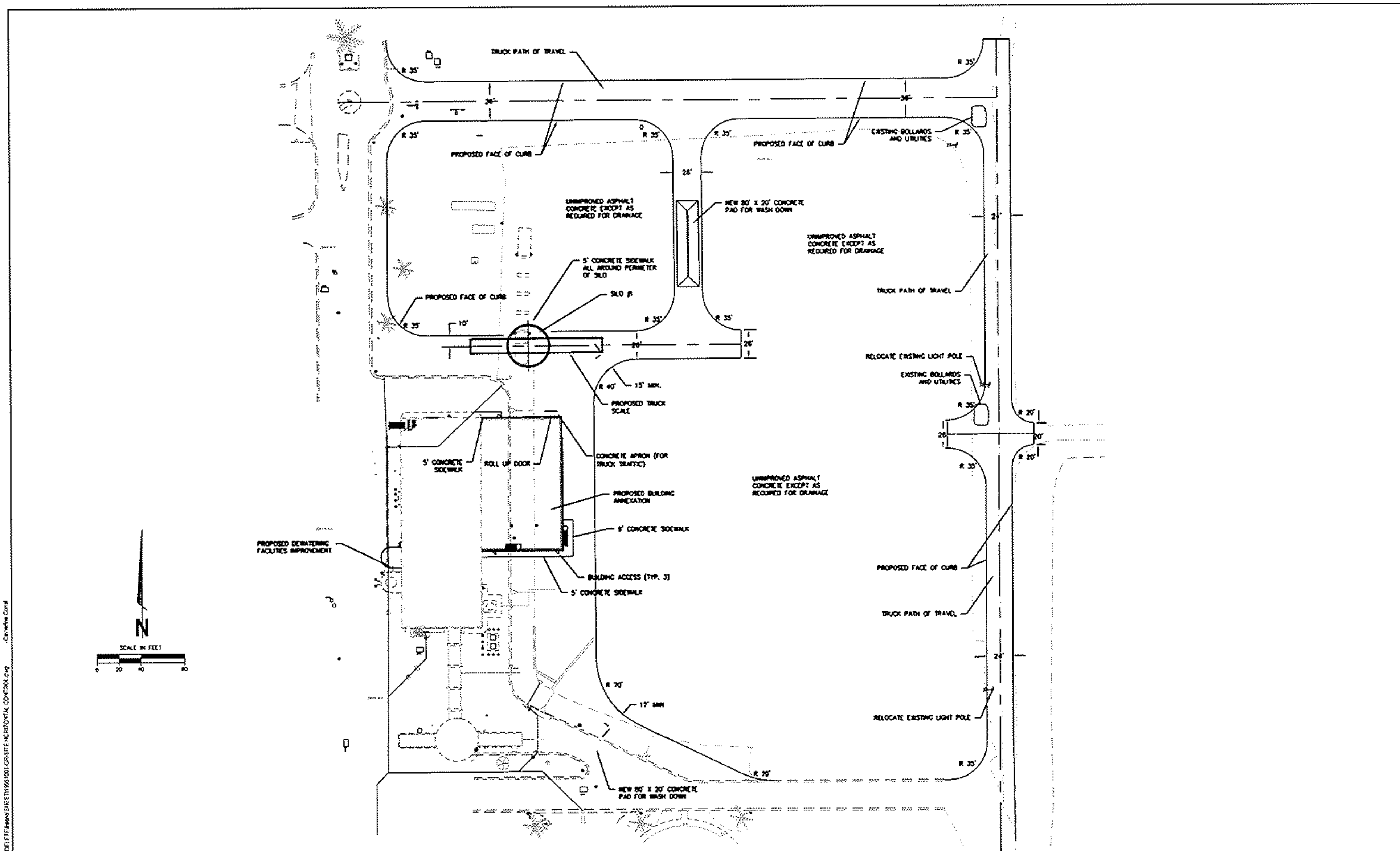
- The cake pumps will feed into a common header pipe that sends the cake to either the existing silo on the south side of the building or the new silo to be constructed on the north side. The new silo will be similar in construction to the current silo.
- Trucks will load from the silos for offsite hauling to the present McCarthy Farms location.
- Initially, two of the existing BFPs will be removed to allow the installation of three centrifuges. The five remaining BFPs will continue to dewater sludge while the centrifuge system is being constructed and commissioned. The BFPs can also serve as auxiliary back-up after the centrifuges are placed on line. The BFPs would need to be removed to accommodate the two future centrifuges.
- The cake pumps will be installed in an annex to the northeast side of the existing Solids Dewatering Building. The annex will be of similar construction to the existing building with a roll-up door to allow vehicle access for maintenance.
- A new silo sludge cake conveyance pipeline (buried) will connect to the north side of the building annex.
- When the annex is constructed, room will be provided for a fourth and fifth cake pump and for an electrical room on the second floor.

The proposed Project consists of the construction and operation of the following facilities (Refer to **Figure 1-3** for the Project site plan):

- A new sludge dewatering building annex, approximately 124 feet by 75 feet, with a height of 36 feet; the walls of the structure would be approximately 10 inches thick, built with reinforced concrete.
- Approximately 100 feet of yard piping 12 inches in diameter would connect from the dewatering building to the main plant drain.
- A second dewatered cake silo with truck transfer, to be constructed on the north side of the dewatering building. The silo would be 65 feet tall, including an approximately 4-foot-high handrail at the top of the structure, and 40 feet in diameter. The walls of the silo would be 27 inches thick (same dimensions as the existing silo on the other end of the building).
- A new buried pipeline, approximately 35 feet long, to connect the dewatering building to the silo.
- An existing sludge truck access road, now gravel, would be paved and widened in some areas. The total length of the upgraded road would be 2,000 linear feet, of which approximately one-fourth would be 36 feet wide and the balance 24 feet wide.

1.4.2 Construction Characteristics

Construction would involve site preparation, grading, and construction of the structures and yard piping. It is assumed that the construction equipment would move onto the site when needed and remain on site until that phase of the work was completed.



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DESIGNED

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MWH

CITY OF FRESNO
REGIONAL WASTEWATER RECLAMATION FACILITIES

DEWATERING FACILITY IMPROVEMENTS

SITE PLAN FOR PROPOSED DEWATERING FACILITES

SHEET C-4

An average of approximately 20 to 30 construction personnel are anticipated to be working on the site at a time and workers would commute to the site daily.

Equipment and vehicles to be used during construction of the Project are estimated as follows:

Construction Equipment and Vehicles
Phase 1 - Site Preparation and Earthwork (2 Months Total Duration)
Backhoe
Blade/grader
Earthmover
Dump Truck
Frontend loader
Roller
Water truck
Pickup trucks
Workers' commutes
Phase 2 - Building Construction (6 Months Total Duration)
Grade-all/forklift
Crane
Backhoe
Air compressors
Materials deliveries -- concrete
Materials deliveries - rebar
Materials deliveries – roofing decking
Pickup trucks
Workers' commutes
Phase 3 - Construction Completion (10 Months Total Duration)
Grade-alls/forklifts
Air compressors
Water truck
Roller
Paver
Materials deliveries – centrifuges, pumps
Materials deliveries – rock and asphalt
Workers' commutes

Approximately 300 cu yd and 1,260 cu yd would be excavated during construction of the dewatering building annex and silo, respectively, for a total of 1,560 cu yd. Approximately 185 cu yd of soil would be excavated during construction of the yard piping. All suitable soils would be reused to backfill the trench once the pipes were installed. Remaining soils would be stockpiled on site. Disposal of removed asphalt paving would require less than 5 haul trips to a landfill.

Construction of the yard piping would involve excavation of the trench, bedding placement, pipe installation and backfill. The maximum trench depth would be 10 feet and the maximum width of the trench would be 6 feet. The piping would be generally located east of the existing dewatering facility, and immediately east of the new and existing silos.

Construction is anticipated to occur over an 18-month period beginning in spring 2011. Construction phasing would proceed as follows:

- Site preparation would require approximately 2 months
- During the next 6 months the silo, building annex and yard piping would be constructed.
- During the following 10 months, the equipment would be delivered and installed and tested; final paving and finishing would occur within the last month.

No landscape vegetation would be affected by Project construction or operation and none is proposed.

A temporary construction NPDES permit is required for all construction projects that disturb one acre or more. Construction of the proposed Project facilities is expected to disturb approximately 3.2 acres; therefore, a construction SWPPP would be required to comply with the State Water Resources Control Board General Permit for Stormwater Discharges Associated with Construction Activity (Water Quality Order 99-08-DWQ). It is anticipated that the construction contractor would process the SWPPP.

1.4.3 Operational Characteristics

The proposed facilities would be owned and operated by the City. No new employees would be hired to operate the facilities.

Sludge processing would occur year-round, 24 hours per day, 7 days per week. The facility current averages 289 wet tons per day of cake production and transport. Each haul truck has a capacity of 20 tons per load, and the facility currently hauls approximately 14 to 15 loads per day to an off-site location (McCarthy Farms). The Project would reduce cake transport by approximately 77 wet tons per day, to 212 wet tons per day, which in turn would reduce cake off site transport to approximately 10 to 11 truckloads per day on average.

Polymer and ferric chloride are currently used at the RWRF. Proposed facilities include new chemical storage and handling for polymer; no new ferric chloride facilities are required. Polymer is mixed with treated biosolids to enhance the dewatering process and ferric chloride is added to the digesters to prevent struvite formation in piping and equipment. Under existing conditions, polymer used with belt presses totals approximately 204 gallons per day (gpd) (neat emulsion polymer). Approximately 313 gpd of neat emulsion polymer would be used in the centrifuge during Project operation. Currently, approximately 1,200 gpd of ferric chloride is used; approximately 1,824 gpd is proposed to be used during Project operation.

The exterior of the new dewatering building annex would be lit from approximately 4 new poles.

In 2009, the existing dewatering facility used 3.96 million kilowatt hours per year (kWh/yr). The proposed facility would use an estimated 4.89 million kWh/yr, for an additional 930,000 kWh/yr over 2009 conditions, a 23 percent increase. Electricity would be supplied by Pacific Gas & Electric Company (PG&E). The RWRF would continue to meet a portion of its existing power demand from onsite energy, burning methane and natural gas generated by sludge digestion.

1.5 RELATIONSHIP OF PROJECT TO OTHER PLANNING

1.5.1 Water Quality Control Plan

The Project area is located within the Tulare Lake Basin region of the California Regional Water Quality Control Board, Central Valley Basin Region (5F). The Water Quality Control Plan (Basin Plan) for the region presents designated beneficial uses and water quality objectives for local surface waters and groundwaters. The relationship of the project to the Basin Plan is discussed in **Section 2.3.9** of this IES.

1.5.2 General Plans

The Project would be constructed in the City of Fresno, which has an adopted General Plan (City of Fresno, 2002). The proposed facilities would be constructed on paved areas or graded open land adjacent to the existing dewatering facilities within the existing RWRF. Therefore, there would be no effects on zoning or general plan land use of the dewatering facility upgrades and related piping. No change in zoning or land use on the site would be created by the Project. Therefore, the Project would be in compliance with the City of Fresno General Plan.

1.5.3 Regional Transportation Plan

The 2007 Fresno County Regional Transportation Plan (RTP) for the area includes the Project area (Fresno COG). No changes in offsite roadway use would result from the proposed Project and no new roadways or other transportation methods would be required. Therefore, the Project would be in compliance with the RTP.

1.5.4 Regional Housing Allocation Plans

The proposed Project includes no housing. Therefore, demonstrating consistency with Regional Housing Allocation Plans is not applicable to the proposed Project.

1.5.5 Air Quality Plan

The proposed Project is located in the Central Valley San Joaquin Basin, under the jurisdiction of the San Joaquin Valley Unified Air Quality Management District (SJVUAQMD). Consistency of the proposed Project with applicable air quality plans is analyzed in **Section 2.3.3** of this IES.

1.5.6 Habitat Conservation Plans

There is no adopted state Natural Communities Conservation Plan (NCCP) and no adopted federal habitat conservation plan (HCP) that cover the proposed Project site. The U.S. Fish and

Wildlife Service reported (USFWS, 2008) that Fresno County received a grant to develop a multi-species HCP-NCCP to conserve agricultural lands and natural habitats at risk from urban development. The Plan is in development.

PG&E developed an HCP for the operation and maintenance of its facilities in the San Joaquin Valley. The Final EIR/EIS was published in 2007 (PG&E, 2007). The PG&E HCP-NCCP would not apply to the proposed Project site.

1.5.7 Regional Land Use Plans

The proposed Project is not within the coastal zone, the Lake Tahoe Basin, the San Francisco Bay area or Santa Monica Mountains. Therefore, a consistency determination with these regional land use plans is not applicable to the proposed Project.

1.6 PROJECT APPROVALS

Planning and regulatory agencies that have potential permit or approval authority over the proposed Project are the following:

Agency	Permit or Approval Authority
California Department of Transportation, Transportation Permits Branch	Permit for transport of heavy construction equipment on State Highways
State Water Resources Control Board	Stormwater Pollution Prevention Plan
Regional Water Quality Control Board	Review of revised unit process descriptions
City of Fresno	City haul permit Conditional Use Permit amendment

Section 2
Environmental Analysis

2.1 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 on the following pages.

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

2.2 AGENCY DETERMINATION

On the basis of this initial evaluation:

☐ I find that the project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the 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 applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the 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 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 project, nothing further is required.

Determination

Approved by: _____ Date: 9-24-10

Assistant Director, Wastewater Management Division, City of Fresno

2.3 ENVIRONMENTAL CHECKLIST

2.3.1 Aesthetics

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion:

a) and c) **Less than Significant Impact.** Scenic vistas are those that offer high-quality views of the natural environment. Existing views at the Project site consist of an existing RWRF with percolation ponds to the west and south. As such, current views into the construction site would consist of earth moving activities and construction equipment and vehicles.

The RWRF is surrounded by agriculture; the proposed facilities sites by an existing dewatering building and paved and open land within the RWRF. During construction, minor temporary effects on visual quality may occur from earth moving activities and the presence of construction equipment and vehicles, similar to current conditions. Once construction is complete, the proposed dewatering facility would be a roofed concrete building with architectural features match the existing building, approximately 36 feet in height and about 6,350 square feet in area; a concrete silo, approximately 65 feet tall, 41 feet in diameter near one end; and connecting structures. The facility would look substantially similar to the existing dewatering building and silo; the yard piping would be buried. Therefore, the impact on visual characteristics of the site would be less than significant.

b) **No Impact.** The Project site is not located in the vicinity of any officially designated State or County scenic highways or highways that are eligible for designation (Caltrans, 2007; Fresno County, 2005). Furthermore, the new dewatering facility upgrades would not be visible from any highway and the yard piping would be buried. Therefore, the proposed Project would have no impact on scenic resources within a state scenic highway. Similarly, the Project would have no damage to rock outcroppings or historic buildings, since these features are not present on or directly adjacent to the proposed site.

d) **Less Than Significant Impact.** Project-related construction activities would not require lighting because activities would be scheduled to take place during daylight hours. Exterior

lighting would consist of up to 4 new poles installed adjacent to the new dewatering facility annex. Lighting would be shielded and directed onto the site and away from adjacent properties. It is anticipated that the metal doors would be painted with matte-finish paint, so there would be no glare from this surface. The exterior walls would be concrete. Therefore, the Project would not create a substantial new source of light or glare from the booster station and impacts would be less than significant.

2.3.2 Agriculture and Forestry Resources

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion:

a) through e), except b) **No Impact.** The proposed Project site is not located on state-designated Farmlands or Unique Farmland on the maps prepared by the Department of Conservation as part of the Farmland Mapping and Monitoring Program (California Department of Conservation, 2008). The RWRF is incorporated City land surrounded by unincorporated Fresno County land, much of which is in Williamson Act contracts. There is no forest land in the vicinity. As such, the Project would not result in the loss of forest land or conversion of forest land to non-forest use, as the site is used, and will continue to be used, for wastewater treatment. Therefore, the proposed Project would have no impact on state-designated Farmland or forest lands.

b) **No Impact.** The proposed Project site is not designated as an agricultural preserve under the provisions of a Williamson Act contract (California Department of Conservation, 2008). In addition, the dewatering facilities would not result in the conversion of farmland to non-

agricultural use. Therefore, the proposed Project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impacts would occur.

2.3.3 Air Quality

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion:

The climate of the Project area is Mediterranean, with wet winters and hot, dry summers. Annual precipitation averages 11 inches and falls primarily between November and March. Average high temperature in July is 97 degrees F; December average low temperature is 37 degrees F (rssweather.com, 2010).

The Project area is located within the San Joaquin Valley Air Basin (SJVAB), which includes Fresno County. The Fresno County portion of the SJVAB is regulated by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The San Joaquin Valley is designated by the State as a non-attainment area for ozone (8-hour), particulate matter 10 microns or less in diameter (PM10), and particulate matter 2.5 microns or less in diameter (PM2.5). The Valley is designated in attainment/unclassified for carbon monoxide (CO) (SJVUAPCD, 2007).

SJVUAPCD is guided by adopted plans for PM10, PM2.5, and ozone (8-hour) to reduce air emissions in the San Joaquin Valley. On October 25, 2007, the California Air Resources Board (ARB) approved the SJVUAPCD 2007 PM10 Maintenance Plan and Request for Redesignation, which outlines SJVUAPCD's strategy for attaining the National Ambient Air Quality Standards (NAAQS) for PM10. On September 25, 2008, the U.S. Environmental Protection Agency (USEPA) redesignated the San Joaquin Valley to attainment for the PM10 NAAQS and approved the PM10 Maintenance Plan. The 2008 PM2.5 Plan was adopted April 30, 2008 and presents the SJVUAPCD's strategy for reducing PM2.5 emissions.

In addition, the SJVUAPCD adopted the 2007 Ozone Plan on April 30, 2007. Through this plan, the SJVUAPCD is pursuing a so-called "Fast Track" strategy to meet years in advance the federal 8-hour ozone attainment deadline of 2024. The strategy includes expediting regulations by ARB and USEPA; substantial increases in incentive funding to be used in the Valley; and the implementation of emission-reduction measures (SJVUAPCD).

a) **No Impact.** A project is deemed inconsistent with applicable air quality plans if it would result in population and/or employment growth that exceeds growth estimated in the applicable air quality plans. The Project does not include development of housing or employment centers, and would not induce population or employment growth (see also **Section 2.3.13(a)**). Therefore, the proposed Project would not conflict with or obstruct the implementation of SJVUAPCD air quality plans. Therefore, no impacts would occur.

b) and c) **Less than Significant Impact.** Construction of the proposed Project involves grading, excavation, and use of construction equipment and vehicles for the sludge dewatering facilities and construction of yard piping. Project construction would result in short-term air pollutant emissions from use of construction equipment, earth-moving activities (grading), construction workers' commutes, materials deliveries and short-distance earth and debris hauling (to elsewhere on the RWRF site).

To aid in evaluating potentially significant construction and/or operational impacts of a project, SJVUAPCD has prepared an advisory document, the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), which contains standard procedures for addressing air quality in CEQA documents (SJVUAPCD, 2002). The guide was adopted in 1998 and revised in 2002.

GAMAQI presents a three-tiered approach to air quality analysis. The Small Project Analysis Level (SPAL) is first used to screen the project for potentially significant impacts. A project that meets the screening criteria at this level requires no further analysis and air quality impacts of the project may be deemed less than significant. If a project does not meet all the criteria at this screening level, additional screening is recommended at the Cursory Analysis Level and, if warranted, the Full Analysis Level.

The screening criteria for SPAL are as follows:

- Verify project size or trip volume is less than pre-calculated amounts in GAMAQI Table 5-2 or 5-3
- Verify that project is not a source or near a source of hazardous air pollutants or odors
- If demolition or renovation of existing buildings, contact the SJVUAPCD for asbestos requirements
- Mitigate cumulative impacts with measures appropriate for the site

The following text responds to these criteria.

Project size or trip volume. **Table 2-1** below (from GAMAQI Table 5-2), which SJVUAPCD recommends using as part of the initial screening process, shows the volume of trips per day by land use. During construction, the proposed Project would produce up to 50 vehicle trips daily, which would include workers' commutes, materials delivery, debris hauling, and cake hauling off site. Truck trips associated with Project operation would total approximately 11 per day. There are no criteria specifically for wastewater or sludge management facilities; therefore, the Project trips are compared to industrial and institutional criteria. The criterion number for Institutional land uses is 1,707 trips per day and for Industrial land uses is 1,506 trips per day. Therefore, the Project meets the SPAL criterion for vehicle trips.

Table 2-1
Small Project Analysis Level (SPAL) Criteria in Vehicle Trips

Land Use Category	Project Size
Residential Housing	1,453 trips/day
Commercial	1,673 trips/day
Office	1,628 trips/day
Institutional	1,707 trips/day
Industrial	1,506 trips/day

Source: SJVUAPCD, 2002.

Hazardous pollutants or odors. The proposed Project would be located on the site of an existing facility that does not currently emit hazardous air pollutants. Existing treatment chemicals are handled in accordance with legal requirements; proposed chemicals would also be handled in compliance with legal requirements.

Odors are addressed by a stack, a facility that would not change. The installation of the enclosed centrifuges would reduce odor generation by the sludge dewatering facility.

Asbestos requirements. No demolition is proposed under the Project, nor would existing structures be renovated. Windows would be cut through the east wall of the existing dewatering building into the proposed annex; the material is cast concrete from the 1990s and contains no asbestos. Therefore, there would be no asbestos release potential and no necessity to contact SJVUAPCD regarding asbestos requirements.

Mitigation for cumulative impacts. The Project would mitigate for fugitive dust by implementing Best Management Practices (BMPs), such as watering down disturbed areas regularly. However, no cumulative impacts are anticipated—no other simultaneous construction is proposed on the site or in the vicinity.

Given the above analysis, the proposed Project meets the criteria for "Small Project" under the GAMAQI and, as such, no additional analysis is necessary. Impacts on air quality would therefore be less than significant.

Note that SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM10 applies by law to all construction sites, and is therefore not considered to be mitigation. These required controls are listed below:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized or dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
- All on-site unpaved road and off-site unpaved access roads shall be effectively stabilized of dust emissions using water of chemical stabilizer/suppressant
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking
- With the demolition so buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition
- When materials are transported off-site, all material shall be covered, or effectively wetted to limited visible dust emissions, and least six inches of freeboard space from the top of the container shall be maintained
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
- Following the addition of material to, or the removal of material from, the surface of outdoor storage piles, said piles shall be effective stabilized of fugitive dust emissions utilizing sufficient water of chemical stabilizer/suppressant
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout

d) **No Impact.** The proposed Project would not expose sensitive receptors to substantial pollutant concentrations since the proposed Project meets the criteria of the SJVUAPCD Small Project Analysis Level and because there are no sensitive receptors (residences, schools, etc.) in the immediate area. The surrounding land use is agricultural and farm residences are sparse. The closest farm/residence is more than 2,000 feet from the proposed facilities, which would be enclosed. Moreover, the construction emissions would be temporary. Therefore, impacts on sensitive receptors would be less than significant.

e) **Less than Significant Impact.** Construction of the proposed Project facilities would require the use of heavy equipment that would generate exhaust pollutants and may create nuisance odors. However, these temporary, construction-related odor impacts would be confined to the immediate vicinity of the equipment.

During operation, the centrifuge centrate and centrifuge cake will discharge emitted gases into the ventilation system leading to the existing vent stack. In addition, since the new centrifuges would be totally enclosed, the amount of odor that could escape would be substantially less than that of the existing belt filter presses, which are not enclosed. The

proposed cake pumping would have no exposed sludge surface and consequently little fugitive odor emission. The less frequent use of the existing open-belt conveyors would also reduce odor emissions. The addition of the second silo may be a source of additional odor; however, it is anticipated that the increase would be minor and limited to the immediate vicinity of the silo, as with the present silo.

Overall, the Project would result in a decrease in foul air fugitive emissions due to the centrifuge dewatering, plus cake pumping. Using the free surface of sludge exposed as an estimate, the new dewatering system would have approximately 90 percent less odor-emitting surface than the existing dewatering system. Given the above, impacts from the creation of objectionable odors affecting a substantial number of people would be less than significant.

2.3.4 Biological Resources

Issues and Supporting Information Sources	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 Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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 wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

Results of a CDFG Natural Diversity Data Base (NDDB) search for the Kearney Park USGS quadrangle indicated two sensitive species: burrowing owl (*Athene cunicularia*) (California species of special concern) and Fresno kangaroo rat (*Dipodomys nitratoides exilis)* (federal and state Endangered species). Current distribution studies indicate the Fresno kangaroo rat is no longer present in Fresno County (California State University, Stanislaus, 2008). The burrowing owl is known from the RWRF in and on the percolation pond berms (Fresno Audubon Society, 2009).

The RWRF site is comprised of treatment facilities on land that is paved or graded in the northeast corner of an approximately 2,400-acre site. The great majority of the site is comprised of 101 open percolation basins included in the National Wetland Inventory (EDR, 2010). The proposed sludge dewatering facilities would be located less than one acre immediately adjacent to existing treatment facilities on land that is currently paved or bare earth currently being used as a construction staging area for a separate project at the RWRF.

A field survey of the proposed facilities sites for the presence of burrowing owls and active burrowing owl burrows was performed on March 17, 2010 at approximately noon. No burrowing owls were observed. A road east of the existing dewatering building and east of the road proposed for repaving to handle sludge trucks is currently gravel paved or graded earth. The mouths of approximately 8 animal burrows were identified adjacent to the road, typically near existing light poles. Potential burrow occupants are gophers, ground squirrels and burrowing owls (RWRF operations staff, pers. comm. to Janet Fahey, MWH, 2010). Because of recent rain, materials such as feathers that would have accumulated at the mouths of the burrows and help identify the occupants, had been washed back inside and were no longer visible.

No biological habitat is present on the paved facilities' sites. The percolation ponds are heavily used by migratory birds and waterfowl, but the construction would be a least a quarter mile from the nearest pond.

a) **Less Than Significant Impact with Mitigation Incorporated.** The dewatering facilities would be constructed on a previously disturbed site characterized by blacktop-paved ground or cleared ground within an existing RWRF. As such, no vegetation clearing would be required to construct the facilities. The closest pond is approximately a quarter mile to the southwest on the other side of existing treatment facilities. Therefore, impacts on nesting birds from construction noise would be less than significant. No impact on Fresno kangaroo rat would occur, since the species is no longer present in Fresno County. However, animal burrows were found in the proposed roadway repaving and widening area, and it is possible that burrowing owls and active burrows may occur here. Therefore, the impact on sensitive species is potentially significant unless mitigated. Mitigation that will reduce impacts to a level of less than significant is described in mitigation measure BI-1 below.

b) **No Impact**. The proposed dewatering facilities would be located on a paved area or graded area adjacent to the existing dewatering building. The yard piping would be buried. The proposed Project site contains no riparian formations or any other sensitive habitats.

Therefore, there would be no impact on any riparian habitat or any other sensitive natural community.

c) **No Impact.** There are no wetlands on the Dewatering Facilities Upgrade sites (MWH site visit March 17, 2010). The facilities sites are paved or cleared earth. Therefore, there would be no impact on wetlands.

d) **No Impact.** The proposed Project would not affect the movement of wildlife, since the yard piping would be buried and the dewatering facilities would be constructed on a paved or graded site. There are no wildlife nursery sites within the proposed Project site. Therefore, there would be no impacts on wildlife movement.

e) **No Impact.** The proposed site is paved or graded and adjacent to the existing facilities within the treatment plant boundary. Therefore, no impact would occur relative to local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) **No Impact.** The proposed Project facilities site is not currently located within the boundaries of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or a designated Significant Ecological Area. Therefore, the proposed Project actions would not conflict with an adopted habitat plan.

Mitigation Measure

BI-1 To mitigate for potential impacts on burrowing owls along the roadway to be widened and paved, the following actions shall be incorporated into the project specifications:

1. A preconstruction survey shall be conducted by a qualified biologist to examine potential burrows on the project site for the existence of burrowing owl. The survey shall be conducted within 30 days prior to any construction activities within 50 feet of the roadway to be repaved. Results of the preconstruction survey shall be prepared in a letter and given to the California Department of Fish and Game (CDFG) for their review and approval prior to any construction activities at the roadway.
2. If burrowing owl or active burrow is found, the CDFG 1995 guidelines, "Staff Report on Burrowing Owl Mitigation," shall be consulted and the City shall select one of the following measures for implementation by a qualified biologist:
    a. Destroy vacant burrows prior to March 1 and/or after August 31
    b. Redesign (reschedule) the roadway repaving project element temporarily or permanently to avoid occupied burrows or nest sites until after the nesting/fledging season (March 1 through August 31)
    c. Delay the roadway repaving project until after the nesting/fledging season
    d. Install artificial burrows in open space areas of the project site and wait for passive relocation of the burrowing owl
    e. Active relocation of the burrowing owl with conditions. The City shall fund relocation of burrowing owl to unoccupied, suitable habitat that is permanently preserved (up to 6.5 acres per nesting pair) at a recognized burrowing owl mitigation bank.

2.3.5 Cultural Resources

Issues and Supporting Information Sources	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 as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion:

The proposed dewatering facility and yard piping would be sited in paved or other previously disturbed areas. However, the footing for the silo would require excavation approximately 10 feet below ground surface.

A cultural resources inventory has been prepared to support the Project. The investigation involved a records search and background review, Native American consultation, and a pedestrian survey of Project construction areas. A records search compiled by the Southern San Joaquin Valley Information Center (SSJVIC) at California State University, Bakersfield indicated no sites within a one-mile radius of the Project area. None of these studies included any portion of the Project site. SSJVIC records search data indicate no resources within one mile of the Project site; however, the archaeological site is not located within the Project area. One additional historic resource was recorded within one mile of the Project site, but the resource is not located within the Project area. The SJVIC further reports that review of files at the National Register of Historic Places, California Historical Landmarks, and California Register of Historic Resources reveals no cultural resources within one mile of the Project site.

A review by the Native American Heritage Commission (NAHC) of the Sacred Lands File database failed to reveal any cultural resources within or directly adjacent to the Project area. Direct contacts and consultation with Native American representatives recommended by the NAHC were made. Letters informing NAHC-listed contacts about the proposed Project were sent. Comments about the project were solicited. To date, the tribes either have not responded or indicated that they had no interest in the site.

Based on a Paleontological Information Report (PIR) prepared for the project, which also involved literature review, a record search and on-foot survey, there is a "moderate" possibility that paleontological resources may be present in sediment beginning 2 feet below ground surface. The conditions would apply to the foundation for the new silo, which would be excavated to approximately 10 feet below ground surface. The balance of the site disturbance has a "low" probability of encountering fossils.

a) **No Impact.** The Cultural Resources Inventory for the Project identified no structures of historic age within one mile of the Project site. Since there are no historic resources on the proposed site, Project construction would not cause a substantial adverse change in the significance of a historical resource. Accordingly, no impact to historical resources would occur.

b) **Less Than Significant Impact.** As discussed above, no archaeological sites are located within the Project site. Based on a review of existing records and the disturbed nature of the Project site, no significant archaeological resources are expected to be encountered at the proposed site; therefore, archaeological monitoring is not warranted. The study found no cultural resources or any definitive evidence that such resources would be exposed during construction. Based on the findings and assessment, no further investigation is recommended. Impacts would therefore be less than significant. Nonetheless, mitigation measure CUL-1 would be incorporated into Project plans and specifications to address the presence of unknown subsurface resources encountered during site grading.

c) **Less than Significant Impact with Mitigation Incorporated.** The Project site is a previously disturbed area in a within the RWRF boundary. There are no unique geologic features in the Project area, which is underlain by flat alluvial deposits characteristic of the San Joaquin Valley floor. Therefore, there would be no impact on unique geologic features.

A PIR was prepared for the Project and comprised geologic, paleontologic, and legal literature from: 1) California State University-Fresno, 2) City and County of Fresno, and 3) California Department of Transportation (Caltrans) District 11 office. A paleontological records search was also requested from the Los Angeles County Museum of Natural History. From the site visit, literature review and record search results, it was concluded that the site's uppermost 3-4 ft consists of fill and highly disturbed Holocene alluvial soil that is considered to have "Low Sensitivity" for fossils. However, the deeper excavation for the new silo to 10 feet bgs could potentially uncover significant fossil vertebrates of the Modesto Formation; it is considered to have "Moderate Sensitivity." Therefore, site excavation for the silo will be monitored by a qualified professional having the authority to halt further work until assessment and/or appropriate salvage of any fossils is undertaken. Preparation of a paleontological monitoring plan was found not to be necessary. Therefore, the impact would be less than significant with mitigation. See Mitigation Measures CUL-2 and CUL-3 below.

d) **No Impact.** Human remains are not known or expected at the Project site based on past site development; as such, no impact is anticipated. Mitigation Measure CUL-4 will be included in project specifications to address unforeseen impacts.

Mitigation Measures:

CUL-1: The Project specifications shall state that if previously unidentified and potentially significant archaeological resources (e.g., stone artifacts, dark ashy soils or burned rocks, or old glass, metal, or ceramic artifacts) become apparent during ground disturbances, work in that

location shall be diverted and a qualified archaeologist shall be contacted immediately to evaluate the nature and significance of the find.

CUL-2: Before construction-related earthmoving activities and excavation at depths of 2 feet below the surface (into the Modesto Formation), the services of a qualified Principal Paleontologist shall be retained and consulted.

CUL-3: Consistent with Federal and State law, if fossils are discovered during excavation of the silo site, an approved Principal Paleontologist must be called to the site to develop mitigation measures to protect those resources. Based on the information in the PIR prepared for the Project, the Paleontologist shall determine when and where monitoring will be required, and who will conduct it.

The Paleontologist shall coordinate with appropriate construction contractor personnel to provide information regarding applicable requirements concerning protecting paleontological resources. Contractor personnel, particularly heavy-equipment operators, shall also be briefed on procedures to be followed in the event that fossil remains and a currently unrecorded fossil site are encountered by earthmoving activities if a paleontological construction monitor is not on the site. Additional briefing shall be presented to new contractor personnel as necessary. Names and telephone numbers of the monitor and other appropriate mitigation program personnel shall be provided to appropriate contractor personnel.

When required, monitoring shall consist of visually inspecting freshly exposed cuts into the Modesto Formation, and spoil piles for the discovery and recovery of larger fossil remains, and periodically dry test screening to allow for the discovery and recovery of smaller fossil remains. If larger vertebrate fossils are noted by construction workers or monitors, excavation there will cease, and the monitor will be notified. The monitors will then notify the Principal Paleontologist.

The monitor and recovery staff will salvage all larger vertebrate fossil remains, as soon as practicable and as quickly as possible, under the supervision of the Principal Paleontologist following Society of Vertebrate Paleontology (1995) and State (Caltrans, 2007) guidelines. The monitor shall document the location and proper geologic context of any recovered fossil occurrence or rock or sediment samples. Any recovered rock or sediment sample from the Modesto Formation shall be processed to allow for the recovery of smaller fossil remains that normally are too small to be observed by the monitor. Pursuant to Society of Vertebrate Paleontology (1995) standard measures, no more than 6,000 pounds (12,000 pounds total) of sediment need be processed from the Modesto Formation.

If the Paleontologist or monitor determines that the fossil site is too unproductive or the fossil remains not worthy of recovery by the monitor, no further action will be taken to preserve the fossil site or remains, and earthmoving activities shall be allowed to proceed through the site immediately.

All fossil specimens recovered from the Project site as a result of mitigation, including those recovered as the result of processing rock or sediment samples, will be treated (i.e., prepared,

identified, curated, catalogued) in accordance with designated museum repository requirements. Rock or sediment samples will be submitted to commercial laboratories for microfossil, pollen, radiometric dating, or other analysis, as appropriate.

The monitor shall maintain daily monitoring logs that include the particular tasks accomplished, the earthmoving activity monitored, the location where monitoring was conducted, the rock unit(s) encountered, the fossil specimens recovered, and associated specimen data and corresponding geologic and geographic site data. A final technical report of results and findings shall be prepared by the Paleontologist in accordance with any City requirement and archived at a repository mutually approved by the City and Paleontologist.

CUL-4: If human remains are uncovered, or in any other case when human remains are discovered during construction, the Fresno County Coroner is to be notified to arrange their proper treatment and disposition. If the remains are identified—on the basis of archaeological context, age, cultural associations, or biological traits—as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will determine the manner in which the remains are treated.

2.3.6 Geology and Soils

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?	☐	☐	☒	☐

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems, where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion:

a)-i) **Less Than Significant Impact.** There are no defined Alquist-Priolo Special Fault Study zones in the Fresno County Metropolitan Area (FCMA) (Fresno General Plan Draft MEIR, 2002); as such, the proposed Project site is not located within an area identified as an Alquist-Priolo Earthquake Fault Zone. In addition, no active faults have been identified in the FCMA. Nonetheless, the proposed facilities could be affected by seismic events produced by active fault systems in other regions of California and are therefore subject to ground shaking and potential damage during a seismic event. The dewatering facilities and yard piping would be designed to meet current California building standards to withstand seismic ground shaking. Therefore, a less than significant impact relative to fault rupture would occur.

a)-ii) **Less than Significant Impact.** As with most of California, the proposed facilities would be subject to ground shaking and potential damage during a seismic event. However, the proposed Project does not involve construction of habitable structures and the facilities would be designed to meet current California building standards to withstand seismic ground shaking. Therefore, Project impacts related to seismic ground shaking would be less than significant.

a)-iii) **Less than Significant Impact.** Liquefaction is a process by which sediments below the water table temporarily lose strength and behave as a liquid rather than a solid. In the liquefied condition, soil may deform enough to cause damage to buildings and other structures. Seismic shaking is the most common cause of liquefaction. Liquefaction occurs in loose sands and silts in areas with high groundwater levels. Liquefaction has been most abundant in areas where groundwater occurs within 30 feet of the ground surface (EERI, 1994). Where groundwater levels are greater than 50 feet deep, surface damage from deeper liquefaction generally will not occur.

The risk of liquefaction in the Project area is considered low due to Fresno's well-drained alluvial soil (City of Fresno, 2002). Therefore, impacts relative to liquefaction would be less than significant.

a)-iv) **Less than Significant Impact.** The Project site is located in an area of flat terrain and there are no hills or mountainous areas located in the Project vicinity, precluding the risk of landslide. In addition, the Fresno General Plan Draft Master EIR (2002) considers landslide occurrence in Fresno "unlikely" due to its flat topography. Therefore, the proposed Project would have less than significant impacts related to landslides.

b) **Less than Significant Impact.** During Project construction, onsite soils would be temporarily prone to erosion, especially during winds and rains. Therefore, effects on soil erosion would be limited to temporary construction impacts, and would be less than significant with implementation of BMPs in the plant's SWPPP.

c) **Less Than Significant Impact.** As described above in a)-iii) and a)-iv), liquefaction and landslide are not considered to be a significant potential hazard for the Project site. The Project plans and specifications will comply with the Uniform Building Code (UBC) and recommendations of the Project's geotechnical report (to be prepared during detailed design), as applicable. Therefore, impacts relative to unstable soils conditions would be less than significant.

d) **Less than Significant Impact.** Expansive soils expand and contract due to changes in moisture content and are generally high in clay content. The expansion and contraction of soils can result in differential movement beneath building foundations and can cause structural damage, including cracking in walls or foundations, uneven floors, and destabilization.

The U.S. Soil Conservation Service's map of Soils of Eastern Fresno County indicates that expansive soils are present in much of the Fresno Sphere of Influence (SOI) (Fresno, 2002). In some of these areas, there are highly erodible soils present. Project plans and specifications will comply with the UBC and recommendations of the Project's geotechnical report, as applicable. Furthermore, the proposed Project does not involve construction of habitable structures. Therefore, impacts related to expansive soils would be less than significant.

e) **No Impact.** No septic tanks or alternative wastewater disposal systems would be required for the proposed Project. Therefore, no impacts would occur.

2.3.7 Greenhouse Gas Emissions

Issues and Supporting Information Sources	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?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion:

Assembly Bill (AB) 32, the California Global Warming Act of 2006, requires California to reduce its greenhouse gas emissions (GHG) to 1990 levels by 2020, which is nearly a 30 percent cut from "business-as-usual" emission levels projected for 2020, or about a 15 percent cut from today's emission levels. A central element of AB32 is preparation of a Scoping Plan to achieve these goals. Emissions from operations of various economic and public sectors are discussed in the Act. GHG emission reductions from the water sector are not currently counted toward the 2020 goal.

On September 30, 2008, Governor Arnold Schwarzenegger signed Senate Bill (SB) 375, which seeks to reduce GHG emissions by discouraging sprawl development and dependence on car travel. SB 375 helps implement the AB 32 GHG reduction goals by integrating land use, regional transportation and housing planning. SB 375 does not apply directly to water supply or wastewater facilities planning. In addition, SB 375 Implementation Schedule, which anticipates final GHG targets from the State Air Resources Board in September 2010, targets reducing vehicles miles traveled (VMT) to reduce GHG.

AB32 GHG Reduction Goals. The AB 32 2020 GHG reduction goals do not at present include the water sector (which includes the proposed Project), but the water sector is included in the Scoping Plan. The CARB adopted its Climate Change Scoping Plan pursuant to AB 32 on December 12, 2008. The Scoping Plan contains six GHG reduction measures proposed for the water sector summarized as "continue efficiency programs and use cleaner energy sources to move and treat water."

W-1	Water Use Efficiency
W-2	Water Recycling
W-3	Water System Energy Efficiency
W-4	Reuse Urban Runoff
W-5	Increase Renewable Energy Production
W-6	Public Goods Charge

Three of these measures target reducing energy requirements and two measures aim at reducing the amount of non-renewable electricity associated with conveying and treating water. The sixth measure focuses on sustainable funding for implementing these actions. The public goods charge is proposed to be collected on water bills and used to fund water efficiency improvements, water recycling, and the like. The GHG emission reductions from these measures are realized indirectly through reduced energy requirements and are accounted for in the Electricity and Natural Gas sector.

The checklist questions above reflect the contents of CEQA Guidelines Section 15064.4. Section 15064.4(a) states that the lead agency should make a good faith effort to describe, calculate or estimate the amount of GHG emissions resulting from a project. The lead agency has discretion to determine whether to:

1) Use a model or methodology to quantify GHG emissions from a project and which method or methodology to use; or
2) Rely on a qualitative analysis or performance based standards.

CEQA Guidelines section 15064.4(b) states that a lead agency should consider the following factors when assessing the significance of GHG emissions on the environment:

1) The extent to which the project may increase or reduce GHG emissions when compared to the existing environmental setting
2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project
3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional or local plan for reduction or mitigation of GHG emissions.

San Joaquin Valley Air Pollution Control District. The Project site is located within the boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD), which adopted: *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy: *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency.* The guidance and policy rely on the use of performance based standards, otherwise known as Best Performance Standards (BPS) to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA. Use of BPS is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Projects implementing BPS would be determined by SJVAPCD to have a less than cumulatively significant impact. Otherwise, demonstration of a 29 percent reduction in GHG emissions, from business-as-usual, is required to determine that a project would have a less than cumulatively significant impact.

No significance thresholds for GHG emissions have adopted. Interim thresholds have been identified for several air districts. SJVAPCD, in response to comments on a dairy project submitted by the Attorney general's Office, identified a significance threshold of 38,477 metric tons (MT) of carbon dioxide equivalent per year (CO2e/yr). However, the air district currently has no plans to formally adopt this significance threshold (SCAQMD, 2008).

Interim Significance Thresholds – Other Air Districts

SCAQMD. On December 5, 2008, the South Coast Air Quality Management District (SCAQMD) adopted an interim GHG significance threshold for industrial (stationary source) projects where SCAQMD is the lead agency. A project is considered to have an economic life of 30 years. Based on the CAPCOA Significance Threshold, a project is considered less than significant if greenhouse gas emissions, including construction impacts amortized over 30 years, show an incremental increase below 10,000 MTCO2e/year.

BAAQMD. The Bay Area Air Quality Management District, California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance were published on November 2, 2009, and also proposed 1,100 MT per year of CO2e for stationary source projects.

Project GHG Emissions

Construction. Total construction emissions of NOx, CO2 and CH4 have been estimated and converted to MT CO2e (see Appendix). The total for the 18-month construction period is approximately10,210 MT. Over the first 12 months, the total emissions would be 6,708 MT. If amortized over 30 years, the annual CO2e construction emission would be 340 MT CO2e per year.

Operations. For PG&E electricity, the conversion is 0.49 lb CO2e per kWh (Stop Waste, 2010). Thus, an increase in electricity use of 930,000 kWh/yr for the sludge dewatering project would represent approximately 207 MT.

a) **Less Than Significant.** The direct Project GHG emissions would be primarily from construction equipment and vehicles and operation equipment and vehicles.

Operations. One source of direct operation emissions would be from truck trips to haul dewatered sludge off site. As discussed in **Section 1.4.3**, the Project would reduce cake transport from 289 wet tons per day to 212 wet tons per day, which would reduce off-site transport of cake from 14-15 truckloads per day to 10-11 truckloads per day. This reduction in truck trips would result in a reduction in local GHG emissions, a benefit.

Sludge dewatering facilities would be in enclosed buildings with vents. The replacement of belt presses with centrifuges is anticipated to reduce not only odor, but emissions of volatile organic carbons (VOC) by over 90 percent. This would also be an environmental benefit, but difficult to quantify, since no measurement of existing VOCs has been made.

Indirect GHG emissions with operation would be created by additional electrical energy use for sludge dewatering using centrifuges. The electricity would be supplied by PG&E, which provides electric and gas power to 40 percent of California. PG&E provides its customers with electricity that has a CO2 equivalent emissions rate that is at least 50 percent below the national average among utilities. PG&E is a member of the Sulfur Hexafluoride (SF6) Emission Reduction Partnership, which focuses on reducing emissions of SF6 (approximately 23,900 times as potent as CO_2 on a per ton basis) from transmission and distribution operations. PG&E has implemented a number of programs to reduce GHG emissions by delivering cleaner electric power to customers; investing in renewable energy; and supporting customer education and energy-efficient programs, including forest conservation and the capture of methane gas from dairy farms and landfills. PG&E has also partnered with counties, agencies and cities, including Fresno, to install energy-efficient equipment and reduce energy use. Each of these "Energy Watch" programs is unique to the needs of the local area.

Under the Project, electrical consumption at the Plant would increase by 930,000 kWh over 2009 power use. This amount is not reducible, but is considered to be a less than significant contributor to GHG emissions by PG&E facilities, which themselves minimize their

emissions. Accordingly, direct and indirect impacts relative to GHG emissions for both construction and operation of the Project are considered to be less than significant.

Construction. Total construction emissions have been estimated for all phases of construction over the anticipated 18-month period (see Appendix). The estimated maximum GHG construction emission during a 12-month period is approximately 6,807 MT CO2e, which is below the interim one-year threshold for SJVAPCD and SCAQMD. If the construction emissions are amortized over 30 years, suggested by California Air Pollution Control Officers Association (CAPCOA) and SCAQMD, the annual emissions would be 340 MT CO2e. These figures are below interim thresholds and are therefore considered to be less than significant.

b) **Less than Significant.** The proposed Project would use the minimum amount of energy and vehicles required to construct the new silo, dewatering facility, road improvements, and associated yard piping.

With respect to operation, since no additional staff would be required for system operation and vehicles miles traveled for sludge hauling would decrease by 27-29 percent; Project-related VMT effects would be less than significant. Therefore, the project would not conflict with SB 375.

Given the above, the Project effect on plans, policies or regulations to reduce GHG would be less than significant.

2.3.8 Hazards and Hazardous Materials

Issues and Supporting Information Sources	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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the	☐	☐	☐	☒

	Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	project result in a safety hazard for people residing or working in the project area?				
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h)	Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion:

The Fresno County Department of Environmental Health is the relevant Certified Unified Program Agency (CUPA) that administers programs regulating hazardous materials and hazardous waste in the County. Storage of hazardous material above a certain amount is under the jurisdiction of the Fresno County Environmental Health Division, which administers the California Accidental Release Prevention (CalARP) Program. The Program regulates businesses that store Extremely Hazardous Substances above specified quantities. These chemicals and quantities are found in Title 19 of the California Code of Regulations. The fees are related to the different Program Level the business is assigned to and covers the regulatory administrative and inspection costs.

A portion of an existing area to be paved is underlain by past deposition of sewage material. The asphalt to be removed in this area is considered to be contaminated and would not be stockpiled for future recycling and reuse on city projects.

a) and b) **Less than Significant Impact.** The proposed Project includes construction and operation of a Dewatering Facility Upgrade, yard piping and improved road. Fuels would be used by vehicles and heavy equipment during construction and maintenance. There would be no change from existing level of hazard from fuel use. As discussed in **Section 1.4.3**, proposed facilities would include additional chemical storage and handling for polymer and ferric chloride. Polymer would be stored in a new tank that would be constructed off the existing main dewatering building and additional ferric chloride would be stored in the plant's existing chemical storage facilities. Both chemicals, which are currently used on site, would continue to be transported, stored and handled on site in accordance with applicable regulations. Therefore, the Project would not create a significant hazard to the public or the environment from use, transport, or disposal of hazardous materials, and impacts would therefore be less than significant.

c) **Less Than Significant Impact.** The Project would involve the use of fuels for vehicles and heavy equipment (during construction and maintenance), as well as polymer and ferric chloride. However, the proposed Project site is not located within one-quarter mile of existing or proposed schools. Therefore, a less than significant impact would occur.

d) **Less Than Significant.** Section 65962.5 of the California Government Code requires the California Environmental Protection Agency (CalEPA) to update a list of known hazardous materials sites, which is also called the "Cortese List." The sites on the Cortese List are designated by the State Water Resources Control Board, the Integrated Waste Management Board, and the Department of Toxic Substances Control.

A records search of the Cortese List was conducted for the Project site area for the Dewatering Facility Upgrade site on March 2, 2010 (EDR, 2010). The records search meets the requirements of the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Project site and areas within a half-mile radius are not listed as containing hazardous materials. Given the above, impacts relating to the potential to encounter hazardous materials would be less than significant. Mitigation Measure HAZ-1 shall be incorporated into project specifications to further reduce impacts.

e) and f) **No Impact.** The proposed Project site is not located within an airport land use plan, and is not located within two miles of a public/public use airport or a private airstrip. Fresno Chandler Executive Airport is approximately 4 miles to the northeast. Therefore, no impacts would occur. Implementation of the proposed Project would therefore have no impact related to airport land use plans or public/public use airports.

g) **Less Than Significant Impact.** Due to the small number of materials trips and workers' commutes, Project construction is not expected to interfere with emergency response, and no road closures would occur. Notwithstanding, emergency service providers would be notified prior to construction of the location, timing, and duration of the Project. As such, impacts would result in a less than significant level relative to adopted emergency response plans or emergency evacuation plans.

h) **No Impact.** The proposed Project involves construction of a sludge dewatering facility upgrade, construction of yard piping and improved paving on a section of road. The proposed Project would not involve construction of housing or other habitable structures and would be within the boundaries of an existing RWRF on a paved or previously graded site. The RWRF is surrounded by agriculture. In addition, the Project site is not located in a wildfire hazard zone (California Department of Forestry and Fire Protection, 2000). Therefore, the proposed Project would have no impact related to an increase in the risk of damage from wildland fires.

2.3.9 Hydrology and Water Quality

Issues and Supporting Information Sources	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?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

Discussion:

The Project site is within the jurisdiction of the California Regional Water Quality Control Board Central Valley Region (5F, Tulare Lake Basin) (Regional Board). Designated beneficial uses for ground waters and water quality objectives are contained in the Water Quality Control Plan

(Basin Plan) for the Regional Water Quality Control Board Central Valley Region (Regional Board, 1995; revised 2004).

There are no surface waters in the vicinity of the RWRF and all site runoff is collected and pumped to the RWRF headworks; there is no surface discharge. Therefore, the discussion in this section focuses on groundwaters.

Designated beneficial uses for Basin groundwaters (Kings River Hydrographic Unit) are municipal and domestic supply (MUN); agricultural supply (AGR); industrial service supply (IND); industrial process supply (PRO); water contact recreation (REC-1); and non-water contract recreation (REC-2) (Regional Board, 2004).

The Basin Plan sets water quality objectives for the Tulare Lake Basin to protect beneficial uses. No numerical objectives have been set for the basin. Narrative objectives for groundwater have been established for bacteria, chemical constituents, pesticides, radioactivity, salinity, tastes and odors, and toxicity (Regional Board, 2004). With respect to salinity, the Basin Plan states that "no proven means exist at present that will allow ongoing human activity in the Basin and maintain groundwater salinity at current levels throughout the Basin. Accordingly, the water quality objectives for ground water salinity control the rate of increase." For the Kings River Hydrographic Unit, the maximum average annual increase in electrical conductivity shall not exceed 4 µmhos/cm (Regional Board, 2004).

The Project site overlies a recharge area of the Fresno aquifer, a designated "sole source" aquifer (USEPA, 2002). The U.S. Environmental Protection Agency will designate a sole source aquifer as such if it is the only (or the principal) drinking water source for an area and that, if contaminated, could create a public health hazard (Basin Plan, 2004).

a) **Less than Significant Impact.** The construction and operation of the proposed dewatering facilities would have a less than significant impact on surface or water quality. Under the facility's current Regional Board permit, the City would need to revise the Unit Process Descriptions prior to construction. No construction site dewatering is anticipated. Currently, site runoff is collected and conveyed to the RWRF headworks, an arrangement that would continue with construction and operation of the sludge dewatering facilities. Permits for disposal of the sludges to land would not need to change, since the disposal location and sludge quality would be unchanged. As such, impacts relative to water quality standards or waste discharge requirements would be less than significant.

b) **Less than Significant Impact.** As discussed above, the Project site overlies the Fresno sole source aquifer. While the site is mostly paved, Project construction would increase impermeable surfaces by approximately 2,500 square feet (0.06 acres), thereby decreasing potential ground water recharge area minimally. The proposed Project does not involve groundwater extraction, nor would it have any impact on beneficial uses or objectives for groundwater as delineated in the Basin Plan. Further, the Project would have no effect on surface water resources; runoff from the Project site would continue to be collected and conveyed to the RWRF headworks. Therefore, the impact would be less than significant.

c), d) and e) **Less than Significant Impact.** Runoff from the Project site is currently collected and conveyed to the RWRF headworks. The proposed Project construction would involve minor earthwork for the sludge dewatering facilities upgrade site and yard piping. Existing grades would be preserved, and earthwork would not change runoff characteristics. Project implementation would not result in substantial erosion or siltation, flooding, or provide additional sources of polluted runoff. Therefore, impacts would be less than significant.

f) **Less Than Significant Impact.** During construction of the proposed facilities, stormwater would be managed in accordance with BMPs for the existing RWRF and a new SWPPP, since the total site disturbance would be greater than 1 acre. The impact would be less than significant.

g) **No Impact.** The proposed Project does not include housing and the project vicinity is not within a 100-year flood zone per Federal Emergency Management Agency (FEMA) mapping (FEMA, 2009). Therefore, there would be no Project-related impacts on housing within a 100-year flood hazard area.

h) **Less than Significant Impact.** The facilities site is not located within a 100-year flood hazard area, per FEMA mapping (FEMA, 2009). Therefore, the sludge dewatering facilities would not significantly impede or redirect 100-year flood flows. The yard piping would be buried. Therefore, the impact would be less than significant.

i) **Less than Significant Impact.** Impacts related to exposure of people or structures to risk of loss, injury or death involving flooding would be less than significant. The yard piping would be buried. The dewatering facilities would meet UBC requirements for construction in seismically active areas and would contain solids rather than liquids that could cause localized flooding. Therefore, the impact would be less than significant.

j) **Less than Significant Impact.** The Project sites are inland and therefore not subject to damage from a tsunami (seismic sea wave). The proposed Project does not involve construction of housing or other habitable structures. In addition, mudflows are not known for the Project area. In addition, the Project facilities would not store liquids that could create seiches (standing seismic waves) that could damage structures. Therefore, impacts would be less than significant relative to risk of loss, injury or death involving inundation by seiche.

2.3.10 Land Use and Planning

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an	☐	☐	☐	☒

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion:

a) **No Impact.** The proposed Project comprises a sludge dewatering facility upgrade and yard piping. The Project would be constructed in a paved or graded area within the boundaries of a wastewater treatment plant. The yard piping would be buried and also within the RWRF boundaries. Surrounding land use is agriculture. As such, the Project would not divide an established community. Therefore, there would be no impact.

b) **No Impact.** The proposed Project would be within the boundaries of an existing wastewater treatment plant. There would be no permanent changes in land use as a result of Project implementation. The zoning and land use designations of the proposed sites would not be affected by the construction of the proposed Project. Therefore, there would be no conflict with any land use policy adopted for the purpose of mitigating an environmental effect. Therefore, no impacts would occur.

c) **No Impact.** See **Section 2.3.4(f).** There are no adopted conservation plans relevant to the Project area.

2.3.11 Mineral Resources

Issues and Supporting Information Sources	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion:

a) and b) **No Impact.** Aggregate materials along the San Joaquin River corridor are the principal mineral resources in Fresno; additional resources are located along the Kings River corridor and several streambeds in the western portion of Fresno County. Resources are surface mined. The California Department of Conservation, Division of Mines and Geology, maps aggregate deposits and has designated the Fresno Metropolitan Area and most of eastern Fresno County as a production-consumption region for mineral resources (Fresno General Plan Draft MEIR, 2002). However, the Project site and

immediate vicinity are not mapped on the most recent Aggregate Mineral Resource Zones Map in the City's planning area (Fresno General Plan [Exhibit 10], 2002). Therefore, no impact on mineral resources would occur.

2.3.12 Noise

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion:

Noise impacts would be site-specific. Construction noise could temporarily affect sensitive noise receptors, such as nearby farms with residences. Operation noise would be limited to dewatering facility operation (within an enclosed structure) and occasional maintenance vehicles; the yard piping would be buried and therefore inaudible.

The proposed Project would be located in the City of Fresno. The City of Fresno Municipal Code Section 9-2701 regulates noise. Acceptable noise levels are tabulated below. No noise levels requirements are shown for agricultural areas. Exempt from the provisions of the Fresno noise ordinance are construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday. Since the project is a City project, it is assumed that the construction would be exempt from the City Noise Ordinance.

Acceptable Noise Levels for Land Use Categories

DISTRICT	TIME	SOUND LEVEL DECIBELS
Residential	10 pm to 7 am	50
Residential	7 pm to 10 pm	55
Residential	7 am to 7 pm	60
Commercial	10 pm to 7 am	60
Commercial	7 am to 10 pm	65
Industrial	anytime	70

Source: City of Fresno.

a) and d) **Less than Significant.** This section discusses construction and operation noise created by the proposed Project.

Construction Noise. Noise levels generated by earth-moving equipment range from 73 to 95 dBA (decibels, A-weighted scale) at 50 feet from the source (Bolt, Beranek, and Newman, 1971). Based on a characterization of composite construction noise by Bolt, Beranek, and Newman (1971), it is anticipated that Project-related construction activities would generate noise levels of approximately 88 dBA Leq at 50 feet [Leq stands for equivalent noise level, which is a measurement of the sound energy level averaged over a specified time period (usually one hour)]. With construction, there would also be substantial temporary or periodic increases in ambient noise levels in the Project vicinity above levels existing without the Project.

The surrounding area is agricultural; the City Noise Ordinance has established no noise requirements for agricultural land uses. Project construction would be located approximately 2,000 feet from the nearest farm residence property boundary.

During Project construction, exterior noise levels at this closest residence would be approximately 55 dBA, which would be less than significant. The noise sources associated with construction of a City project are assumed to be exempt from the Noise Ordinance, provided these activities occur between 7 a.m. and 10:00 p.m. on any day except Sunday. Project specifications therefore will require that construction of all facilities be limited to the workdays and hours identified in the City Noise Ordinance. No other noise mitigation is anticipated for construction. As such, construction noise impact would be less than significant.

Operation Noise. In the new sludge dewatering building, noise from each of the three centrifuges may result in noise levels up to 85 dB at three feet (specified limit). The additive noise level is assumed to reach 88 dB (Canter, 1977). The annex and silo would be constructed of cast in place concrete, painted, which is anticipated to reduce noise measured at the immediate exterior by 20 percent or to approximately 70 dB (NRC Ratings, 2010). The noise at the RWRF boundary closest to the new facilities, approximately 660 feet to the east, would not be discernible. During Project operation, the Project would not generate

substantial noise because the facilities would be within an enclosed building. Operators would only be in the building sporadically and could wear ear protectors. Therefore, the impact of operation on operations staff and neighboring properties would be less than significant.

b) **Less than Significant Impact.** Project construction may involve the temporary use of equipment that would generate groundborne vibration or groundborne noise levels. While the effects may be sensed at the property boundary of the RWRF, noise would be intermittent and temporary and there are no sensitive receptors at the property boundary. Therefore, impacts would be less than significant.

c) **Less than Significant Impact.** Operation of the sludge dewatering facilities would result in generation of noise from the pump motors; however, the building would be designed so that noise produced by the motors would meet City noise standards. Operation of the yard piping would not create noise except for infrequent maintenance activities. Therefore, operational noise impacts would be less than significant.

e) and f) **No Impact**. The proposed Project site is not located within an airport land use plan, and is not located within 2 miles of a public/public-use airport or a private airstrip. Therefore, no impacts would occur.

2.3.13 Population and Housing

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion: The project contains no housing and supports no additional population or employment during Project operation.

a) **Less Than Significant Impact.** A project may directly induce growth if it would remove barriers to population growth such as a change to a jurisdiction's General Plan and Zoning Ordinance that allowed new residential development to occur. The Project would not construct housing or commercial facilities, and would not modify the land use or zoning designations for the Project sites to permit new residential or commercial development. It would not remove an obstacle to growth. Therefore, there would be no impact.

The Project would generate up to 30 construction jobs, but this would be a temporary effect and would not provide permanent economic growth to the area. No new employees would be hired as a direct result of Project implementation. Therefore, the effect on employment and economic growth would be less than significant.

A project may indirectly induce growth if it increases the capacity of infrastructure in an area in which the public service currently meets demand. Examples include increasing the capacity of a sewage treatment plant, or a roadway beyond that needed to meet existing demand. The dewatering facility would enhance existing sludge treatment without a RWRF capacity increase; therefore, there would be no impacts.

b) **No Impact.** No housing is located on the Project sites and none would be displaced by the proposed Project. Therefore, no impacts on housing would occur.

c) **No Impact.** No housing is located on the Project sites and no individuals would be displaced by the proposed Project. Therefore, no impacts on displacement of individuals would occur.

2.3.14 Public Services

	Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services:				
	i) Fire protection?	☐	☐	☒	☐
	ii) Police protection?	☐	☐	☒	☐
	iii) Schools?	☐	☐	☐	☒
	iv) Parks?	☐	☐	☐	☒
	v) Other public facilities?	☐	☐	☐	☒

Discussion:

a)-i) **Less Than Significant Impact.** The Fresno Fire Department is the agency responsible for providing fire protection services to the City of Fresno. There are 24 fire stations in the City of Fresno; the closest to the Project site is Station 7, located at 2571 South Cherry at Jensen (Fresno, City of, 2010). The proposed Project does not involve construction of housing and would not increase risk of fire because the facilities would be enclosed. The Project would

not otherwise increase the demand for fire protection services. Therefore, there would be no long term-impact on fire protection services and impacts are considered less than significant.

a)-ii) **Less Than Significant Impact.** Police service in Fresno is provided by the Fresno Police Department (Fresno, 2010). The dewatering facilities would be located in a within an existing fenced RWRF site in an enclosed, secured structure. No additional police service would be required for the Project. Therefore, there would be no long-term impact on police protection services, and impacts are considered less than significant.

a) -iii), -iv), and -v) **No Impact.** The proposed Project does not involve construction of housing, or any increase in permanent personnel that would result in a substantial increase in the demand for schools, parks, or other public services or facilities. No new or physically altered facilities for public services would be required. Therefore, no impacts on schools, parks or other public facilities would occur.

2.3.15 Recreation

	Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project 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?	☐	☐	☐	☒
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion:

a) **No Impact**. The proposed Project does not involve construction of housing or other facilities that would result in an increase in the use of existing parks or other recreational facilities. There are no recreational facilities in the construction site area, which is within an existing RWRF facility. Therefore, there would be no impacts.

b) **No Impact.** The proposed Project does not include recreational facilities or involve the expansion of existing recreational facilities. Therefore, no impacts would occur.

2.3.16 Transportation and Traffic

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Discussion:

a) and b) **Less than Significant Impact.** The Council of Fresno County Governments is the Metropolitan Planning Organization and Regional Transportation Planning Agency for Fresno County. Development of the region's transportation system is guided by the 2007 Regional Transportation Plan, which is currently being updated (COG).

Caltrans makes traffic counts for off ramps in the study area along Highway 99, Highway 180, and Highway 41, which are the closest state highways to the Project site. Direct access to the site would be from 99 to 180 west to south on Cornelia and west on Jensen. Alternatively, from Highway 41 on the south side of Fresno, take the Jensen Avenue exit, then west on Jensen for 6 miles to the main entrance.

Level of Service (LOS) is an indicator of the operating conditions of a roadway or an intersection, and is used to represent various degrees of congestion and delay. It is measured from LOS A (excellent conditions) to LOS F (extreme congestion). LOS D is the acceptable limit of service established by the City of Fresno (Fresno General Plan MEIR, 2002). The Fresno General Plan Draft Master EIR maps streets projected to be constrained by a capacity of greater than LOS D without mitigation within the City of Fresno Sphere of Influence. The

Project site located at the intersection of Cornelia Avenue and Jensen Avenue; this area is not mapped on the General Plan Draft Master EIR. However, the Project site is not located in a high-traffic, urbanized area, but rather is surrounded by agricultural land uses.

Construction of the proposed Project would require initial transport of construction equipment to the Project site. Truck trips would be required to import construction material and to transport excess spoil and demolition debris within the existing site. Construction workers commutes would occur daily throughout the construction period. Construction worker commutes could add traffic during the peak hours; the estimated number of required construction workers would range from 20 to 30 individuals during the period of highest activity.

As such, Project-related construction would add no more than 30 vehicles per day. Caltrans will require a permit for the movement of heavy equipment on State roadways. A short-term impact would result from vehicle trips to and from the site for hauling materials and for worker commutes. In addition, prior to construction, neighboring agricultural properties and emergency service providers would be notified with regard to construction schedule and planned haul routes.

Following construction, no additional personnel would be required to operate the facilities. Additionally, construction of the new facilities would result in a reduction of haul trips, from approximately 14.5 truckloads per day to 10.6 truckloads per day. Accordingly, since the proposed Project would not conflict with Fresno COG or Caltrans regional transportation planning, and since the Project is not growth inducing and would be constructed on an existing RWRF site, construction and operation impacts of the Project relative to the circulation system would be less than significant.

c) **No Impact.** The proposed Project site is not located within an airport land use plan, and is not located within 2 miles of a public/public-use airport or a private airstrip. Fresno Chandler Executive Airport is approximately 4 miles to the northeast. Therefore, the proposed Project would not affect air traffic levels or patterns.

d) **No Impact.** The proposed Project does not involve any changes to a design feature of a roadway. Therefore, no impacts would occur.

e) **Less Than Significant Impact.** During construction, the presence of the construction equipment and the presence of slow-moving construction equipment and vehicles on local roads could have a temporary impact on access for emergency vehicles. However, as stated above, prior to construction, neighboring properties and emergency service providers would be notified with regard to construction schedule and planned haul routes. Therefore, impacts would be less than significant.

f) **No Impact.** The proposed Project would not result in a substantial long-term increase in traffic or in a permanent change in existing transportation systems. Therefore, the proposed Project would not conflict with adopted policies, plans, or programs supporting alternative transportation. Therefore, no impacts would occur.

2.3.17 Utilities and Service Systems

Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statues and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

a) **No Impact.** The proposed Project involves only sludge dewatering enhancements and yard piping on an existing site. Wastewater treatment requirements would not be affected. The wastewater treatment plant would operation benefit from a smaller sludge volume to be disposed of. Therefore, no impact would occur.

b) **Less than Significant Impact.** The proposed Project involves yard piping and sludge dewatering facilities on the site of an existing RWRF. No additional wastewater or water treatment is required. Therefore, the impact would be less than significant.

c) **Less than Significant Impact.** The site drainage is to existing onsite runoff collection system that conveys runoff to the RWRF headworks. No change would be required as a result of the dewatering facilities. Therefore, impacts on stormwater drainage facilities would be less than significant.

d) **No Impact.** The Project has sufficient water supplies available to serve the Project and involves no new or expanded entitlements. Therefore, no impacts on water supplies would occur.

e) **No Impact.** The proposed Project would not require any new connections to the existing sewer system and would not affect the RWRF capacity. Therefore there would be no affect on wastewater treatment services.

f) **Less than Significant Impact.** The dewatering facility upgrade is proposed to be constructed in a paved or previously graded area adjacent to the existing facilities. Construction of the new facilities and yard piping would involve minor additional earthwork to clear and grade the land, including some asphalt removal. No vegetation removal would be required. Approximately 1,560 cu yd of soil would be excavated and suitable soils would be reused to backfill the trench once the pipes were installed. Excess soils would be stockpiled on site.

Most of the asphalt materials that are demolished as part of the project will be transported to a recycled asphalt storage pile on the plant site for grinding and reuse for future paving needs. The only area from which asphalt will be disposed of off-site and not recycled is approximately 3,000 square feet located 80 feet due south of the proposed Dewatering Building Annex. This area has been used for the deposit and short-term storage of sewer manhole cleaning debris. Therefore, asphalt and a foot of underlying pavement base (sand and gravel) in this area would be disposed of offsite. The amount to be disposed of off-site would be minor, approximately 100 cubic yards.

The closest landfill is the American Avenue landfill, a Fresno County facility, located at 18950 West American Avenue, Kerman, CA, 93630, approximately 4 road miles southwest of the RWRF. However, in May 2004 the Fresno County Board of Supervisors approved an amendment to the County Ordinance Code banning the disposal of construction and demolition debris (which included asphalt) at the County-operated American Avenue and Coalinga Landfills. In 2007, the County published a guide that identified nine companies in the Fresno area that handle asphalt waste (Fresno County Department of Public Works and Planning, 2007). Therefore, the impact on local landfills would be less than significant.

The proposed Project would not result in substantial long-term increases in solid waste requiring offsite disposal. Sludge volume for disposal should decrease with Project implementation, a benefit, and the disposal route and location would not change. Therefore, the proposed Project would have less than significant impacts on solid waste disposal.

g) **Less than Significant Impact.** As discussed in **Section 2.3.16(f),** above, there is no aspect of the proposed Project that would result in a significant impact on solid waste or conflict with statutes related to solid waste. During construction, excess soil would be stockpiled on site. A small amount of existing paving may need to be hauled to an appropriate landfill. The City would continue to comply with all federal, state, and local statutes and regulations related to solid waste. Therefore, the impacts would be less than significant.

2.3.18 Mandatory Findings of Significance

	Issues and Supporting Information Sources	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 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?	☐	☒	☐	☐
b)	Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	☐	☐	☒	☐
c)	Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, effects of other current projects, and the effects of probable future projects.)?	☐	☐	☒	☐
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion:

a) **Less than Significant with Mitigation Incorporated**. The proposed road repaving and widening element of the project has the potential to affect burrowing owl, if present. Implementation of Mitigation Measure BI-1 will reduce the impact to less than significant. Cultural resources analyses found no potential impacts on historic or archaeologic resources. Therefore, impacts would be less than significant with mitigation incorporated.

b) **Less than Significant**. The proposed Project involves the construction and operation of the Dewatering Facilities Upgrade and associated yard piping. The Project will allow the City to improve the long-term efficiency of its sludge dewatering at the existing RWRF. The benefits are long term and the impacts are short term and less than significant.

c) **Less than Significant.** The potential site-specific impacts of the proposed Project are primarily related to construction effects. If the timing of Project construction overlapped with the construction of the related projects on site, cumulatively considerable but temporary impacts could occur locally on dust generation and noise. However, with the implementation of required dust control measures and with notification of neighboring agricultural properties and emergency services providers, these impacts would be less than significant.

d) **Less than Significant Impact.** There would be no substantial direct or indirect adverse impacts on human beings. Therefore, the impact would be less than significant.

Section 3
References, Abbreviations and Report Preparation

3.1 REFERENCES AND BIBLIOGRAPHY

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3.2 ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ARB	(California) Air Resources Board
BFP	belt filter press
BMPs	best management practices
BPS	Best Performance Standards
CalARP	California Accidental Release Prevention (Program)
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
City	City of Fresno
CNPS	California Native Plant Society
CO	Carbon monoxide
COG	Council of Fresno County Governments
cu ft/hr	cubic feet per hour

cu yd	cubic yard
CUPA	Certified Unified Program Agency
dBA	Decibel, A-weighted scale
DOGGR	(California) Division of Oil, Gas & Geothermal Resources
EDR	Environmental Data Resources, Inc.
EERI	Earthquake Engineering Research Institute
Farmland	Prime Farmland, Unique Farmland, or Farmland of Statewide Importance
FCMA	Fresno County Metropolitan Area
FCTA	Fresno County Transportation Authority
FEMA	Federal Emergency Management Agency
GAMAQI	Guide for Assessing and Mitigating Air Quality Impacts
GHG	Greenhouse gas
gpd	gallons per day
gpm	gallons per minute
HCP	Habitat Conservation Plan
HP	horsepower
IES	Initial Environmental Study
kW	kilowatts
kWh	kilowatt-hours
lb/day	pound(s) per day
Leq	Equivalent noise level
LOS	Level of Service
MDBM	Mount Diablo Baseline and Meridian
mgd	million gallons per day
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Communities Conservation Plan
NDDB	(California) Natural Diversity Database
NOx	Nitrogen oxide
NRC	Noise reduction coefficient
PG&E	Pacific Gas & Electric
PM2.5	particulate matter 2.5 microns or less in diameter

PM10	particulate matter 10 microns or less in diameter
psi	pounds per square inch
PUC	Public Utilities Commission
ROW	right of way
RTP	Regional Transportation Plan
RWRF	Regional Water Reclamation Facility
SB	Senate Bill
SF6	Sulfur Hexafluoride
SJVAB	San Joaquin Valley Air Basin
SJVIC	San Joaquin Valley Information Center
SJVUAPCD	San Joaquin Valley Unified Air Pollution Control District
SOI	Sphere of Influence
SOx	Sulfur oxides
SPAL	Small Project Analysis Level
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
UBC	Uniform Building Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geological Survey
VMT	Vehicle Miles Traveled
VOC	Volatile organic compound
µmhos/cm	micromhos per centimeter

3.3 PREPARERS OF THE INITIAL ENVIRONMENTAL STUDY

MWH Americas, Inc.

Environmental Documentation
Dr. Janet Fahey, P.E., CEQA Task Leader
Ms. Sarah Garber, Technical Review
Ms. Lauren Siniawer, Environmental Analysis
Applied Earthworks, Cultural Resources
Roland Brady, Ph.D. Geological Services, Paleontologic Resources

Project Engineering
Mr. Joseph Wojslaw, P.E., MWH Project Manager
Mr. Paul Wallace, P.E., Project Engineer

Prepared for:

City of Fresno
Mr. Patrick Wiemiller, Public Utilities Director
Mr. Raul Gonzalez, Project Manager

Appendix A and Appendix B are available on the CD's submitted to State Clearinghouse

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

RECEIVED

DEC 06 2010

WASTEWATER MANAGEMENT

December 1, 2010

Raul Gonzalez
City of Fresno
5607 West Jensen Avenue
Fresno, CA 93706

Subject: Dewatering Facility Upgrade, Fresno Clovis Regional Wastewater Reclamation Facilities (Conditional Use Permit No. C-10-196)
SCH#: 2010111001

Dear Raul Gonzalez:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 30, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2010111001
Project Title Dewatering Facility Upgrade, Fresno Clovis Regional Wastewater Reclamation Facilities (Conditional Use Permit No. C-10-196)
Lead Agency Fresno, City of

Type Neg Negative Declaration

Description The proposed Project is the construction and operation of new sludge dewatering facilities and associated yard piping, polymer storage, transformer, sludge conveyor and storage silo, and road paving improvements on a paved and graded site within the existing Regional Wastewater Reclamation Facilities site boundary.

Lead Agency Contact

Name Raul Gonzalez
Agency City of Fresno
Phone (559) 621-5290 **Fax**
email
Address 5607 West Jensen Avenue
City Fresno **State** CA **Zip** 93706

Project Location

County Fresno
City Fresno
Region
Lat / Long
Cross Streets Jensen Avenue & Comellia Avenue
Parcel No.
Township 14S **Range** 19E **Section** 22 **Base** MDB&M

Proximity to:

Highways Hwy 99, 180, 41
Airports No
Railways BNSF
Waterways
Schools No
Land Use LU: New facilities on existing wastewater facility site, no change in land use
Z: Public Facilities
GPLU: Regional Wastewater Reclamation Facilities.

Project Issues Air Quality; Archaeologic-Historic; Noise; Traffic/Circulation; Wildlife; Water Supply

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; CA Department of Public Health; State Water Resources Control Board, Divison of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; Caltrans, District 7

Date Received 10/29/2010 **Start of Review** 11/01/2010 **End of Review** 11/30/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

November 2, 2010

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Bonique Salinas, Planner
City of Fresno
5607 West Jensen Avenue
Fresno, CA 93706

20101111001

Re: SCH#20111001 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the **Conditional Use Permit No. C-10-196, Fresno-Clovis Regional Wastwater Reclamation Facilities Dewatering Facility Upgrade Project;** located in the City of Fresno; Fresno County, California

Dear Bonique Salinas:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604).* The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources **were not identified** within one-half mile of the Area of Potential Effect (APE). It is important to do early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for

information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list ,should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f])*et seq.),* 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes.* Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
http://www.dfg.ca.gov

JOHN McCAMMAN, Director

Clear
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November 23, 2010

Raul Gonzalez
City of Fresno
Wastewater Division
5607 West Jensen Avenue
Fresno, California 93706

Subject: Proposed Mitigated Negative Declaration (MND) and Initial Study
Fresno-Clovis Regional Wastewater Reclamation Facilities
Dewatering Facility Upgrade (CUP No. C-10-196)
SCH No. 2010111001

Dear Mr. Gonzalez:

The Department of Fish and Game (Department) has reviewed the information submitted by the City of Fresno (City) for the above Project. Project approval would allow the replacement of existing belt filter presses dewatering equipment with centrifuge dewatering equipment, construction of a new annex building, construction of a new silo, and pavement of new access roads on approximately eight (8) acres at the City of Fresno Wastewater Treatment Facility located south of West Jensen Avenue, between South Cornelia Avenue and South Chateau Fresno Avenue.

The proposed MND document indicates that burrowing owls (*Athene cunicularia*) are known to occur on percolation pond berms located approximately 0.25 miles from Project activities. Additional burrows were located along the road proposed for widening and paving; therefore, implementation of the Project has the potential to impact burrowing owls and mitigation measures are proposed.

Mitigation Measure BI-1 1. is not adequate to determine presence or absence of burrowing owls on-site. For maximum detectability, a qualified biologist should perform surveys according to protocol (The California Burrowing Owl Consortium, 1993) prior to commencing Project-related activities or the City can assume that all burrows along the roads are occupied by burrowing owls and mitigate accordingly. A preconstruction survey is also warranted if Project activities do not commence within 30 days of completing protocol-level surveys.

Mitigation Measure BI-1 2. is not adequate mitigation if only one of the five measures is implemented. If burrowing owl occupancy is assumed or if protocol-level surveys detect presence of burrowing owl, all of the following mitigation measures should be implemented (DFG, 1995):

a. Avoid active burrows by at least 250 feet during the nesting season (February 1 through August 31). Destroy burrows during the non-nesting season (September 1 through January 31) after owls are passively relocated (see d. below).

b. Offset the loss of foraging and burrow habitat by acquiring and permanently protecting an appropriate amount of land (consult with the Department) at a location adjacent to occupied habitat and acceptable to the Department.

c. Offset destruction of occupied burrows by enhancing existing unsuitable burrows or creating new artificial burrows at a ratio of 2:1 on the protected land from b.

d. Passively relocate owls, if they must be moved. Allow one or more weeks to allow the owls to acclimate to alternative burrows.

e. Provide funding for long-term management and monitoring of the protected land. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department.

Results of all surveys should be submitted to the Department for review and comment prior to commencing Project-related activities.

If the above mitigation measures are implemented, the Project-related impacts to burrowing owl will be less than significant.

If you have any questions regarding these comments, please contact Lisa Gymer, Environmental Scientist, at (559) 243-4014, extension 238 or lgymer@dfg.ca.gov.

Sincerely,

Jeffrey R. Single, Ph.D.
Regional Manager

cc: See Page Three

cc: MWH
618 Michillinda Avenue, Suite 200
Arcadia, California 91007

Literature Cited:

California Department of Fish and Game. 1995. Staff report on burrowing owl mitigation; Memorandum, October 17, 1995.

The California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines; April, 1993.

Revised Project Specific Mitigation Measures for EA No. C-10-196 Revised on January 18, 2011

Mitigation Measures

The City of Fresno Director of the Development and Resource Management Department hereby finds that the adoption and implementation of the following mitigation measures will reduce to less than significant or avoid potentially significant effects of the proposed Project.

Changes are in bold and italicized below.

Biological Resources

1. **Original Mitigation Measure BI-1-1**: A preconstruction survey shall be conducted by a qualified biologist to examine potential burrows on the project site for the existence of burrowing owl. The survey shall be conducted within 30 days prior to any construction activities within 50 feet of the roadway to be repaved. Results of the preconstruction survey shall be prepared in a letter and given to the California Department of Fish and Game (CDFG) for their review and approval prior to any construction activities at the roadway.

   1a. Revised Mitigation Measure BI-1-1: A qualified biologist should perform surveys according to protocol (The California Burrowing Owl Consortium, 1993) prior to commencing Project-related activities or the City can assume that all burrows along the roads are occupied by burrowing owls and mitigate accordingly. A preconstruction survey is also warranted if Project activities do not commence within 30 days of completing protocol-level surveys. Results of the survey(s) shall be prepared in a letter and given to the California Department of Fish and Game (CDFG) for their review and approval prior to any Project-related activities.

2. **Original Mitigation Measure BI-1-2**: If burrowing owl or active burrow is found, the CDFG 1995 guidelines, "Staff Report on Burrowing Owl Mitigation," shall be consulted and the City shall select one of the following measures for implementation by a qualified biologist:

   a. Destroy vacant burrows prior to March 1 and/or after August 31
   b. Redesign (reschedule) the roadway repaving project element temporarily or permanently to avoid occupied burrows or nest sites until after the nesting/fledging season (March 1 through August 31)

   c. Delay the roadway repaving project until after the nesting/fledging season

   d. Install artificial burrows in open space areas of the project site and wait for passive relocation of the burrowing owl

   e. Active relocation of the burrowing owl with conditions. The City shall fund relocation of burrowing owl to unoccupied, suitable habitat that is permanently preserved (up to 6.5 acres per nesting pair) at a recognized burrowing owl mitigation bank.

   2a. Revised Mitigation Measure BI-1-2: If burrowing owl occupancy is assumed or if protocol-level surveys detect presence of burrowing owl, all of the following mitigation measures should be implemented (DFG, 1995):

a. ***Avoid active burrows by at least 250 feet during the nesting season (February 1 through August 31). Destroy burrows during the non-nesting season (September 1 through January 31) after owls are passively relocated (see d. below).***

b. ***Offset the loss of foraging and burrow habitat by acquiring and permanently protecting an appropriate amount of land (consult with the Department) at a location adjacent to occupied habitat and acceptable to the Department.***

c. ***Offset destruction of occupied burrows by enhancing existing unsuitable burrows or creating new artificial burrows at a ratio of 2:1 on the protected land from b.***

d. ***Passively relocate owls, if they must be moved. Allow one or more weeks to allow the owls to acclimate to alternative burrows.***

e. ***Provide funding for long-term management and monitoring of the protected land. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department.***

Cultural Resources

Mitigation Measure CUL-1: The Project specifications shall state that if previously unidentified and potentially significant archaeological resources (e.g., stone artifacts, dark ashy soils or burned rocks, or old glass, metal, or ceramic artifacts) become apparent during ground disturbances, work in that location shall be diverted and a qualified archaeologist shall be contacted immediately to evaluate the nature and significance of the find.

Mitigation Measure CUL-2: Before construction-related earthmoving activities and excavation at depths of 2 feet below the surface (into the Modesto Formation), the services of a qualified Principal Paleontologist shall be retained and consulted.

Mitigation Measure CUL-3: Consistent with Federal and State law, if fossils are discovered during excavation of the silo site, an approved Principal Paleontologist must be called to the site to develop mitigation measures to protect those resources. Based on the information in the PIR prepared for the Project, the Paleontologist shall determine when and where monitoring will be required, and who will conduct it.

The Paleontologist shall coordinate with appropriate construction contractor personnel to provide information regarding applicable requirements concerning protecting paleontological resources. Contractor personnel, particularly heavy-equipment operators, shall also be briefed on procedures to be followed in the event that fossil remains and a currently unrecorded fossil site are encountered by earthmoving activities if a paleontological construction monitor is not on the site. Additional briefing shall be presented to new contractor personnel as necessary. Names and telephone numbers of the monitor and other appropriate mitigation program personnel shall be provided to appropriate contractor personnel.

When required, monitoring shall consist of visually inspecting freshly exposed cuts into the Modesto Formation, and spoil piles for the discovery and recovery of larger fossil remains, and periodically dry test screening to allow for the discovery and recovery of smaller fossil remains. If larger vertebrate fossils are noted by construction workers or monitors, excavation there will cease, and the monitor will be notified. The monitors will then notify the Principal Paleontologist.

The monitor and recovery staff will salvage all larger vertebrate fossil remains, as soon as practicable and as quickly as possible, under the supervision of the Principal Paleontologist following Society of Vertebrate Paleontology (1995) and State (Caltrans, 2007) guidelines. The monitor shall document the location and proper geologic context of any recovered fossil occurrence or rock or sediment samples. Any recovered rock or sediment sample from the Modesto Formation shall be processed to allow for the recovery of smaller fossil remains that normally are too small to be observed by the monitor. Pursuant to Society of Vertebrate Paleontology (1995) standard measures, no more than 6,000 pounds (12,000 pounds total) of sediment need be processed from the Modesto Formation.

If the Paleontologist or monitor determines that the fossil site is too unproductive or the fossil remains not worthy of recovery by the monitor, no further action will be taken to preserve the fossil site or remains, and earthmoving activities shall be allowed to proceed through the site immediately.

All fossil specimens recovered from the Project site as a result of mitigation, including those recovered as the result of processing rock or sediment samples, will be treated (i.e., prepared, identified, curated, catalogued) in accordance with designated museum repository requirements. Rock or sediment samples will be submitted to commercial laboratories for microfossil, pollen, radiometric dating, or other analysis, as appropriate.

The monitor shall maintain daily monitoring logs that include the particular tasks accomplished, the earthmoving activity monitored, the location where monitoring was conducted, the rock unit(s) encountered, the fossil specimens recovered, and associated specimen data and corresponding geologic and geographic site data. A final technical report of results and findings shall be prepared by the Paleontologist in accordance with any City requirement and archived at a repository mutually approved by the City and Paleontologist.

Mitigation Measure CUL-4: If human remains are uncovered, or in any other case when human remains are discovered during construction, the Fresno County Coroner is to be notified to arrange their proper treatment and disposition. If the remains are identified—on the basis of archaeological context, age, cultural associations, or biological traits—as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will determine the manner in which the remains are treated.