

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8210	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: N/A
Project Applicant/Sponsor (Name): H2B2 USA, LLC	Project Title: Unclassified Conditional Use Permit Application No. 3738 and Initial Study No. 8210		
Project Description: Amend CUP 3691 to allow the construction, operation and ultimate decommissioning of a solar energy generating facility to provide power to an existing commercial hydrogen generation facility on an approximately 40-acre portion of an approximately 324-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of included Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – April 19, 2023		Review Date Deadline: Planning Commission – June 8, 2023	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Jeremy Shaw Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Initial Study No. 8210, Unclassified Conditional Use Permit Application No. 3738

Lead Agency: Fresno County Contact Person: Jeremy Shaw
 Mailing Address: 2220 Tulare St Phone: 559-600-4207
 City: Fresno Zip: 93721 County: Fresno

Project Location: County: Fresno City/Nearest Community: City of Kerman
 Cross Streets: State Route 180 (W. Whitesbridge Avenue), approximately 1.5 miles west of intersection with S. James Road Zip Code: 93630
 Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: 40
 Assessor's Parcel No.: 015-100-20S Section: 9 Twp.: 14S Range: 16E Base: M.D.B.M.
 Within 2 Miles: State Hwy #: State Route 180 Waterways: San Joaquin River (2.3 miles)
 Airports: _____ Railways: San Joaquin Valley Railroad Schools: _____

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI _____

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:

Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____
 Commercial: Sq.ft. _____ Acres 40 Employees _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____
 Educational: _____
 Recreational: _____
 Water Facilities: Type _____ MGD _____
 Transportation: Type _____
 Mining: Mineral _____
 Power: Type _____ MW _____
 Waste Treatment: Type _____ MGD _____
 Hazardous Waste: Type _____
 Other: Renewable energy/Solar

Project Issues Discussed in Document:

<input checked="" type="checkbox"/> Aesthetic/Visual	<input checked="" type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation
<input checked="" type="checkbox"/> Agricultural Land	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input checked="" type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Forest Land/Fire Hazard	<input checked="" type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Archeological/Historical	<input checked="" type="checkbox"/> Geologic/Seismic	<input checked="" type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading	<input checked="" type="checkbox"/> Growth Inducement
<input type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Land Use
<input type="checkbox"/> Drainage/Absorption	<input checked="" type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input checked="" type="checkbox"/> Other: <u>Wildfire/ Energy</u>

Present Land Use/Zoning/General Plan Designation:

Agriculture (hydrogen production)/AE-20/Agriculture

Project Description: (please use a separate page if necessary)

Allow the construction, operation and ultimate decommissioning of a solar energy generating facility to provide power to an existing commercial hydrogen generation facility on an approximately 40-acre portion of an approximately 324-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with S. James Road and is approximately 8.0 miles east of the City of Mendota and approximately 8.0 miles west of the City of Kerman (APN 015-100-20S) (SUP. DIST.: 1).

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".

If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/>	Air Resources Board	<input type="checkbox"/>	Office of Historic Preservation
<input type="checkbox"/>	Boating & Waterways, Department of	<input type="checkbox"/>	Office of Public School Construction
<input type="checkbox"/>	California Emergency Management Agency	<input type="checkbox"/>	Parks & Recreation, Department of
<input type="checkbox"/>	California Highway Patrol	<input type="checkbox"/>	Pesticide Regulation, Department of
<input checked="" type="checkbox"/>	Caltrans District # <u>6</u>	<input type="checkbox"/>	Public Utilities Commission
<input type="checkbox"/>	Caltrans Division of Aeronautics	<input checked="" type="checkbox"/>	Regional WQCB # _____
<input type="checkbox"/>	Caltrans Planning	<input type="checkbox"/>	Resources Agency
<input type="checkbox"/>	Central Valley Flood Protection Board	<input type="checkbox"/>	Resources Recycling and Recovery, Department of
<input type="checkbox"/>	Coachella Valley Mtns. Conservancy	<input type="checkbox"/>	S.F. Bay Conservation & Development Comm.
<input type="checkbox"/>	Coastal Commission	<input type="checkbox"/>	San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/>	Colorado River Board	<input type="checkbox"/>	San Joaquin River Conservancy
<input type="checkbox"/>	Conservation, Department of	<input type="checkbox"/>	Santa Monica Mtns. Conservancy
<input type="checkbox"/>	Corrections, Department of	<input type="checkbox"/>	State Lands Commission
<input type="checkbox"/>	Delta Protection Commission	<input type="checkbox"/>	SWRCB: Clean Water Grants
<input checked="" type="checkbox"/>	Education, Department of	<input checked="" type="checkbox"/>	SWRCB: Water Quality
<input checked="" type="checkbox"/>	Energy Commission	<input type="checkbox"/>	SWRCB: Water Rights
<input checked="" type="checkbox"/>	Fish & Game Region # <u>4</u>	<input type="checkbox"/>	Tahoe Regional Planning Agency
<input type="checkbox"/>	Food & Agriculture, Department of	<input type="checkbox"/>	Toxic Substances Control, Department of
<input checked="" type="checkbox"/>	Forestry and Fire Protection, Department of	<input type="checkbox"/>	Water Resources, Department of
<input type="checkbox"/>	General Services, Department of	<input checked="" type="checkbox"/>	Other: <u>U.S. Fish and Wildlife</u>
<input type="checkbox"/>	Health Services, Department of	<input checked="" type="checkbox"/>	Other: <u>San Joaquin Valley Air Pollution Control District</u>
<input type="checkbox"/>	Housing & Community Development		
<input type="checkbox"/>	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date April 19, 2023 Ending Date May 18, 2023

Lead Agency (Complete if applicable):

Consulting Firm: County of Fresno Applicant: H2B2 USA, LLC
Address: 2220 Tulare Street, 6th Floor Address: 1215 K Street, 17th Floor
City/State/Zip: Fresno, CA 93721 City/State/Zip: Sacramento, CA 95814
Contact: Jeremy Shaw Phone: (303) 601-3535
Phone: 559-600-4207

Signature of Lead Agency Representative: *Jeremy Shaw* Date: 4/19/2023

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



E202310000109
County of Fresno

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

**NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION**

FILED

APR 14 2023

TIME
4:20 PM

FRESNO COUNTY CLERK

By [Signature] DEPUTY

For County Clerk's Stamp

Notice is hereby given that the County of Fresno has prepared Initial Study (IS) No. 8210 pursuant to the requirements of the California Environmental Quality Act for the following proposed project:

INITIAL STUDY NO. 8210 and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3738** filed by **H2B2 USA, LLC**, proposing to allow the construction, operation and ultimate decommissioning of a solar energy generating facility to provide power to an existing commercial hydrogen generation facility on an approximately 40-acre portion of an approximately 324-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with S. James Road and is approximately 8.0 miles east of the City of Mendota and approximately 8.0 miles west of the City of Kerman (APN 015-100-20S) (SUP. DIST.: 1). Adopt the Mitigated Negative Declaration prepared for Initial Study No. 8210, and take action on Unclassified Conditional Use Permit Application No. 3738 with Findings and Conditions.

(hereafter, the "Proposed Project")

The County of Fresno has determined that it is appropriate to adopt a Mitigated Negative Declaration for the Proposed Project. The purpose of this Notice is to (1) provide notice of the availability of IS No. 8210 and the draft Mitigated Negative Declaration, and request written comments thereon; and (2) provide notice of the public hearing regarding the Proposed Project.

Public Comment Period

The County of Fresno will receive written comments on the Proposed Project and Mitigated Negative Declaration from April 19, 2023, through May 18, 2023.

Email written comments to jshaw@fresnocountyca.gov, or mail comments to:

Fresno County Department of Public Works and Planning

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
The County of Fresno is an Equal Employment Opportunity Employer

E202310000109

Development Services and Capital Projects Division
Attn: Jeremy Shaw
2220 Tulare Street, Suite A
Fresno, CA 93721

IS No. 8210 and the draft Mitigated Negative Declaration may be viewed at the above address Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday, 8:30 a.m. to 12:30 p.m. (except holidays), or at www.co.fresno.ca.us/initialstudies. An electronic copy of the draft Mitigated Negative Declaration for the Proposed Project may be obtained from Jeremy Shaw at the addresses above.

Public Hearing

The Planning Commission will hold a public hearing to consider approving the Proposed Project and the Mitigated Negative Declaration on June 8, 2023, at 8:45 a.m., or as soon thereafter as possible, in Room 301, Hall of Records, 2281 Tulare Street, Fresno, California 93721. Interested persons are invited to appear at the hearing and comment on the Proposed Project and draft Mitigated Negative Declaration.

For questions, please call Jeremy Shaw (559) 600-4207.

Published: April 19, 2023



County of Fresno

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

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. Project title:

Initial Study No. 8210 and Unclassified Conditional Use Permit Application No. 3738

2. Lead agency name and address:

County of Fresno Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

3. Contact person and phone number:

Jeremy Shaw, (559) 600-4207

4. Project location:

The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with S. James Road and is approximately 8.0 miles east of the City of Mendota and approximately 8.0 miles west of the City of Kerman (APN 015-100-20S) (SUP. DIST.: 1).

5. Project sponsor's name and address:

H2B2 USA, LLC.
1215 K Street, 17th Floor
Sacramento, CA 95814

6. General Plan designation:

Agriculture

7. Zoning:

AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District

8. Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The project proposes to allow the construction, operation and ultimate decommissioning of a solar energy generating facility to provide power to an existing commercial hydrogen generation facility on an approximately 40-acre portion of an approximately 324-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The majority of the subject parcel is utilized for agricultural purposes. There is a single-family residence located on the subject parcel, but is located near the eastern property while the project will be located on the western property line with a large distance of agricultural land in between. Parcels to the north, east, and south are utilized for agricultural purposes. To the west there is an existing dairy operation improved with an anaerobic digester facility.

10. Other public agencies whose approval is required (g., permits, financing approval, or participation agreement.)

Fresno County Department of Public Works and Planning
Fresno County Department of Public Health
California Energy Commission

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.

- | | |
|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the Mitigation Measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project, no new effects could occur, or new Mitigation Measures would be required that have not been addressed within the scope of a previous Environmental Impact Report.


PERFORMED BY:



Jeremy Shaw, Planner

Date: 4-14-23

REVIEWED BY:



David Randall, Senior Planner

Date: 4/14/23

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Per Assembly Bill 52, participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County on the project. None of the Native American tribes who were notified of this project, requested consultation. However, a Mitigation Measure has been included to address cultural resources should they be unearthed during ground-disturbing activities.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM
(Initial Study No. 8210 and
Unclassified Conditional Use Permit
Application No. 3738**

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact

2 = Less Than Significant Impact

3 = Less Than Significant Impact with Mitigation Incorporated

4 = Potentially Significant Impact

I. AESTHETICS

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

- 1 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 3 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- 2 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- 1 c) Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 2 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?

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- 2 a) Conflict with or obstruct implementation of the applicable Air Quality Plan?
- 2 b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- 2 c) Expose sensitive receptors to substantial pollutant concentrations?
- 2 d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

- 3 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 1 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 1 c) Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 1 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 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?

V. CULTURAL RESOURCES

Would the project:

- 3 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?
- 3 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- 3 c) Disturb any human remains, including those interred outside of formal cemeteries?

VI. ENERGY

Would the project:

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

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 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?
 - 2 ii) Strong seismic ground shaking?
 - 2 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 1 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?
- 1 d) Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- 3 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2 b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 2 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 2 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?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 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?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. HYDROLOGY AND WATER QUALITY

Would the project:

- 2 a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- 2 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 1 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
 - 1 i) Result in substantial erosion or siltation on- or off-site;
 - 1 ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - 1 iii) 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; or
 - 2 iv) Impede or redirect flood flows?
- 2 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 1 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

XII. MINERAL RESOURCES

Would the project:

- 1 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?
- 1 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?

XIII. NOISE

Would the project result in:

- 2 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2 b) Generation of excessive ground-borne vibration or ground-borne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 1 b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

XV. PUBLIC SERVICES

Would the project:

- 1 a) Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- 1 i) Fire protection?
- 1 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

XVI. RECREATION

Would the project:

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

XVII. TRANSPORTATION

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 2 b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- 1 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- 3 a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- 3 i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- 3 ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public

Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 1 a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 1 b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- 1 c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 1 d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 1 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 1 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 3 b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)
- 1 c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Documents Referenced:

This Initial Study is referenced by the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services and Capital Projects Division, 2220 Tulare Street, Suite A, Fresno, California (corner of M & Tulare Streets).

Fresno County General Plan, Policy Document and Final EIR

Fresno County Zoning Ordinance

Important Farmland 2016 Map, State Department of Conservation

H2B2 USA, LLC Solar Field Air Quality/Greenhouse Gas Assessment, prepared January 31, 2023 (revised February 10, 2023).

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County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: H2B2 USA, LLC
- APPLICATION NOS.: Initial Study No. 8210 and Unclassified Conditional Use Permit Application No. 3738
- DESCRIPTION: Allow the construction, operation and ultimate decommissioning of a solar energy generating facility to provide power to an existing commercial hydrogen generation facility on an approximately 40-acre portion of an approximately 324-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with S. James Road and is approximately 8.0 miles east of the City of Mendota and approximately 8.0 miles west of the City of Kerman (APN 015-100-20S) (SUP. DIST.: 1).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project site is located in an area mainly utilized for agricultural purposes. An existing dairy operation is located directly west of the project site with the majority of the remaining parcels utilized for agricultural cultivation or is vacant. Per Figure OS-2 of the Fresno County General Plan, the project site is not located on or near any scenic roadways. There are no scenic vistas being affected by the project proposal. There are no identified scenic resources on or near the project site.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized

area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to develop a portion of the existing 324-acre parcel with a photovoltaic solar energy generating facility consisting of an approximately 40-acres of solar panel arrays, to generate electricity to power an existing renewable hydrogen generation facility.

The construction of proposed solar array may result in a minor alteration the visual character of the localized vicinity; however, the project would not represent a substantial change. The proposed solar arrays will be located approximately 100 feet south of the nearest right-of-way of SR 180. Review of web based aerial images and street level views of the project site do not indicate any scenic views that would be substantially degraded by the project; additionally, the project site is not located along an identified scenic highway, or scenic drive as identified by Figure OS-2 (Scenic Roadways) of the County's General Plan therefore, the construction of the proposed improvements would have a less than significant impact on the existing visual character or quality of public views 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement and indicated on their site plan, outdoor security lighting is proposed and would create a new source of light and glare. A Mitigation Measure will be implemented with this project to ensure that all outdoor lighting is hooded and directed downward so as not to shine on adjacent properties or public right-of-way.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and

forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to review of the 2016 Fresno County Important Farmland Map prepared by the California Department of Conservation, the subject parcel contains land designated as Farmland of Statewide Importance and Unique Farmland on its eastern half, and Confined Animal Agriculture on its western half. The project is proposed to be sited on the eastern portion of land designated Farmland of Statewide Importance and unique Farmland. Farmland of Statewide Importance is defined as farmland “similar to Prime Farmland but with minor shortcomings such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production as some time during the four years prior to the mapping date.” The project will convert Farmland of Statewide Importance to a non-agricultural production use. However, in considering the size of the project site relative to the size of the subject 324-acre parcel, the project site size would have a less than significant impact on the overall agricultural production use of the parcel. The project site is proposed to be approximately 40 acres and it has been determined that the conversion of approximately 40 acres of farmland compared to the overall 324-acre parcel would be a less than significant.

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

FINDING: NO IMPACT:

According to available property records, the subject parcel is not enrolled under Williamson Act Contract. Per the Fresno County Zoning Ordinance, the proposal is subject to an Unclassified Conditional Use Permit and can be considered on the subject parcel which is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and designated under the Fresno County General Plan as Agricultural.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not located in forest land, timberland or timberland zoned Timberland Production and will not 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the conversion of approximately 40 acres of additional Farmland to non-agricultural use, of an existing 324-acre parcel, which contains a dairy. The land on which the project would be constructed is currently used for row crops for livestock feeding in conjunction with the existing dairy operation. According to the applicant's submitted reclamation plan, the project is intended to operate for a period of approximately 35 years, or more. Once the project is decommissioned, the land will be required to be returned to its original pre-project condition, as nearly as possible. The project will not result in the conversion of forest land to non-forest use.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the subject application and determined that based on the information provided, project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the District's significance thresholds. Therefore, based on this determination, the project would not conflict with or obstruct implementation of the applicable Air Quality Plan or result in a cumulatively considerable net increase of any criteria pollutants. The (SJVAPCD) also commented that construction-related emissions are expected to be less than significant, but suggests that construction-related exhaust emissions and activities utilize the cleanest reasonably available off-road construction fleets and practices to further reduce impacts from construction-related exhaust emissions and activities. An air quality and greenhouse gas assessment was prepared for the project by JK Consulting Group, date January 31, 2023. The Air Quality Assessment asserted that the construction of the project would generate short term emissions of criteria pollutants, such as reactive organic gases, oxides of nitrogen, and particulate matter PM 10 and PM 2.5, including Toxic Air Contaminants (TAC's) from diesel or Diesel Particulate Matter (DPM), but that such emissions would not exceed any of the San Joaquin Valley Air Pollution Control District's significance thresholds for those identified criterial pollutants. Long term (operational) impacts would be minimal due to the nature of the project. The project

entails the establishment of a photovoltaic solar array, to provide an additional power source to an existing hydrogen production facility located on the same site. One constructed the solar array will not generated any emissions, except for those associated with periodic maintenance trips for cleaning and repair, if needed. Therefore, the project would result in a less than significant impact on air quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves short term temporary construction activities, which will produce emissions of criteria pollutants, however, such emissions would not result in the generation of substantial pollutant concentrations, or generate odors which would affect a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the California Natural Diversity Database (CNDDB), BIOS mapper, accessed on February 13, 2023, the project site is within the predicted habitat of several special status species, including the Fresno Kangaroo Rat, Burrowing Owl, Western Spadefoot toad, San Joaquin Kit Fox, and Swainson's Hawk, and is also in located within the predicted habitat of the Tricolored Blackbird, which is a state listed species and is designated threatened. The San Joaquin Kit Fox and the Fresno Kangaroo Rat are both federally listed as endangered species and protected under the Endangered Species Act (ESA). The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) were notified of the project proposal. CDFW reviewed the proposal, and provided comments indicating that there were several special-status species which may potentially have habitat on the project site, and which species have been observed in the vicinity of the project site. Based on the information obtained from the CDFW maintained CNDDB mapper, the project site could also potentially provide foraging habitat, and nesting habitat for the Tricolored Blackbird.

The subject parcel has historically been utilized for agricultural production, with a portion of the property dedicated to dairy farming and a portion to row crop production for animal feed.

A Biological Resource Assessment was prepared for the project by Argonaut Ecological Consulting, dated March 9, 2023. The Biological Resource Assessment concluded that the project study area which includes the area around the project site on the subject parcel and portions of two parcels northerly adjacent across State Route 180. The Biological Resource Assessment concluded that due to the subject parcels' historic agricultural use, its value as wildlife habitat is limited, and that the visible features of the land observed during field review appear only to offer very limited habitat for special status species, such as trees and in ground burrows. Additionally, the assessment found no wetland features on the project site, however one isolated emergent freshwater pond was found approximately one half-mile north on an adjacent parcel. The assessment stated that agricultural lands do not generally support special status species habitat for breeding or nesting, however the study area could provide some foraging habitat for Swainson's hawk and other raptors, as well as ground burrows which could be utilized by Burrowing owl, and there is potential foraging area for San Joaquin kit fox although no suitable den area was identified.

Because there is potential for migratory bird habitat and/or foraging area, as well as for other mammals like the Fresno Kangaroo Rat and San Joaquin Kit Fox and amphibians such as Western Spadefoot toad on the project site, there is also the potential for habitat modification from project related ground disturbance. Accordingly, the following mitigation measures have been included as project conditions of approval. Compliance with the required conditions would reduce project impacts to biological resources to a less than significant level.

* **Mitigation Measure(s)**

1. *If construction activities are to occur during the normal bird breeding season (March 1-September 15), not more than ten (10) days prior to project construction activities, a qualified biologist shall conduct surveys for active Swainson's Hawk nests, and if active nests are found, a minimum ½ mile no-disturbance buffer shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Surveys shall follow the methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). In event an active SWHA nest is detected during surveys and the ½ mile is not feasible, the project proponent shall consult with CDFW to discuss how project implementation can avoid take. If take cannot be avoided, take authorization through issuance of an ITP shall be acquired.*
2. *Prior to any project related ground disturbance, a qualified biologist shall conduct surveys for potentially suitable habitat for Fresno Kangaroo Rat. If suitable habitat is present on the project site, focused protocol level trapping surveys shall be conducted by a qualified wildlife biologist, with appropriate permissions from both CDFW and U.S. Fish and Wildlife Service.*

3. *Prior to any project related ground disturbance, a qualified biologist shall conduct surveys to determine if there is the presence of potentially suitable habitat on the project site and its immediate vicinity for San Joaquin Kit Fox (SJKF), between 14 and 30 days prior to beginning any project related ground disturbance. If SJKF are detected, consultation with CDFW shall be initiated by the project proponent immediately, to discuss options for take avoidance, or if avoidance is not feasible, to discuss options for obtaining an incidental take permit (ITP).*
 4. *Prior to project related ground disturbance, surveys shall be conducted for potential habitat and/or the presence of Burrowing Owl (BUOW) by a qualified biologist following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines", (CBOC 1993) and CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2021). Surveys shall be conducted during daylight hours, during the breeding season (April 15 to July 15).*
 5. *If during project construction or ground disturbing activity, Western Spadefoot toad is observed, the project activity shall be halted in the vicinity of the species observance and a 50-foot no disturbance buffer shall be established. Additionally, the observed Spadefoot toad individual(s) shall be allowed to leave the project site on their own accord. Alternatively, a qualified biologist with appropriate take authorization from the California Department of Fish and Wildlife may move the individual Spadefoot toad(s) to a suitable location, out of harms way.*
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

According to the National Wetlands Inventory, Wetlands Mapper, maintained by the U.S. Fish and Wildlife Service, there are no wetlands on the project site. Additionally, there is no riparian habitat or other sensitive natural community on the project site. Therefore, the project will not have an adverse effect on riparian habitat or other sensitive natural community or on state or federally protected wetlands.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

No established native resident, migratory wildlife corridor or native wildlife nursery site was identified on the project site. The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) were provided opportunities to

comment on the project proposal and identify potential adverse effects of the project on native residents or wildlife species.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

Reviewing agencies and departments did not indicate that the project would result in conflict with local, regional, or state policies or ordinances for protection biological resources or an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

During the evaluation of the previously approved hydrogen project; the Santa Rosa Rancheria Tachi-Yokut Tribe responded with a request for consultation under the provisions of Assembly Bill 52 (AB 52). A Cultural Study was produced for the project proposal and submitted to the Santa Rosa Rancheria Tachi-Yokut Tribe for review. No additional comments, concerns, or mitigation measures were received by staff from the consulting tribal government. Consultation with the Santa Rosa Rancheria Tachi-Yokut Tribe was concluded with no identification of a historical, cultural, or archaeological resource. Aerial photographs and field survey of the project site indicate that the site has been previously disturbed as a result of grading activities and agricultural use. A Mitigation Measure address cultural resources was included in the unlikely event that cultural resources were unearthed during ground-disturbing activities related to project construction and operation.

During review of the current application, no historical or cultural resources were identified. However, the same cultural resources mitigation measure will be included to address the possibility of previously unknown cultural or historical resources being discovered during ground disturbing activities.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

According to the Applicant's Operational Statement, the project proposes to utilize energy produced from the proposed solar array to provide electrical power to the existing hydrogen generating facility. Currently the hydrogen facility is powered by electricity supplied by a biogas burning generator and from the PG&E grid. Considering the existing renewable energy source being utilized to power the proposed facility and the relatively limited scope of the project, no potentially significant environmental impact is likely to occur from the consumption of energy resources for project operation. Additionally, the project will not conflict with or obstruct state or local plans for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

Per the Earthquake Zone Hazard Application and Figure 9-2 and -3 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on or near a rupture of a known earthquake fault.

2. Strong seismic ground shaking?

3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site, according to Figure 9-5 of the FCGPBR, the project site is located in or near land designated for probabilistic seismic hazard with a 10% probability in 50 years and a peak horizontal ground acceleration 0-20% and 20-40%. Associated development will be built to current building code standards, which will take into account safe building practices to reduce effects from seismic ground shaking and seismic-related ground failure. Per Figure 9-6 of the FCGPBR, the project site is not located on land designated for areas of subsidence.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the FCGPBR, the project site is not located in identified landslide hazard areas. Additionally, the project site and surrounding area is located on flat land utilized for agriculture. There are no large changes in elevation to indicate an increased risk to landslide.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the development of structures and placement of equipment on the site that will result in the loss of topsoil and increase in impervious surface. The project site is located on flat land and would not result in substantial soil erosion that would increase risk to the project site. The loss of topsoil will not result in increase hazard to the project site and has been determined to have a less than significant impact.

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?

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the subject property.

- C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR), the subject site is not located on area identified with expansive soils.

- D. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
- E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that soils on the property would be incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. There was no paleontological resource or unique geologic feature identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, the proposed solar energy production facility and battery energy storage facility will power the existing hydrogen generating facility. The proposed solar array once constructed would not generate a substantial quantity of greenhouse gas emissions.

Generation of greenhouse gas emissions related to the construction of the solar facility, will be the primary source of new greenhouse gas emissions. The San Joaquin Valley Air Pollution Control District did not express concern to indicate that there is a conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. An air quality and greenhouse gas assessment was prepared for the project by JK Consulting Group, date January 31, 2023, revised February 10, 2023. The Air Quality and Greenhouse Gas analysis concluded that, construction related GHG emissions when amortized over a 30-year anticipated project lifetime, would amount to approximately 19.16 metric tons of CO2 equivalent per year,

and that operational GHG emissions would total approximately 4.63 metric tons of CO₂e per year, for a combine total of approximately 23.79 metric tons of CO₂e per year.

Because the San Joaquin Valley Air Pollution Control District does not have adopted GHG emissions thresholds of significance, the Air Quality and Greenhouse Gas analysis, included discussion of the South Coast Air Quality Management District's (SCAQMD) adopted, interim GHG significance threshold for projects where SCAQMD is the lead agency, of 10,000 Metric tons of CO₂e per year for construction emissions amortized over a 30-year project lifetime. In comparison, the proposed project would be well below this threshold, however, because there is not an adopted threshold for the County, the project GHG emissions must be evaluated as they relate to the regulatory framework, and consistency with adopted GHG reduction goals, climate change action plans, and other applicable GHG reduction strategies. In the case of this project, the Air Quality and Greenhouse Gas Analysis concluded that the project's GHG emissions would be substantially below the quantitative GHG thresholds established by several other air quality management districts, and given the relatively limited size of the project and duration of construction, from which most of the project's GHG emissions would be generated, the project would have a less than significant impact on GHG emissions. Furthermore, the project was determined to be consistent with the state's adopted GHG reduction goals, and Climate Change Action Plan, AB 32 and SB 32, because the project, once operational, would reduce the overall consumption of fossil fuels used in electricity production. The Air Quality and Greenhouse Gas Analysis estimated that the solar project would have the capacity to generate up to 32,850,000 kilowatts of electricity annually, which would equate to approximately 23,280 metric tons of CO₂ equivalent, and would over the projected 35-year lifetime of the project reduce overall cumulative GHG emissions by approximately 819,000 metric tons of CO₂ equivalent. Based on these factors, the project would have a less than significant impact on cumulative greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the subject application and provided information regarding state and local requirements for reporting, handling, and permitting hazardous materials proposed to be used and/or stored on the subject site. These requirements will be listed as Project Notes with the application as they are state and local regulatory responsibilities that must be met.

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

FINDING: NO IMPACT:

The subject parcel is not located within a one-quarter mile of an existing or proposed school. The nearest school to the site is Liberty Elementary located in the City of Kerman, approximately 7.9 miles to the east.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

Per the NEPAssist database, there are no listed hazardous material sites located on the project site.

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

FINDING: NO IMPACT:

The subject site is not located within two miles of a public airport or public use airport. The closest public Airport is the William Robert Johnson Municipal Airport, located approximately 7.4 miles west-northwest within the City of Mendota.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern to indicate that the project would result in impairing implementation or physically interfering with an adopted emergency response plan or emergency evacuation plan. According to the 2007 Fresno County Fire Hazard Map prepared by the California Department of Forestry and Fire Protection, the project site is not subject to an increased potential for fire hazard.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concern with the project to indicate that the proposal will result in the violation of a water quality standard, waste discharge requirement, or substantially interfere with groundwater recharge. The project proposes to receive water from an existing well on the westerly adjacent parcel and is regulated by the State Water Resources Control Board (SWRCB). Per the Water and Natural Resources Division, the project site is not located in an area of the County defined as being a water short area and proposed water usage from the proposal is expected to have a less than significant impact on water resources. The project's submitted operational statement indicates that the proposed solar field would utilize the equivalent of approximately 14-16 gallons per day for panel washing, which will occur every two to three weeks. Water supply for the project will be provided by two existing well on the westerly adjacent parcel (APN 015-100-20S)

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
 1. Result in substantial erosion or siltation on- or off-site;
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

FINDING: NO IMPACT:

The project will result in the addition of impervious surface on land previously used for agricultural purposes. The surrounding area and project site are located on flat land and would not result in substantial erosion or siltation on- or off-site. With the addition of impervious surface to the site, there is potential for surface runoff, but is not expected to result in flooding that would have an adverse effect. No impact is seen resulting from the project proposal.

- 3. 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?

FINDING: NO IMPACT:

There are no planned stormwater drainage systems in vicinity of the project site. The project is expected to meet County standards for stormwater runoff which requires all stormwater runoff to not cross property lines and be kept on the subject site.

4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per FEMA FIRM Panel C2050H, the project site is located within Special Flood Hazard Area Zone A. Review of the proposal by the Development Engineering Section indicates that special development standards will be applicable to the project which includes federal, state and local requirements for development in a special flood hazard area. These will be included as Conditions of Approval or Project Notes to ensure proper procedure is implemented with the project to ensure a less than significant impact on the flood zone.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As stated, per FEMA FIRM Panel C2050H, the project site is located within Special Flood Hazard Area Zone A. The project will be required via Conditions of Approval or Projects Notes to ensure special development standards for construction within an identified flood zone be implemented. With implementation of special development standards, the risk of release of pollutants due to project inundation will be less than significant.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide comments to indicate that the project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is located in an agricultural area with no established community in the vicinity, the scope of the project is limited to a forty-acre portion of the subject parcel. The project will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

Review of relevant Fresno County General Plan policies indicate that there is no conflict with the subject proposal and the policies of the General Plan.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

According to Figure 7-7 and 7-8 of the Fresno County General Plan Background Report (FCGPBR), the subject site is not located on or near identified mineral resource locations or principal mineral producing locations. Therefore, the project will not result in the loss of availability of a known mineral resource or mineral resource recovery site.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division (EHD) has reviewed the project proposal. The EHD did not express concern with the application to indicate that the project proposal would generate excessive ground-borne vibration or noise levels. The project is required to comply with the applicable provisions of the Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance. The nearest sensitive receptor to the project site is a single-family dwelling located approximately 1,183 feet east of the site, on an adjacent parcel. Once the project has been constructed, there will be no noise generating activities, other than those associated with the existing dairy operation. The proposed use is not expected to have an adverse effect on sensitive receptors.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located in vicinity of a private airstrip or airport land use plan nor is it located within two miles of a public airport or public use airport.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The subject property is not improved with residential development and the surrounding area is utilized for agricultural purposes. The project will not displace substantial numbers of existing people or housing. The project will not induce unplanned population growth in the area.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District has reviewed the subject application and did not express concern with the project proposal to indicate the provision of new or physically-altered governmental facilities to maintain acceptable service ratios, response times or other performance objectives.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide comments to indicate that the project will result in adverse impacts on the listed public services where a need for the provision of new or physically-altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives is required.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

There are no existing neighborhood or regional parks or other recreational facilities in the vicinity of the project. The project will not have a substantial impact on the population in the area that would increase the use of existing neighborhood and regional parks or other recreational facilities.

XVI. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

The subject parcel has frontage along State Route 180 (W. Whitesbridge Avenue). State Route 180 is not a County-maintained road with the County Road Maintenance and Operations Division and the Design Division not having any comments for the proposed use or traffic generation. Review of the proposal indicates that the proposed use will receive access off State Route 180 from an existing access point on the westerly adjacent parcel. This access road is located on the westerly adjacent parcel and is under common ownership with the subject site. The California Department of Transportation (Caltrans) was included on project routing with no concerns received. Therefore, it is determined that the project does not conflict with a program, plan, ordinance or policy addressing the circulation system.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed solar facility will be operated by up to three existing hydrogen facility employees, accordingly no additional trips will be generated by the proposed solar facility, once construction is complete. Based on the low trip generation from the project proposal, the vehicle miles traveled impact from the project will be less than significant.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?; or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Main access to the project site will occur off an existing access-point from State Route 180. The number of trips generated is not expected to have an adverse effect on existing traffic conditions of the roadway. The accessway is paved and traffic will travel approximately 500 feet south, away from the public right-of-way therefore traffic buildup is not likely to occur. Therefore, the project will not substantially increase hazards due to design features. Reviewing agencies and departments did not express concern to indicate that the project will result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per Assembly Bill 52 (AB 52) participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on the project proposal. The Santa Rosa Rancheria Tachi-Yokut Tribe requested consultation and a Cultural Study was prepared by the Applicant's and routed to the consulting tribal government for review and comment. The prepared Cultural Study dated January 21, 2021,

by LSA concluded that based on the background search and field survey, no archeological deposits or human remains were identified on the project site. The field survey indicates that project site as being previously disturbed by road grading and agricultural use. A Mitigation Measure shall be implemented to ensure that in the unlikely event that tribal cultural resources are discovered during ground-disturbing activities, the resource is properly addressed.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources Mitigation Measure #1.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

According to the Applicant's Operational Statement, the existing hydrogen production facility proposes to supply a majority of its electrical power requirements from an existing anaerobic digester facility located on the westerly adjacent parcel. The proposed solar energy generating facility will be improved with specialized equipment to generate and transmit electrical power the approved hydrogen production facility.

Additional connection with PG&E facilities will occur to ensure that there is an uninterrupted supply of energy in case the digester facility is offline. As the digester facility is existing, the project will not require or result in the relocation or construction of new or expanded electric power facilities. The project will not require new or expanded water, wastewater treatment or storm water drainage, natural gas, or telecommunication facilities which would cause significant effects.

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

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division did not provide concerns to indicate that there are insufficient water supplies for the project.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, any proposed septic system or wastewater treatment system must be permitted in accordance with applicable Fresno County Local Area Management Program (LAMP) requirements. The Applicant will be required to meet County permitting standards for the subject building and associated wastewater treatment system. Review of the proposal did not indicate a conflict with County standards for this system, but further review of the proposed system will be conducted if this project is approved.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide comments to indicate that the project would generate solid waste in excess of State or local standards. There are no aspects of the project to suggest that the project would not be in compliance with federal, state, and local management and reduction statutes and regulations for solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not located within a State Responsibility Area (SRA). According to the 2007 Fresno County Fire Hazard Severity Map in LRA prepared by the California Department of Forestry and Fire Protection, the subject site is not located in land classified as a very high fire hazard severity zone.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will convert an approximately 40-acre portion of the 324-acre parcel from agricultural use to the proposed solar energy generating facility. That conversion has been determined to have a less than significant impact on habitat conversion as the majority of the parcel will still be agricultural production and not adversely effect wildlife species or cause wildlife populations to drop below self-sustaining levels.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the analysis conducted, cumulative impacts regarding Aesthetics, Cultural Resources, and Tribal Cultural Resources have been identified, but with implemented mitigation measures, the impacts have been reduced to a less than significant impact.

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

FINDING: NO IMPACT:

There were no identified environmental effects resulting from the project that will cause substantial adverse effect on human beings, either directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3738, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

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

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

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

JS

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Fresno County Department of Public Works and Planning

Date Received: 3/3/22

CUP 3736
IS 8210

(Application No.)

MAILING ADDRESS:

Department of Public Works and Planning
Development Services Division
2220 Tulare St., 6th Floor
Fresno, Ca. 93721

LOCATION:

Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 600-4497
Toll Free: 1-800-742-1011 Ext. 0-4497

APPLICATION FOR:

- Pre-Application (Type) _____
- Amendment Application Director Review and Approval
- Amendment to Text for 2nd Residence
- Conditional Use Permit Determination of Merger
- Variance (Class)/Minor Variance Agreements
- Site Plan Review/Occupancy Permit ALCC/RLCC
- No Shoot/Dog Leash Law Boundary Other _____
- General Plan Amendment/Specific Plan/SP Amendment)
- Time Extension for _____

DESCRIPTION OF PROPOSED USE OR REQUEST:

Modify previously approved Unclassified Conditional Use Permit No. 3691 for a hydrogen generation facility to allow a 60 +/- solar field to power the proposed hydrogen generation facility.

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. **Attach Copy of Deed, including Legal Description.**

LOCATION OF PROPERTY: _____ side of _____
between _____ and _____
Street address: 24387 W. Whitesbridge Rd., Kerman, CA 93630

APN: 015-100-20S Parcel size: 342.66 +/- Section(s)-Twp/Rg: S ____ - T ____ S/R ____ E

ADDITIONAL APN(s): _____

I, Dirk Poeschel (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Bar 20 Dairy, LLC	250 E. Belmont Ave.	Fresno	93701	5596558942
Owner (Print or Type)	Address	City	Zip	Phone
H2B2 USA, LLC	1215 K. Street, 17th Floor	Sacramento	95814	3036013535
Applicant (Print or Type)	Address	City	Zip	Phone
Dirk Poeschel Land Development Services Inc.	923 Van Ness Ave., St. 200	Fresno	93721	5594450374
Representative (Print or Type)	Address	City	Zip	Phone

CONTACT EMAIL: dirk@dplds.com/cesar@dplds.com

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: CUP 3736 (Amendment) Fee: \$ 7,561.50
 Application Type / No.: Fee: \$
 Application Type / No.: Fee: \$
 Application Type / No.: Fee: \$
 PER/Initial Study No.: IS 8210 Fee: \$ 5,151.00
 Ag Department Review: Fee: \$ 73.00
 Health Department Review: Fee: \$ 992.00
 Received By: Thomas H. Invoice No.: 230291 TOTAL: \$ 10,797.50

UTILITIES AVAILABLE:

WATER: Yes / No
 Agency: Private Well
 SEWER: Yes / No
 Agency: Septic

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: ____ - T ____ S/R ____ E

Related Application(s): _____

APN # ____ - ____ - ____

Zone District: _____

APN # ____ - ____ - ____

Parcel Size: _____

APN # ____ - ____ - ____

APN # ____ - ____ - ____



County of Fresno

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

PRE-APPLICATION REVIEW DISCLOSURE/DISCLAIMER

Completion of a Pre-Application Review is no longer a mandatory step necessary in order to submit a land use or mapping application to the Fresno County, Department of Public Works and Planning, Development Services Division for processing. The purpose of the Pre-Application Review is to allow the customer and staff to exchange information and confirm the necessary application process, required fees, and submittal material prior to the customer paying the actual application fees. Specifically, during the Pre-Application Review process, staff researches and provides the following information:

- If the proposed use is allowed based on the zoning of the subject parcel; the type(s) of application(s) required to permit the proposal to be processed.
- If the subject site is a legal parcel (Note: If the parcel is not legally created, no land use/mapping application can be processed until the legality issue is resolved).
- The anticipated level of environmental review.
- If the project site is under the Williamson Act Contract and if the proposed use is permitted under the Contract.
- If the site is located within a special district and if special considerations may be applicable to the project.
- Required application forms, filing fees, and filing requirements/materials.

While the Pre-Application Review is an option for any prospective application, in those cases where an applicant opts not to file for completion of a Pre-Application Review; the information research noted above that typically results from the Pre-Application Review process may not be realized until after the application fees have been accepted and the project has been routed for comment. This being the case, unexpected issues may arise that could impact the processing timeline and cost of the application and/or impact the determination as to whether the application can even continue to be processed as originally submitted. *Please note that if the application cannot be processed as submitted, the processing fees expended thus far will not be refunded.*

By opting out of the Pre-Application Review process, I hereby acknowledge the potential for additional application processing delays and costs.

Dirk Poeschel Land Dev. Serv, inc.
PRINT NAME

JAMES M CORBOY
PRINT NAME

James M Corboy for Dirk Poeschel
SIGNATURE

James M Corboy
SIGNATURE

2-25-22
DATE

2-25-2022
DATE



County of Fresno

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

INITIAL STUDY APPLICATION

INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., USE BLACK INK OR TYPE).

OFFICE USE ONLY

IS No. _____

Project No(s). _____

Application Rec'd.: _____

GENERAL INFORMATION

1. **Property Owner :** Bar 20 Dairy, LLC **Phone/Fax:** 655-8942
Mailing Address: 250 E. Belmont Avenue, Fresno CA 93701
StreetCityState/Zip
2. **Applicant :** H2B2 USA LLC **Phone/Fax:** 303-601-3535
Mailing Address: 1215 K Street, Suite 1700 Sacramento CA 95814
StreetCityState/Zip
3. **Representative:** Dirk Poeschel Land Development Services, Inc **Phone/Fax:** 445-0374
Mailing Address: 923 Van Ness Avenue, Suite 200
StreetCityState/Zip
4. **Proposed Project:** Modify the previously approved Unclassified CUP No. 3691 and Initial Study No. 7943 to allow an alternative power source for a 60 +/- acre solar field for a hydrogen generation facility.
5. **Project Location:** South side of West Whitesbridge
6. **Project Address:** 24387 West Whitesbridge Ave, Kerman CA 93630
7. **Section/Township/Range:** _____ / _____ / _____
8. **Parcel Size:** 324.66 Acres
9. **Assessor's Parcel No.** 015-100-20s **OVER.....**

10. Land Conservation Contract No. (If applicable): N/A

11. What other agencies will you need to get permits or authorization from:

- | | |
|--|--|
| <input type="checkbox"/> LAFCo (annexation or extension of services) | <input type="checkbox"/> SJVUAPCD (Air Pollution Control District) |
| <input type="checkbox"/> CALTRANS | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Division of Aeronautics | <input type="checkbox"/> Department of Energy |
| <input type="checkbox"/> Water Quality Control Board | <input type="checkbox"/> Airport Land Use Commission |
| <input type="checkbox"/> Other _____ | |

12. Will the project utilize Federal funds or require other Federal authorization subject to the provisions of the National Environmental Policy Act (NEPA) of 1969? Yes No

If so, please provide a copy of all related grant and/or funding documents, related information and environmental review requirements.

13. Existing Zone District¹: AE-20

14. Existing General Plan Land Use Designation¹: Agricultural

ENVIRONMENTAL INFORMATION

15. Present land use: Agricultural
Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:
See attached Site Plan

Describe the major vegetative cover: _____

Any perennial or intermittent water courses? If so, show on map: N/A

Is property in a flood-prone area? Describe: Yes. The Northeasternly portion of the property within the Special Flood Hazard area.

16. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):

North: Agriculture

South: Agriculture

East: Agriculture

West: Dairy

23. Proposed source of water:
 (X) private well
 () community system³--name: _____ OVER.....
24. Anticipated volume of water to be used (gallons per day)²: See Operational Statement
25. Proposed method of liquid waste disposal:
 (X) septic system/individual
 () community system³--name _____
26. Estimated volume of liquid waste (gallons per day)²: Typical
27. Anticipated type(s) of liquid waste: Typical
28. Anticipated type(s) of hazardous wastes²: N/A
29. Anticipated volume of hazardous wastes²: N/A
30. Proposed method of hazardous waste disposal²: N/A
31. Anticipated type(s) of solid waste: Typical Office/Commercial Material
32. Anticipated amount of solid waste (tons or cubic yards per day): 1/2 cubic yards per week
33. Anticipated amount of waste that will be recycled (tons or cubic yards per day): N/A
34. Proposed method of solid waste disposal: Private Hauler
35. Fire protection district(s) serving this area: Fresno County Protection District
36. Has a previous application been processed on this site? If so, list title and date: Initial Study 7943 and
 Unclassified Conditional Use Permit 3691

Do you have any underground storage tanks (except septic tanks)? Yes _____ No X

38. If yes, are they currently in use? Yes _____ No _____

TO THE BEST OF MY KNOWLEDGE, THE FOREGOING INFORMATION IS TRUE.

Dan Poescher

SIGNATURE

2.24.22

DATE

¹Refer to Development Services and Capital Projects Conference Checklist

²For assistance, contact Environmental Health System, (559) 600-3357

³For County Service Areas or Waterworks Districts, contact the Resources Division, (559) 600-4259

NOTICE AND ACKNOWLEDGMENT

INDEMNIFICATION AND DEFENSE

The Board of Supervisors has adopted a policy that applicants should be made aware that they may be responsible for participating in the defense of the County in the event a lawsuit is filed resulting from the County's action on your project. You may be required to enter into an agreement to indemnify and defend the County if it appears likely that litigation could result from the County's action. The agreement would require that you deposit an appropriate security upon notice that a lawsuit has been filed. In the event that you fail to comply with the provisions of the agreement, the County may rescind its approval of the project.

STATE FISH AND WILDLIFE FEE

State law requires that specified fees (effective January 1, 2021: \$3,445.25 for an EIR; \$2,480.25 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.

The following projects are exempt from the fees:

- 1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).*
- 2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.*

A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more information.

Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the County.

He Bz by Dina Poescher

Applicant's Signature

2.24.22

Date



County of Fresno

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

AGENT AUTHORIZATION

AUTHORIZATION OF AGENT TO ACT ON BEHALF OF PROPERTY OWNER

The Agent Authorization form is required whenever a property owner grants authority to an individual to submit and/or pursue a land use entitlement application on their behalf. This form must be completed by the property owner and submitted with the land use entitlement application to confirm that the property owner has granted authority to a representative to sign application forms on their behalf and represent them in matters related to a land use entitlement application.

The below named person is hereby authorized to act on my behalf as agent in matters related to land use entitlement applications associated with the property listed below.

Dirk Poeschel
Agent Name (Print or Type)
923 Van Ness, Suite 200
Mailing Address
559-445-0374
Phone Number
015-100-208
Project APN

Dirk Poeschel Land Dev. Serv., Inc.
Company Name (Print or Type)
Fresno CA 93721
City / State / Zip Code
dirk@dplds.com / cesar@dplds.com
Email Address
24387 W. Whitesbridge Rd
Project Street Address

A list consisting of ____ additional properties is attached (include the APN for each property).

Project Description (Print or Type):

Amendment to approved CUP 3691 to allow on
Site solar panels.

The undersigned declares under penalty of perjury that they own, possess, control or manage the property referenced in this authorization and that they have the authority to designate an agent to act on behalf of all the owners of said property. The undersigned acknowledges delegation of authority to the designated agent and retains full responsibility for any and all actions this agent makes on behalf of the owner.

Stephen J. Shehadey
Owner Signature

3/1/22
Date

Stephen J. Shehadey
Owner Name (Print or Type)

559-824-6587
Phone Number

shehadeys@aol.com
Email Address

** If the legal owner of the property is a corporation, company, partnership or LLC, provide a copy of a legal document with this authorization form showing that the individual signing this authorization form is a duly authorized partner, officer or owner of said corporation, company, partnership or LLC.*

G:\4360Devs&PIn\FORMS\F410 Agent Authorization 8-14-19.doc



County of Fresno

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

AGENT AUTHORIZATION

AUTHORIZATION OF AGENT TO ACT ON BEHALF OF PROPERTY OWNER

The Agent Authorization form is required whenever a property owner grants authority to an individual to submit and/or pursue a land use entitlement application on their behalf. This form must be completed by the property owner and submitted with the land use entitlement application to confirm that the property owner has granted authority to a representative to sign application forms on their behalf and represent them in matters related to a land use entitlement application.

The below named person is hereby authorized to act on my behalf as agent in matters related to land use entitlement applications associated with the property listed below.

Dirk Poeschel
Agent Name (Print or Type)

Dirk Poeschel Land Dev. Serv., Inc.
Company Name (Print or Type)

923 Van Ness, Suite 200
Mailing Address

Fresno CA 93721
City / State / Zip Code

559-445-0374
Phone Number

dirk@dplds.com / cesar@dplds.com
Email Address

015-100-205
Project APN

24387 W. Whitesbridge Rd
Project Street Address

A list consisting of ____ additional properties is attached (include the APN for each property).

Project Description (Print or Type):

Amendment to approved CUP 3691 to allow on site solar panels.

The undersigned declares under penalty of perjury that they own, possess, control or manage the property referenced in this authorization and that they have the authority to designate an agent to act on behalf of all the owners of said property. The undersigned acknowledges delegation of authority to the designated agent and retains full responsibility for any and all actions this agent makes on behalf of the owner.

Jim M Corboy
Owner Signature

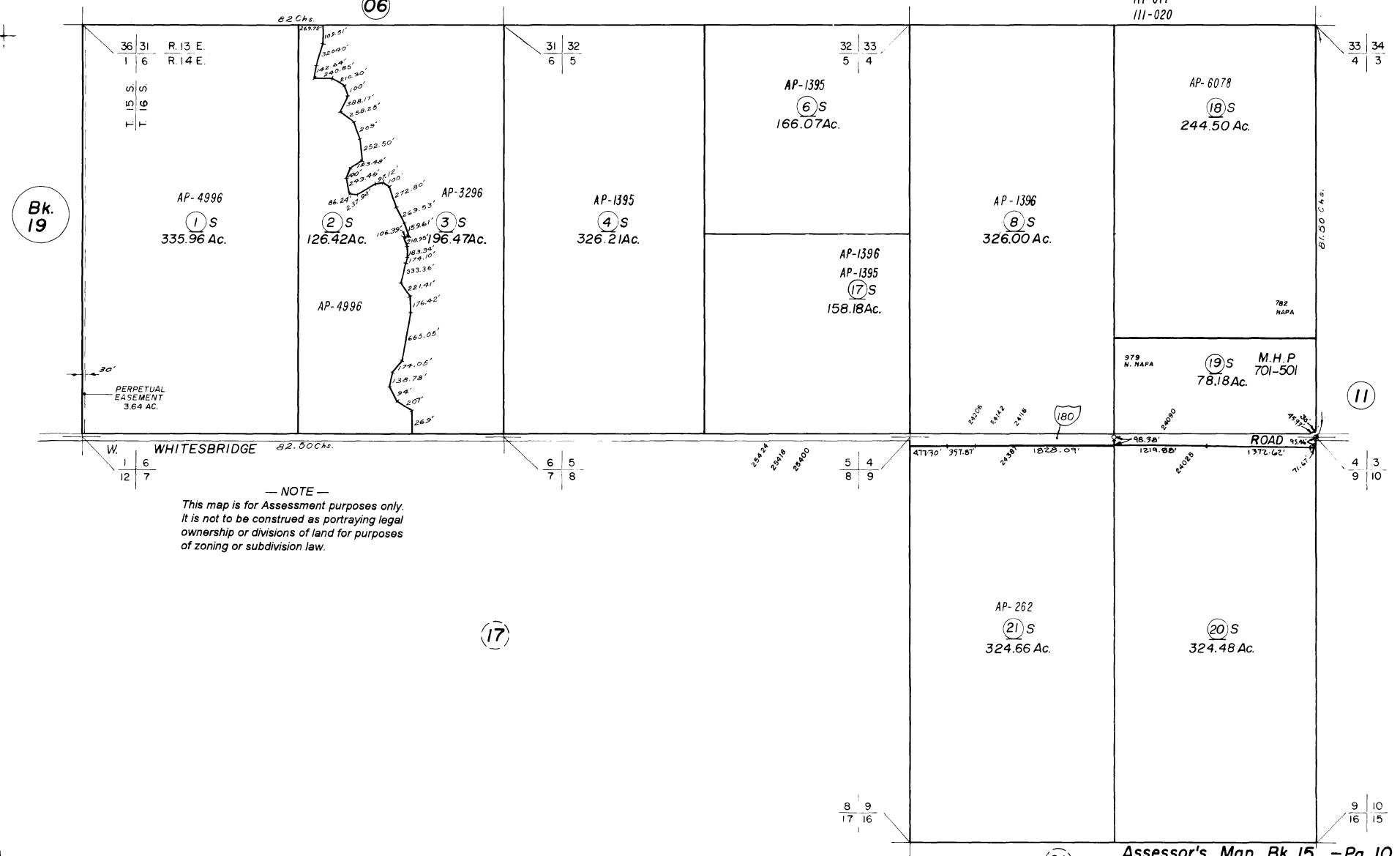
MARCH 1, 2022
Date

JAMES M CORBOY 305.606.3535
Owner Name (Print or Type) Phone Number

jim.corboy@hzb2.es
Email Address

* If the legal owner of the property is a corporation, company, partnership or LLC, provide a copy of a legal document with this authorization form showing that the individual signing this authorization form is a duly authorized partner, officer or owner of said corporation, company, partnership or LLC.

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Bk. 19

— NOTE —
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.

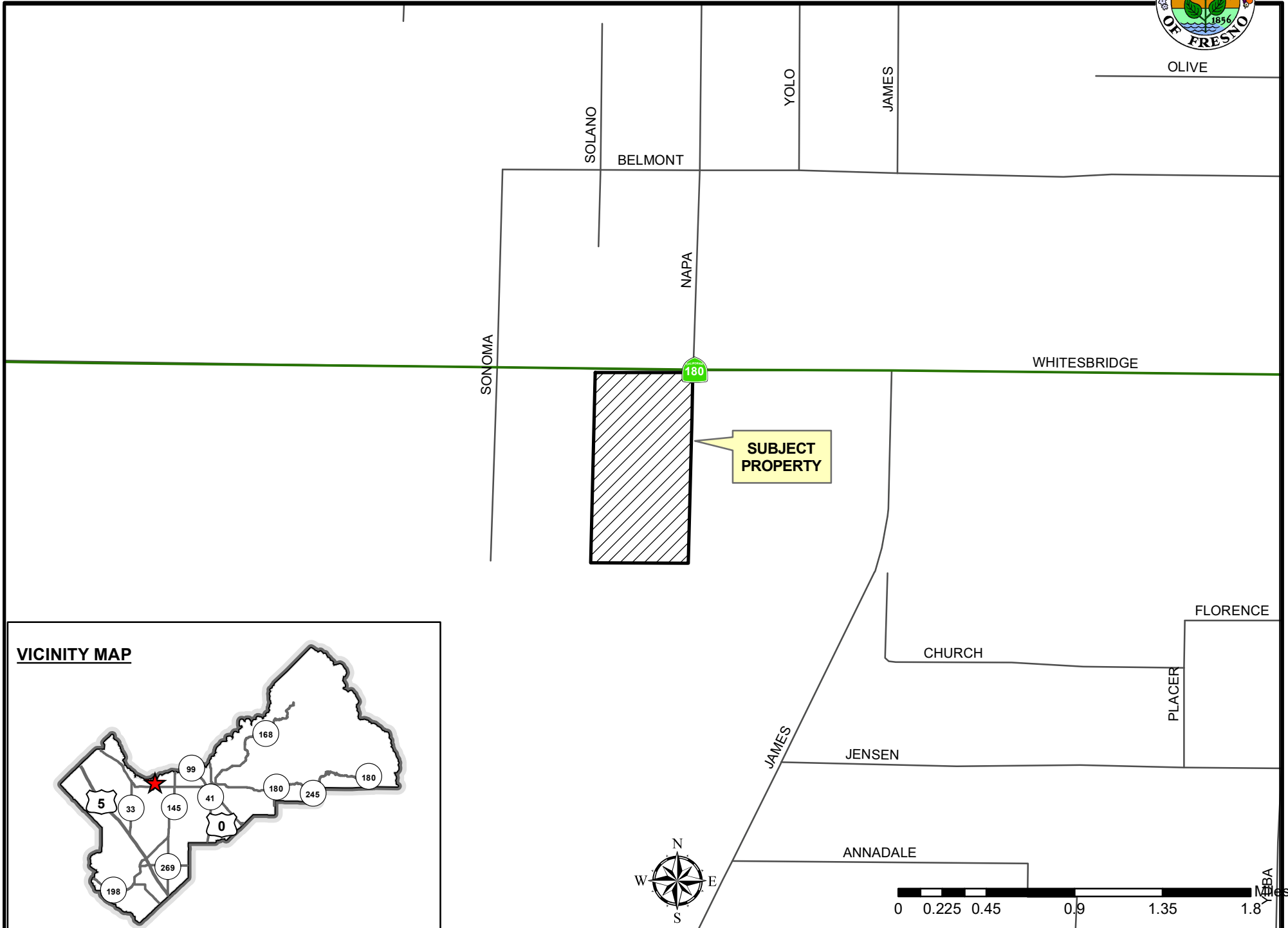
Agricultural Preserve

Assessor's Map Bk. 15 - Pg. 10

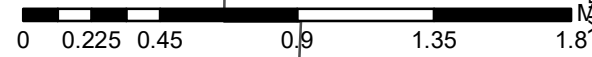
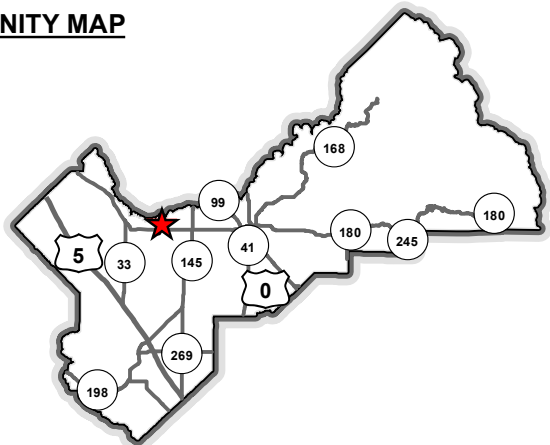
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

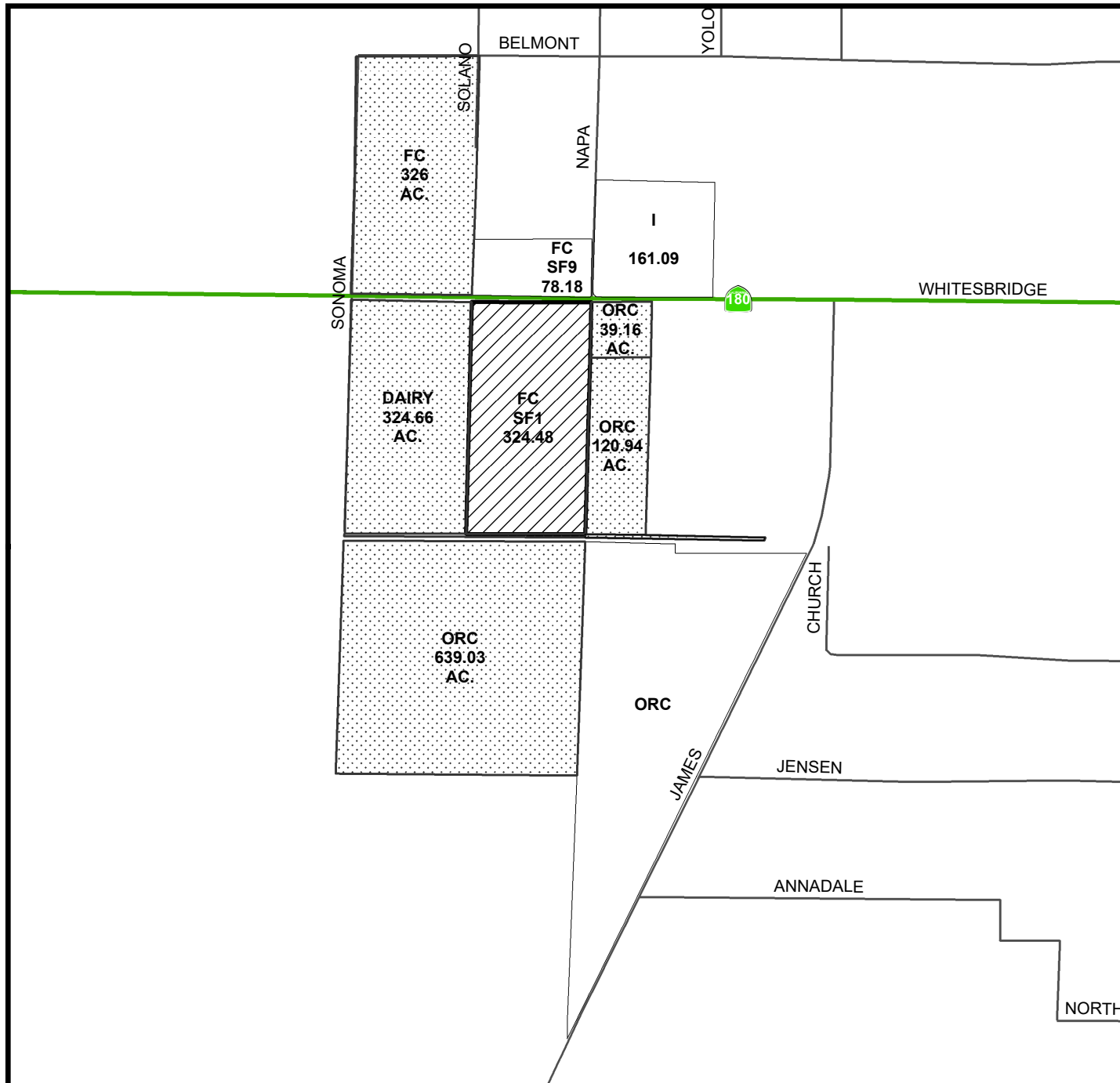
LOCATION MAP



VICINITY MAP





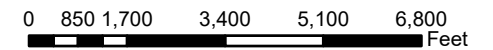
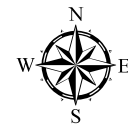
EXISTING LAND USE MAP



LEGEND	
V - VACANT	
DAIRY	
FC - FIELD CROP	
I - INDUSTRIAL	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESIDENCE	

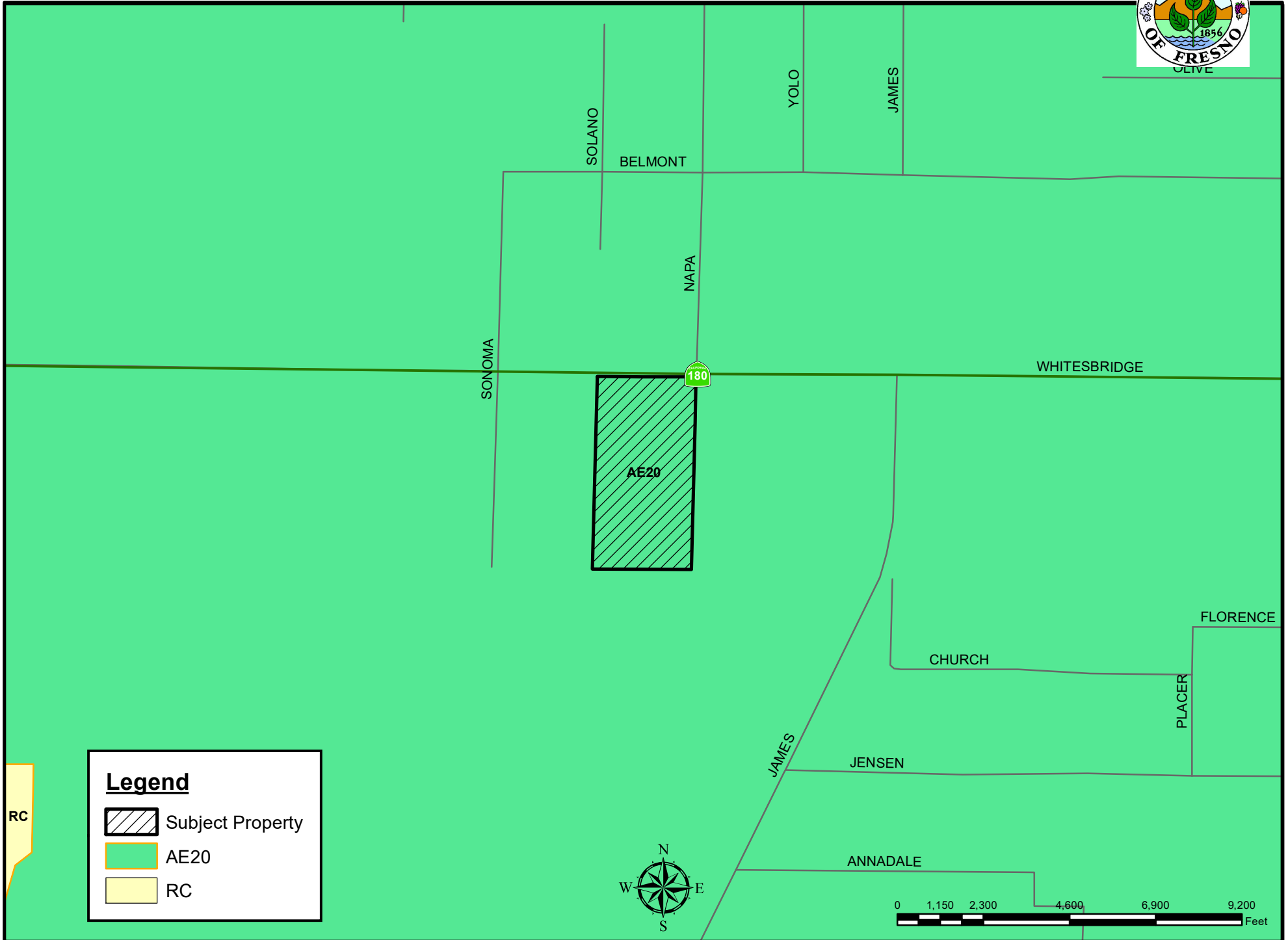
LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

EXISTING ZONING MAP



Legend

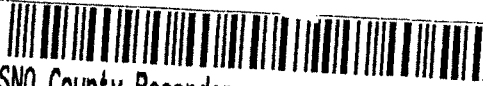
- Subject Property
- AE20
- RC

RECORDING REQUESTED BY:

Chicago Title Company
Escrow No.: 08-45018484-SCF
Locate No.: CACTI7710-7710-4450-0045018484
Title No.: 08-45018484-JB

When Recorded Mail Document
and Tax Statement To:

BAR 20 NO. 4, L.P.
250 E. Belmont Ave.
Fresno, CA 93701



FRESNO County Recorder
Robert C. Werner
DOC- 2008-0094265

Acct 2-Chicago Title Company
Tuesday, JUL 01, 2008 08:00:00
Ttl Pd \$1,618.55
Nbr-0002796957
APR/R1/1-2

APN: 015-100-20s

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)
Documentary transfer tax is \$1,606.55

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DON GRAGNANI and THELMA IRENE GRAGNANI, Co-Trustees, The Don Gragnani and Thelma Irene Gragnani Family Trust, under Declaration of Trust dated December 17, 1992 (a Living Trust),

hereby GRANT(S) to BAR 20 NO. 4, L.P., a California limited partnership,

the following described real property in the unincorporated area, County of Fresno, State of California:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: June 16, 2008

State of California)
County of Fresno)

Don Gragnani
Don Gragnani, Co-Trustee The Don Gragnani
and Thelma Irene Gragnani Family Trust,
U/D/T dated Dec. 17, 1992

On June 17, 2008 before me, Sue Meyer, Notary Public
(here insert name and title of the officer), personally appeared
Don Gragnani and Thelma Irene Gragnani,

Thelma Irene Gragnani
Thelma Irene Gragnani, Co-Trustee, The
Don Gragnani and Thelma Irene Gragnani
Family Trust, U/D/T dated Dec. 17, 1992

who proved to me on the basis of satisfactory evidence to be the
person(s) whose name(s) ~~is~~ are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Sue Meyer* (Seal)



MAIL TAX STATEMENTS AS DIRECTED ABOVE

Escrow No.: 08-45018484-SCF
Locate No.: CACTI7710-7710-4450-0045018484
Title No.: 08-45018484-JB

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

The East half of Section 9, Township 14 South, Range 16 East, Mount Diablo Base and Meridian, according to the Official Plat thereof.

EXCEPTING THEREFROM that portion of said land conveyed to the State of California by Grant Deed dated August 8, 2000, recorded December 20, 2000, as Document No. 2000-0155756.

Except all oil, gas and other hydrocarbon substances within or underlying said property, together with the right to develop, save, take, remove, sell or other dispose of same, rights of way for roads, ditches, canals, pipe lines, pole lines, including telephone and/or electric poles and lines, and other public utilities, right of ingress and egress, right of grantor to take and have for itself, its successors and assigns or lessees, the possession of only so much of said premises as it may require for oil development purposes, payment to grantee for damage to crops, livestock and/or buildings resulting from the exercise of the rights therein reserved, upon the conditions therein set forth, as reserved in the Deed from Wm. G. Kerckhoff Company, a corporation, to G. & S. Ranch Co., a California Corporation, dated August 18, 1943, recorded August 27, 1943 as Document No. 28600 in Book 2126, Page 166, Official Records.

APN: 015-100-20s

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**Project Operational Statement
H2B2 USA, LLC**

February 24, 2022

Applicant: H2B2 USA, LLC
1215 K St., Suite 1700
Sacramento, CA 95814

Record Owners: Bar 20 Dairy, LLC
250 E. Belmont Ave.
Fresno, CA 93701

24387 W. Whitesbridge Rd.
Kerman, CA 93630

APN: 015-100-20s, a portion thereof

Area: 324.66 +/- acres

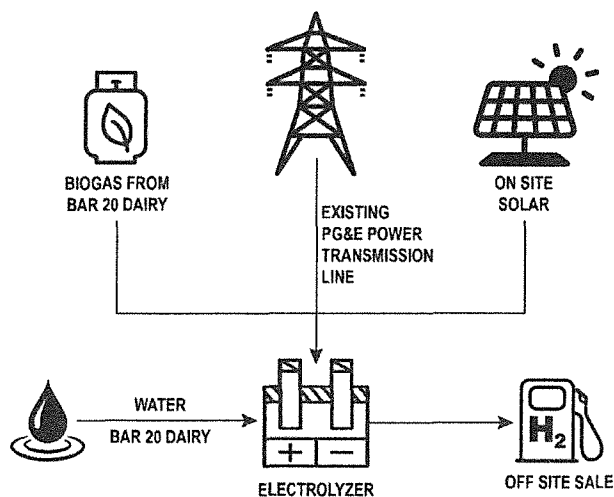
Location: 24387 W. Whitesbridge Rd., Kerman, CA 93630 (Bar 20 Dairy)

Request:

To modify previously approved Unclassified Conditional Use Permit No. 3691 and Initial Study No. 7943 to allow:

1. To increase project efficiency, to slightly reconfigure the previously approved site lay out within the original project boundaries.
2. To allow additional flexibility to use either biogas, solar PV or the existing electricity grid to power the proposed electrolyzer which converts water to hydrogen.

FIGURE 1



No changes to previously approved Unclassified CUP No. 3691 and Initial Study No. 7943 capacity, hours, employees, input or output of project details are proposed.

Background

California's greenhouse gas (GHG) emissions reduction targets are among the most ambitious in the world. In 2016 - four years early - the state achieved its 2020 target, requiring emissions to decrease to 1990 levels. Looking ahead at the beginning of a new decade, the state's climate goals only ramp up in ambition. California Senate Bill 32 became law in 2016, setting a 2030 target of reducing emissions 40 percent below 1990 levels. California's most recent inventory data shows emissions at 424 million metric tons (MMT) of carbon dioxide equivalent (CO₂e) in 2017. Hitting the 2030 reduction target means reducing emissions by an average of 13 MMT of CO₂e annually, or nearly double the annual rate of 7 MMT of CO₂.

California's agricultural sector contributed approximately eight percent of statewide GHG emissions in 2017, mainly from methane (CH₄) and nitrous oxide (N₂O) sources. Sources include enteric fermentation and manure management from livestock, crop production (fertilizer use, soil preparation and disturbance, and crop residue burning), and fuel combustion associated with stationary agricultural activities (water pumping, cooling or heating buildings, and processing commodities).

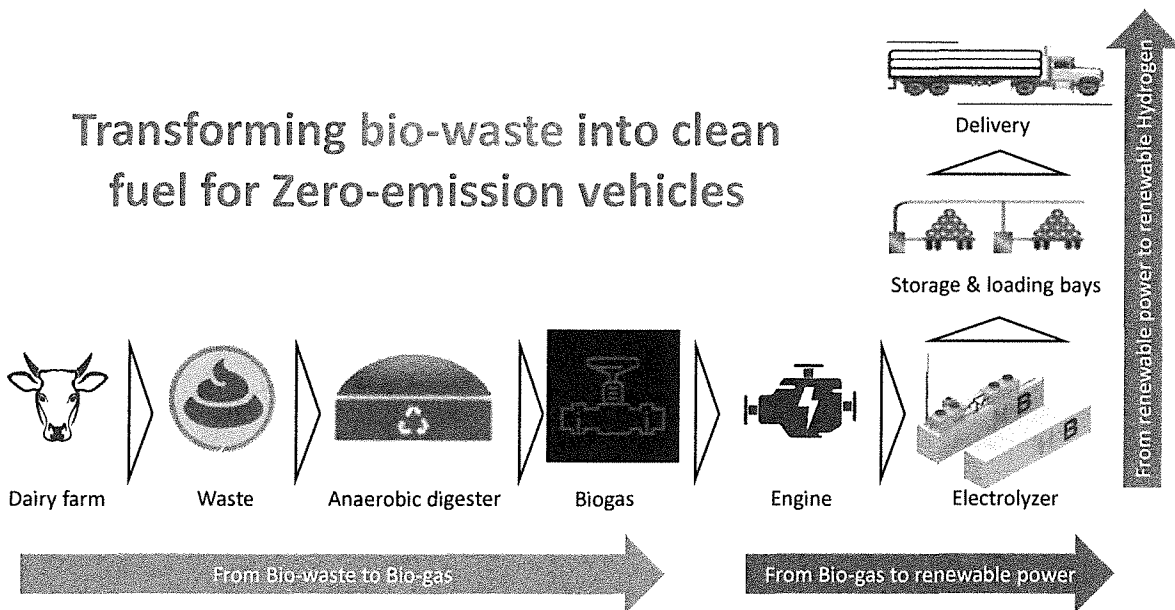
Livestock accounted for approximately 70 percent of agricultural emissions, which were generated primarily in the form of CH₄ from enteric fermentation and manure management. Dairy facilities are a major source of GHG emissions in California, accounting roughly 60 percent of agricultural emissions. GHG emissions from dairy manure management and enteric fermentation followed an increasing trend between 2000 and 2007 as the industry expanded and remained relatively constant since 2007. In short, livestock are estimated to contribute roughly half of California's methane emissions.

The Project is supported by a \$4,000,000 grant from the California Energy Commission ("CEC") under its Clean Transportation Program (formerly known as the Alternative and Renewable Fuel and Vehicle Technology Program).

The Project's electrolyzer and supporting equipment will be powered by the capture of methane biogas that will generate up to 2,000 kg/day of 99.999% pure renewable hydrogen to supply California's expanding network of light-duty hydrogen refueling stations. As alternatives, to make the plant more flexible, existing and new solar PV, and the existing PGE power line will supply power to the previously approved electrolyzer (Unclassified CUP No. 3691 and Initial Study No. 7943) in AC current and convert that current to DC through the previously approved rectifier to power the electrolyzer.

1. Nature of the Operation

FIGURE 2

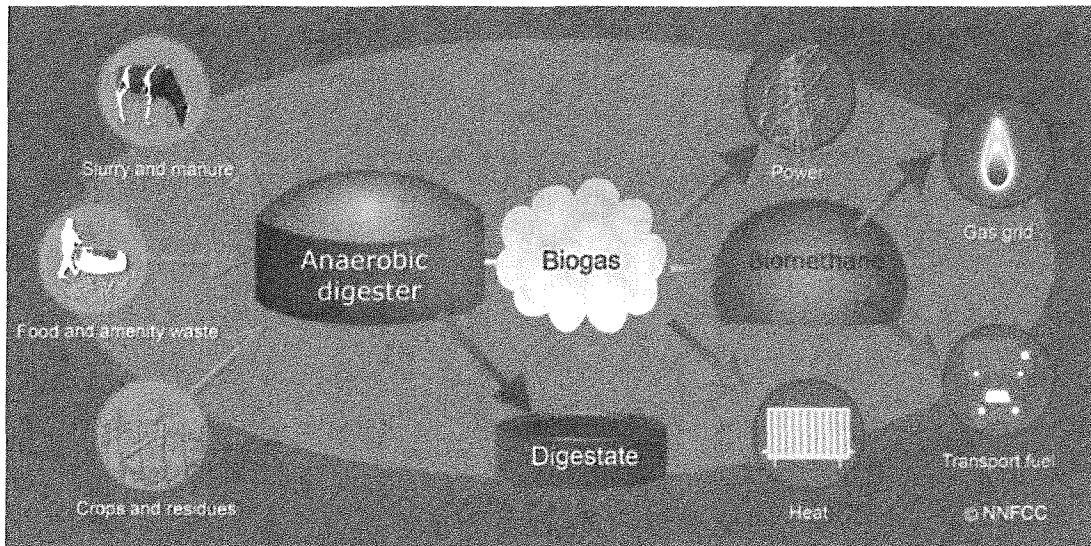


Operations will be sited on a 1.25 +/- acre portion of a 324.66 +/- acre parcel to be leased at the Bar 20 Dairy Farm west the City of Kerman. Applicant will construct, own and operate the proposed hydrogen generation facility utilizing patented PEM (polymer electronic membrane) technology.

The Project will receive bovine pretreated waste that has historically been collected at Bar 20 Dairy. Specifically, manure from the dairy will be flushed into collection areas on the Bar 20 Dairy site then piped to an anaerobic digester located on APN 015-100-21S immediately adjacent to Bar 20 Dairy. The digester has been permitted and will be operated by Bar 20 in collaboration with California Bioenergy, LLC. with the applicant simply a purchaser of the Bar 20 Dairy biogas.

Through the process of anaerobic digestion, the digester produces biomethane (biogas) which consists of 60% methane, to an energy-rich fuel. Waste solids are separated before entering the digester. The waste product or *digestate* is an excellent soil amendment material. The digestate that will be produced each day will be used as fertilizer for Bar 20 Dairy crops and dairy cow bedding.

FIGURE 3

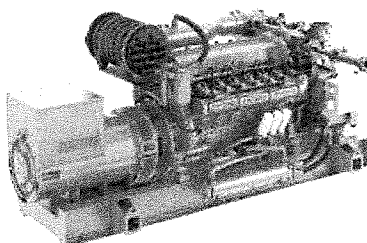


The applicant will convert biogas to electricity via an engine specifically designed to use biogas fuel capable of a high electrical efficiency, flexible operation and power outputs. This electricity will power applicant’s PEM electrolyzer and other Project components. As alternatives, to make the plant more flexible, existing and new solar PV, and the existing PGE power line will supply power to the previously approved PEM electrolyzer in AC current and convert that current to DC through the previously approved rectifier to power for the PEM electrolyzer.

The PEM electrolyzer will operate 24 hours/day, producing hydrogen from 100% renewable sources. Unique advantages of this process are (a) avoidance of intermittent power supply by the use of biogas or electricity; and (b) the ability to store the biogas in onsite containers and generate electricity at the most needed hours of the day.

The engine will be either be a Siemens 125 HP Model # PDC-13-2000/8000 (Figure 3), operating at 1750 RPM or an alternative engine with similar specifications specifically designed to use biogas fuel. Either engine will produce 480 volts of electricity and will be in an enclosed container with anchoring, venting, fire protection, and the like per building code requirements.

FIGURE 4



Existing distribution lines exist along St. Route 180 carrying typical electrical power into the site on poles illustrated on the Project site plan. This PG& E line will be supplemented to bring additional electrical capacity to the site that will be used to, among other things, maintain an uninterrupted supply of sufficient electricity to supplement the electricity produced by the anaerobic digestion. The same electrical power line route will be used so no new easements or disturbance of land will be necessary to serve the site.

An existing paved road on the Bar 20 Dairy immediately proximate to the proposed site will provide site access which is located approximately one-half mile south of Whitesbridge Road (Rt. 180) as shown in the enclosed Project Site Plan.

The PEM electrolyzer will access electricity from the on-site power generator, supplemented by renewable power from the grid to produce clean, renewable hydrogen and oxygen. A PEM electrolyzer is illustrated below.

FIGURE 5



The Project's PEM electrolyzer captures hydrogen and releases the oxygen byproduct into the atmosphere.

There is no discernable noise, glare, dust or odor produced by the operations. Also note the site is very remote with the closest residence being owned by the Bar 20 Dairy.

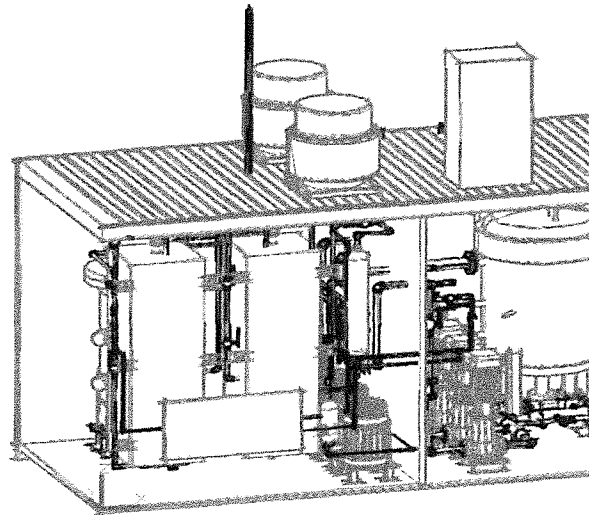
The PEM electrolyzers and related equipment are delivered to the site and operated from 20- and 40-foot containers. Furthermore, the PEM electrolyzer process produces no solid waste. Water used in the process has been processed so it is near drinking-water pure and will be released onto the land for Bar 20 Dairy crop irrigation or re-purified for use in the PEM electrolyzer process. Compressed hydrogen is temporarily stored on-site in vessels prior to dispensing into tube trailers for delivery to hydrogen refueling stations in California's Central Valley. At full operation, it is expected that one-to-two specially built project tube trailers will be at the site daily.

FIGURE 6

Technology

There are **four technology strands** to the development of electrolyzers for hydrogen production:

- **Stack** technology (piling or stacking of membranes where the electrolysis process is performed).
- **Balance of Plant** or BoP (the equipment and auxiliary systems that allow the stack to function).
- **Integration** technology (of the stack with the BoP, electrolyzer with other plant components such as storage and compression, and plant with renewable energy facilities).
- The technology associated to the **O&M**.



The produced renewable hydrogen will be sold under long-term purchase agreements with California's hydrogen refueling station owners, to be used as fuel for the states' expanding fleet of fuel cell electric vehicles. Accordingly, no commercial/retail operations will be conducted on site. The hydrogen refueling stations will be designed, built and operated by others under their own separate land use and environmental permits.

The delivery of hydrogen will be under separate contract to qualified transportation companies independent of the Project that will meet all California Highway Patrol, Department of Transportation and the California Environmental Protection Agency regulations for the handling and transportation of the product.

2. Operational Time Limits

The Project will operate 24/7.

3. Number of Customers/Visitors

The Project is not open to the public. Hydrogen transport deliveries will occur at a rate of one-to-two/day.

4. Employees

H2B2 will employ from five to seven people during the construction phase. Once commissioned, a total of three persons will operate the plant and proposed solar field, each serving one eight-hour shift. Accordingly, one person will be on site 24 hours/day. No employees will live on-site.

5. Service/Delivery Vehicles

No equipment maintenance will occur on site. Routine yard maintenance will keep all areas of the facility clean and free of debris. Once to twice per day, a tube trailer (essentially a flatbed Class 6 - Class 8 vehicle with compression tubes as depicted in the attached rendering) will arrive on site to accept dispensed hydrogen to be delivered to hydrogen refueling sites in the Central Valley.

As described above, the delivery of renewable hydrogen will be under separate contract to qualified transportation companies independent of the Project that will meet all California Highway Patrol, Department of Transportation and the California Environmental Protection Agency regulations for the handling and transportation of the product.

6. Site Access

As illustrated on the Project site plan, a paved, gated entrance to the site exists on W. Whitesbridge Rd. (SR 180) north of the proposed project site. That entry was permitted for the Bar 20 Dairy and has a 100 ft. paved *knock off* area. Site access will be restricted by existing fencing.

7. Number of Parking Spaces for Employees

As illustrated on the project site plan, five paved spaces including one ADA compliant parking stall will be provided on site for employee parking adjacent to the operations. Also, two paved spaces for hydrogen delivery trucks will be provided.

8. Goods Sold on Site

No product is sold on site. Produced renewable hydrogen will be sold under long-term purchase agreements from the hydrogen refueling station owners. The delivery of hydrogen will be under contract for transport only.

9. Equipment Used

Project equipment requirements are:

- (i) a generator capable of using biogas produced through anaerobic digestion
- (ii) a PEM Electrolyzer assembled and integrated by H2B2 Electrolysis Technologies, packaged and shipped in 20- 40-foot containers.
- (iii) a compressor utilized to compress gaseous hydrogen to approximately 2,750 PSI.
- (iv) in-place compression tubes for temporary storage.
- (v) dispensers that transfer stored gaseous hydrogen to the tube trailers.
- (vi) Rectifier to change current from ac to dc current

Equipment vendors are under evaluation. However, all vendors are internationally recognized suppliers and leaders in their respective industry.

10. Supplies/Materials

Typical mechanical and office supplies will be stored on site. However, no hazardous materials will be stored onsite.

11. Does the Use Cause an Unsightly Appearance, Noise, Glare, Dust, Odor

The site is within a larger 324.66+/- acre Bar 20 Dairy. The hydrogen conversion facility will occupy only 1.5 +/- acres of the Bar 20 Dairy. The proposed solar field will occupy 60+/- acres.

No speakers of any kind are used at the facility. All requirements of the County of Fresno Noise Ordinance will be met. There will be no outdoor public address system. Further, due to the size of the Bar 20 Dairy, there are no proximate noise receptors. All transport vehicles will comply with manufacturers' and applicable regulations including mufflers, idling, etc.

During night operations, outdoor security lighting will illuminate the 20- and 40-foot electrolysis containers, compressor and related support equipment. All lighting will be hooded in downward direction focusing on the Project.

The site roads and parking areas will be surfaced per Fresno County standards for all weather conditions.

The project plant or solar field produces no odors and is part of a 324.66 +/- acre operational dairy. The closest receptor is located in APN 015-100-21S which is owned by Bar 20 Dairy, LLC.

12. Solid/Liquid Waste Produced

The PEM electrolyzer produces no solid or liquid waste. It is estimated the Project will generate approximately one-half a cubic yard of waste per week of typical office/commercial materials such as paper, food wrappers, cardboard, etc. Waste generated by employees will be placed in appropriate 33-gallon capacity trash receptacles (separated by type of waste). It is estimated 8 cubic feet of waste will be generated per week. Said waste is disposed of in county mandated trash receptacles for removal by a private hauler to be identified.

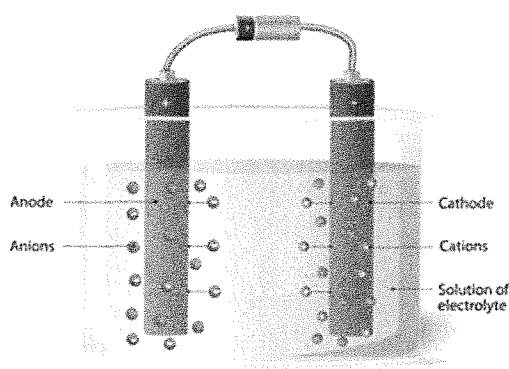
The applicant is considering utilizing a certified mobile office that would include restroom facilities. The septic effluent disposal will be in accordance with LAMP requirements.

13. Estimated Volume of Water Used

From the stoichiometric (the conversion between one chemical and a different chemical) point of view, the Project requires 9 kg of water in the PEM electrolyzer stack to produce 1 kg of hydrogen (and 8 kg of oxygen).

At maximum capacity of 2,000 kg/day renewable hydrogen, the Project will need 18,000 kg of water or approximately 4,755 net gallons (1 kg = 0.264172503 gallons). However, since the water must be extremely pure and deionized water, the Project will have a gross usage of between 6,340 and 7,925 gallons of water in the electrolyzer; 4,755 gallons are used in the stack, and 1,585 to 3,170 are “rejected”. These “rejected” gallons are near-drinkable water. The rejected water is not “contaminated” in any way as the electrolysis process simply extracts metals and adds nothing to the water. This water will be used for crop irrigation.

FIGURE 7



What is electrolysis?

Electrolysis is merely a process in which a direct electric current is used to dissociate the water molecule into its components: oxygen and hydrogen.



14. Proposed Advertising

There will be no business signage. All signage for safety, as per Cal OSHA, etc. will be posted as required.

15. Existing or New Buildings Constructed

No new buildings are proposed or required. All equipment is encased in self-fulfilling containers.

16. Building/Proportion of Buildings Used in the Operation

No buildings will be used or built. The entire plant is contained in 20- and 40-foot containers. Please see the attached site plan and related site pictures.

17. Outdoor Lighting or Sound Amplification

During night operation, outdoor lighting will illuminate electrolysis, compression, storage, and dispensing components of the Project. All lighting will be downward hooded fixtures.

The project will also utilize security cameras covering the facility 24/7.

18. Landscaping/Fencing

No landscaping is proposed for the project. Fencing will surround the plant as depicted in the project rendering and site plan.

19. Other Information Providing Clear Understanding of the Project Operations

Surface drainage and runoff control:

Site and drainage will occur in accordance with County of Fresno requirements.

Employee Training:

Employee training logs are retained corresponding to assigned equipment. The project will train employees and conduct safety meetings on pertinent subject for operations. Special emphasis is placed on general safety, housekeeping and emergency procedures.

Fuel storage:

Fuel consumed to power the PEM electrolyzer is generated on site. No external sources of fuel are required

Safety equipment:

The project will comply with all applicable design, construction, operational and safety standards, among other things, the Nation Fire Protection Association NFPA2 requirements specific to hydrogen. The project will comply with all NFPA2 Code which regulates:

- Storage of hydrogen in bulk and non-bulk quantities
- Dispensing and fueling of hydrogen for vehicles and vehicle servicing and repair
- Systems for fuel cell power and generation, such as backup power systems using polymer electrolyte membrane (PEM) fuel cells and forklifts
- Applications involving combustion processes and special atmospheres, including electrolytic production of hydrogen.

As stated earlier, the project will comply with all California Highway Patrol, Department of Transportation and California Environmental Protection Agency requirements.

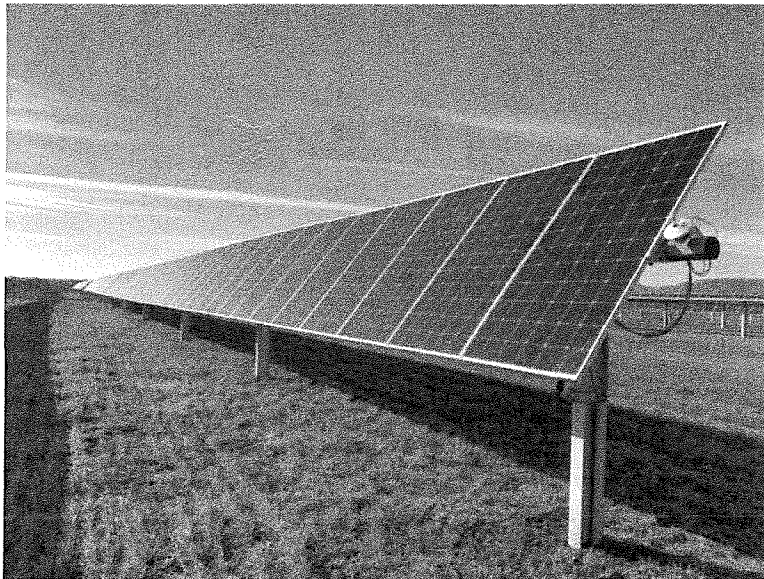
Safety equipment is available to all personnel.

By contract with the California Energy Commission, the Project is required to develop an approved Safety Plan for review by the Hydrogen Safety Council, Chaired by Nick Barilo of Pacific Northwest National Laboratory and approved by the California Energy Commission.

Per the applicant's meeting with the Fresno County Fire Marshall, a fire protection plan is currently being orchestrated.

Solar Panels

FIGURE 8



The project will utilize typical solar panels shown below that rotate towards the sun for maximum efficiency. The panels will be cleaned periodically but require no on site staff to operate them as they are monitored by telemetric communications.

20. Owners, Officers and/or Board Members

H2B2 USA, LLC, sponsor of the Project, is 100% owned by H2B2 Electrolysis Technologies, Inc., a Delaware corporation. H2B2 USA, LLC is managed by CEO James M. Corboy. There is no independent Board of Directors.

Emergency Contact List

The site will be continually manned. This facility's contact numbers will be provided to and updated annually to all other concerned agencies (i.e., Fresno County Environmental Health, fire departments, medical and Sheriff Department, etc.)

m:\current clients\h2b2 on site solar 22-08\operational statement.docx

PROJECT AERIAL SITE PLAN / VICINITY MAP



APN: 015-100-205
 Site Area: 125.1 acres
 Existing Use: Agriculture
 General Plan Designation: Exclusive Agriculture
 Zoning: AE20
 Source of Water:
 Source of Sewer:
 Source of Gas:
 Source of Electricity:
 Solid Waste:
 Storm Drainage:
 Site Owner:
 BAR 20 Dairy, LLC
 298 E. Belmont Ave.
 Fresno, CA 93701

Applicant:
 H2B2 USA, LLC
 2000 N. Fresno Street, Suite 1100
 Sacramento, CA 95811

Applicant Representative:
 Dirk Poeschel
 Land Development Services, Inc.
 923 Van Ness Avenue, Suite 200
 Fresno, CA 93721
 (559) 445-0374



NOTE:
 THIS SITE PLAN IS FOR INFORMATIONAL PURPOSES ONLY.
 IT IS NOT TO BE USED FOR ANY OTHER PURPOSES.
 THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY
 PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
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 PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
 THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY
 PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.

DIRK POESCHEL
 Land Development Services, Inc.

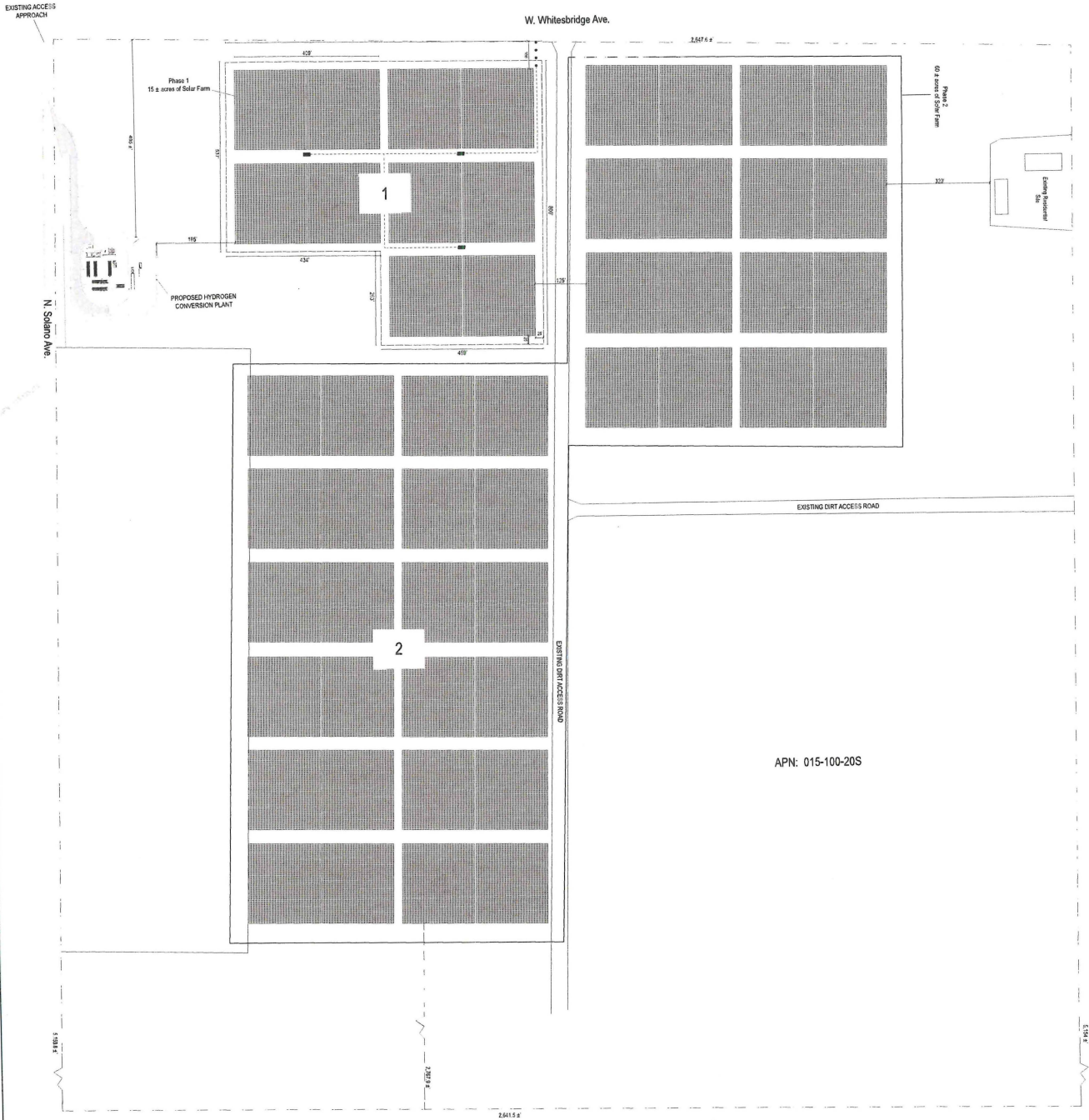
DIRK POESCHEL
 Land Development Services, Inc.
 923 Van Ness Avenue #200, Fresno, California 93721
 559 / 445-0374 Fax: 559 / 445-0551

H2B2 USA, LLC - Solar Farm Site Plan
 Bar 20 Dairy
 24387 W. Whitesbridge Ave.
 Kerman, CA 93630

DRAWN BY:	M. Sporn
PROJECT NO.:	2024
DRAWN:	
REVISION:	
DATE:	
REVISION:	
DATE:	

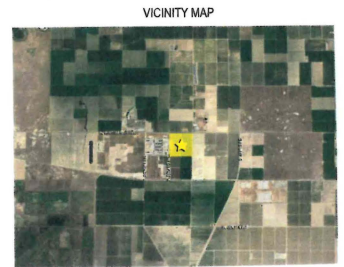
SHEET NO.: **1**
 OF 2 SHEETS

CONDITIONAL USE PERMIT No.



APN: 015-100-20S

APN: 015-100-20S
 Site Area: 324.48 ± acres
 Existing Use: Agriculture
 General Plan Designation: Exclisive Agriculture
 Zoning: AE20
 Source of Water:
 Source of Sewer:
 Source of Gas:
 Sources of Electricity:
 Solid Waste:
 Storm Drainage:
 Site Owner:
 BAR 20 Dairy, LLC
 250 E. Belmont Ave.
 Fresno, CA 93701
 Applicant:
 H2B2 USA, LLC
 1215 K Street, Suite 1700
 Sacramento, CA 95814
 Applicant Representative:
 Dirk Poeschel
 Land Development Services, Inc.
 923 Van Ness Avenue, Suite 200
 Fresno, CA 93721
 (559) 445-0374



Example of Solar Farm layout

NOTE:
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DRAWN BY: N. Sycamore
 PROJECT NO: 2024
 DESIGNED BY:
 CHECKED BY:
 DATE:
 SHEET NO.:
 OF 2 SHEETS

H2B2 USA, LLC - Solar Farm Site Plan
 24387 W. Whitesbridge Ave.
 Kerman, CA 93630

DIRK POESCHEL
 Land Development Services, Inc.
 923 Van Ness Avenue #200, Fresno, California 93721
 559 / 445-0374 Fax: 559 / 445-0551

