



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 January 25, 2024

SUBJECT: Unclassified Conditional Use Permit Application No. 3709; Variance Application No. 4112; Environmental Impact Report No. 8077.

Allow a pistachio processing facility comprised of a four-phase project consisting of 2 drive-over dumping pits, 2 pre-cleaning areas, 2 huller buildings, 40 dyers with a height of 29 feet, 48 silos with a height of 50 feet and a processing building in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and

A Variance to allow the 48 proposed silos to be 50-feet in height and the 2 proposed huller buildings to be 42.5-feet in height (maximum 35-foot allowed) in the AE-20 Zone District, and

Allow processed water from the proposed facility conveyed via existing subsurface piping to irrigate approximately 3,740 acres of agricultural land owned by the owner.

LOCATION: The project site is proposed to be located on a 98-acre portion of a 316.22-acre parcel which contains the 98-acre processing facilities portion of the project is located at the northwest corner of W. Muscat Avenue and S. Newcomb Avenues approximately 9.7 miles south of the City of Firebaugh (APN 019-150-64S), and

The 3,760 acres of agricultural land is located approximately two to six miles to the northeast of the project site.

OWNER: Stamoules Produce Company

APPLICANT: OPA Pistachios

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

1. Move to:
 - Determine that the Final EIR (FEIR) was presented to, reviewed, and considered by the Planning Commission;
 - Determine the certification of the FEIR reflects the Planning Commission’s independent judgement;
 - Adopt the California Environmental Quality Act (CEQA) Findings of Fact and Statement of Overriding Considerations and certify that the Environmental Impact Report (EIR) No. 8077 prepared for the S. Stamoules, Inc. Pistachio Processing Facility Project processed under Unclassified Conditional Use Permit No. 3709 and Variance Application No. 4112 as complete and adequate in conformance with the California Environmental Quality Act (CEQA); an
2. Move to determine the required Findings can be made to approve Unclassified Conditional Use Permit Application No. 3709 and Variance Application No. 4112, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
3. Direct the Secretary to prepare a Resolution documenting the Commission’s action.

EXHIBITS:

1. Mitigation Monitoring and Reporting Program, Conditions of Approval and Project Notes (Mandatory Requirements)
2. Location Map
3. Zoning Map
4. Land Use Map
5. Site Plans, Floor Plan, Elevations
6. Project Description/Operational Statement and Findings
7. CEQA Findings of Fact and Statement of Overriding Considerations
8. Draft Environmental Impact Report (DEIR) No. 8077
9. Compiled Appendices A-J
10. Final EIR No. 8077
11. Late comments on Draft EIR

NOTE: Exhibits 8 and 9 were previously distributed to members of the Planning Commission as part of the Advance Agenda Item Material on January 8, 2024. The exhibits consisting of the Draft EIR, Appendices, and the Final EIR was distributed to members of the Planning Commission as part of the Advance Agenda Item Material on January 11, 2024 as well as all other related documents, for the S. Stamoules Inc Pistachio Processing Facility Project which are available at the following link: <http://www.co.fresno.ca.us/EIR>

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No Change

Criteria	Existing	Proposed
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No Change
Parcel Size	(APN 019-150-64S) (APN 019-040-13S) (APN 019-040-25S) (APN 019-050-64S) (APN 012-180-19S) (APN 019-050-62S) (APN 019-040-23S) (APN 012-180-20S) (APN 019-040-14S) (APN 019-050-44S) (APN 019-040-28S) (APN 019-050-63S) (APN 019-040-22S)	No Change
Project Site	Historical agricultural crops grown on the project site include pistachio, tomatoes, oats, barley, and cotton. The site is currently used to grow cantaloupe.	Construction of a pistachio hulling, processing, and packing facility which will use the treated processed wastewater from the facility to irrigate approximately 3,740 acres of agricultural land in the vicinity owned by the Applicant.
Structural Improvements	None	<p>Phase I (2024)</p> <ul style="list-style-type: none"> • 5,608 square-foot drive over dumping pit area • 3,900 square-foot pre-cleaning area • 22,040 square-foot huller building (42.6-foot- tall) • 10 dyers each 29-foot-tall • 18 silos each 50-foot-tall <p>Phase II (2025-2027)</p> <ul style="list-style-type: none"> • 155,169 square-foot processing building <p>Phase III (2028-2029)</p> <ul style="list-style-type: none"> • 10 dyers each 29-foot-tall <p>Phase IV (2030-2031)</p>

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> • 5,608 square-foot drive over dumping pit area • 3,900 square-foot pre-cleaning area • 22,040 square-foot huller building (42.6-foot-tall) • 20 dyers each 29-foot-tall • 30 silos each 50-foot-tall
Nearest Residence	None	No Change
Surrounding Development	Orchards and row crops	No Change
Operational Features	N/A	See above “Project Site”
Employees	No permanent employees. Sporadic farm labor employed during intermittent farming operations.	<ul style="list-style-type: none"> • 4 employees performing administrative tasks. • 10 employees operating the facility.
Customers	N/A	None
Traffic Trips	N/A	A Traffic Impact Study was prepared for this project by LSA Associates, dated July 2023.
Vehicle Miles Traveled	None	<p>Based on Fresno COG VMT Guidelines:</p> <ul style="list-style-type: none"> • 51 Passenger Car Equivalent (PCE) trips during both the a.m. and p.m. peak hours • 653 daily PCE trips during the peak harvest season.
Lighting	None	Shielded lighting in the parking areas, in the Huller Building, and in certain outdoor areas of the Huller Area.

Criteria	Existing	Proposed
Hours of Operation	N/A	7:30 am-4:30 pm (Office) 6:00 am – 4:00 pm (Material receiving) 6:00 am – 11:00 pm (Material Processing; Peak Season Only) 7:30 am – 4:30 pm (Maintenance)

EXISTING VIOLATION AND NATURE OF VIOLATION: None

ENVIRONMENTAL ANALYSIS:

As stated in CEQA Guidelines §15121(a), an EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. An EIR is not intended to recommend either approval or denial of a project. Rather, an EIR is a document whose primary purpose is to disclose the potential environmental impacts associated with an action or “project.”

In addition, CEQA Guidelines §15151 contains the following standards of adequacy:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.

As required by CEQA Guidelines §15120(c), an EIR shall:

- Provide a sufficiently detailed project description;
- Discuss the existing environmental setting;
- Identify and evaluate potential environmental impacts of the project, the cumulative effects of the project, and other existing or proposed activities in the vicinity;
- Describe feasible mitigation measures that could substantially lessen or avoid the project's significant adverse environmental impacts; and
- Identify and evaluate alternatives to the project that could substantially lessen or avoid any of the project's significant environmental impacts.

CEQA does not require evaluation of all possible alternatives, only evaluation of “a range of reasonable alternatives” to encourage both meaningful public participation and informed decision making [CEQA Guidelines §15126.6(a)]. “The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds” [*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines §15126.6(f)(3)]. In

addition, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) (134 Cal.App.3d 1022, 1029), “Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.”

An Unclassified Conditional Use Permit (CUP) Application No. 3709 and Variance Application (VA) No. 4112 for the S. Stamoules Inc Pistachio Processing Facility Project was submitted to Fresno County on June 17, 2021. The EIR prepared for this CUP and VA is consistent with CEQA (Pub. Res. Code §21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.). Technical analysis was conducted, and public comment was solicited and considered to ensure that potential environmental impacts of the project have been evaluated and disclosed in the EIR. A summary of the environmental review steps and public comment process is below:

- A Notice of Preparation (NOP) was prepared for the Project and circulated to all trustee agencies, responsible agencies, and interested parties beginning on July 8, 2022, for a 30-day review period ending on August 9, 2022.
- On July 25, 2022, the County Department of Public Works and Planning, Development Services and Capital Projects Division, hosted a public scoping meeting (virtual) at the said Division, to discuss the DEIR, the project review process and to receive public comments.
- A Notice of Availability (NOA) for the Draft EIR was filed with the County Clerk’s Office on October 31, 2023, and with the State of California Clearinghouse on November 1, 2023.
- A Notice of Completion (NOC) for the Draft EIR was filed with the State of California Clearinghouse on November 1, 2023.
- A Notice of Availability (NOA) of the Draft EIR was published in the Business Journal, and on the County’s website on November 1, 2023; and notifications of the document’s availability was mailed to the project’s distribution list to inform individuals, organizations, and agencies that previously expressed interest in the Project.
- The Draft EIR was circulated for review and comment during a 45-day period that begin November 1, 2023, and ended on December 18, 2023.
- The Draft EIR was made available for public review at Fresno County Main Library, Mendota Branch Library, and on the County’s website.
- Copies of the Draft EIR were provided to responsible agencies, trustees, and other federal, state, and local agencies expected or known to have expertise or interest in the resources that the Project may affect.
- Copies of the Draft EIR or notices of the Draft EIR’s availability were sent to organizations and individuals with special expertise on environmental impacts and/or who had previously expressed an interest in this project or other activities.
- On January 11, 2024, the Final EIR, which included responses to comments on the Draft EIR and NOA for the Final EIR were made available in electronic form via the County’s website and filed with the State of California Clearinghouse. A printed copy of NOA, Final EIR and a CD were made available for public review at Fresno County Public Works and Planning Department, 2220 Tulare Street, Suite A, Street Level.
- On January 12, 2024, the NOA for the Final EIR and Notice of Public Hearing were published in the Business Journal.

- On January 10, 2024, the NOA for Final EIR was recorded/posted with the Fresno County Clerk's office.
- On January 12, 2024, the NOA for the Final EIR, and Notice of Public Hearing (NPH) were provided via postal service to agencies, organizations, and members of the public who were included on the Project's distribution list and those who had specifically requested notice.

The Draft EIR determined that the project would not have a "No Impact" result to any of the listed categories, but did find that the project would have:

Less-than-significant impact regarding:

- Aesthetics
- Energy
- Hazards and Hazardous Materials
- Land use and Planning
- Hydrology and Water Quality
- Noise
- Transportation
- Utilities and Service Systems

Less-than-significant impact with the implementation of recommended Mitigation Measures regarding:

- Air Quality
- Agriculture and Forestry Resources
- Biological Resources
- Geology and Soils
- Cultural and Tribal Cultural Resources

The Project would have significant and unavoidable impact regarding:

- Greenhouse Gas Emissions

As required by CEQA, this EIR examines alternatives to proposed project. Studied alternatives include the following three alternatives. Based on the alternatives analysis, Alternative 3 was determined to be the environmentally superior alternative.

- Alternative 1: No Project
- Alternative 2: Reduced Project
- Alternative 3: Off-site (alternate location)

CEQA requires that an environmentally superior alternative be identified among those analyzed. It further states that if the No Project Alternative is identified as environmentally superior, the next most environmentally superior alternative must also be identified. When taking into account every environmental impact area, Alternative 1 (No Project) is the environmentally superior alternative. However, CEQA requires that if the No Project alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives. In that case, Alternative 2 (Reduced Project) is the environmentally superior alternative compared to Alternative 3.

Exhibit 1 lists the environmental impacts of the proposed project, the proposed mitigation measures, and residual impacts or levels of significance after mitigation. Impacts are defined as significant, unavoidable adverse impacts that require a statement of overriding consideration, pursuant to Section 15093 of the CEQA Guidelines if the proposed project is approved;

significant, adverse impacts that can be feasibly mitigated to less than significant levels and that require findings to be made under Section 15091 of the CEQA Guidelines; adverse impacts that are less than those allowed by adopted significance thresholds; and no impact. As noted in Exhibit 7 (CEQA Findings and Statement of Overriding Consideration) resulted from the preparation of the EIR, the EIR determined that impact resulting from the adoption of the EIR would result in significant and unavoidable impacts to greenhouse gas emissions.

The Draft EIR was previously provided to the Planning Commission on January 8, 2024.

PUBLIC NOTICE:

Consistent with County's operating policies, notices of this public hearing were sent to 371 property owners within one mile of the subject parcels, exceeding the 300-foot minimum notification requirements prescribed by California Government Code Section 65091 and the County Zoning Ordinance. Notices were also sent to 45 other interested parties.

PUBLIC COMMENT:

Comments from the public and responsible agencies were received in response to the Draft EIR during the 45-day public comment period are addressed in the Final EIR document. A late comment letter from Advocates for the Environment, a non-profit public-interest law firm was received after the comment period for the Draft EIR. The letter and corresponding responses are included as Exhibit 11. Additionally there is a late comments received from the project Applicant regarding the project alternative analysis of EIR. The comments do not warrant any alteration to the conclusions of the EIR, modifications or addition of mitigation measures and/or conditions of approval.

PROCEDURAL CONSIDERATIONS:

In order for the project to be approved, the EIR must first be certified as complete and adequate in conformance with the California Environmental Quality Act (CEQA).

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

A Variance may be approved only if four findings specified in the Zoning Ordinance are made. The subject Conditional Use Permit cannot be approved unless the concurrent Variance Application No. 4112 is also approved.

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

BACKGROUND INFORMATION:

The applicant has applied for an Unclassified Conditional Use Permit No. 3709 to construct a pistachio processing facility with 50-foot-high storage silos on a 98-acre portion of a 316.22-acre parcel and to irrigate approximately 3,740 acres of cultivated farmland in the area with processed water from the proposed facility.

If approved, the proposed project would be implemented in four phases, and each phase would include the construction and addition of buildings, working areas and equipment to increase the capacity of the project site.

Phase I would occur in 2024 and would include the construction of an approximately 5,608 square foot drive-over dumping pit area, where trucks carrying pistachios would unload goods

into four approximately 9x10-foot pit stations. A 3,900-square-foot pre-cleaning area would contain equipment to eliminate large debris from the pistachio loads. A huller building with an area of approximately 22,940 square feet and approximately 42.6 feet in height would also be constructed. Ten approximately 26-foot-long, 8-foot-wide and 29-foot-tall dryers and 18 approximately 52-foot-wide and 50-foot-tall, galvanized steel silos, each of 2,200,000-pound capacity, would be added to the project site west of the proposed huller building.

Phase II would occur between 2025 and 2027, and would include the construction of the processing building, an approximately 155,169-square-foot, steel-framed, industrial-style building with insulated metal panel exterior walls.

Phase III would occur between 2028 and 2029 and would include the installation of the processing equipment inside the processing building constructed during Phase II. This equipment includes scales, baggers, hoppers, roasters, and forklifts. Additionally, 10 dryers and twelve silos with the same dimensions and style of those constructed during Phase I would be added adjacent to the existing dryers and storage silos in the project site.

Phase IV would occur between 2030 and 2031 and would include the construction of a second huller building with the same square footage and height as the one in phase I a second drive-over dumping pit area, and an additional pre-cleaning area with the same dimensions as the facilities constructed during Phase I. Additionally, 20 dryers and 30 silos with the same dimensions and style of those constructed during Phase I would be added to the north of the existing dryer and storage silo areas of the project site

REQUIRED CUP FINDINGS:

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Exceeds the minimum setbacks required of the AE-20 Zone District	Yes
Parking	One parking space for every two employees on site; one of which shall be an ADA parking stall (van accessible)	30 parking spaces including ADA spaces <i>(Note: 7 parking spaces required)</i>	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	40 feet between animal shelter and building for human occupancy	N/A	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code	Perimeter chain-link fence.	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Septic Replacement Area	100 percent for existing system	Development of any onsite septic system shall comply with the Local Area Management Plan (LAMP)	Yes
Water Well Separation	<ul style="list-style-type: none"> • Building sewer/septic tank: 50 feet • Disposal field: 100 feet • Seepage pit/cesspool: 150 feet 	The project will utilize two existing onsite irrigation wells	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

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

Finding 1 Analysis:

Staff review of the site plan determined that the proposed improvements meet the minimum setback requirements of the AE-20 Zone District. All improvements will be set back more than 35 feet from the east property line (35 feet required), more than 20 feet from the west property line (20 feet required), more than 20 feet from north property line (20 feet required), and more than 20 feet from south property line (20 feet required). The 316.22-acre parcel is adequate in size to accommodate the proposed improvements on the 98-acre portion of the parcel.

Regarding sufficiency of onsite parking, the Zoning Ordinance requires one parking space for every two employees on site; one of which shall be an ADA parking stall. The project will employ 14 employees and would require 7 parking stalls including one handicapped accessible. The applicant-submitted project Site Plan (Exhibit 5) depicts 30 parking spaces, including two (2) handicapped-accessible spaces, which meets the requirement.

Recommended Conditions of Approval:

Development shall be substantially in accordance with the submitted site plan, a Site Plan Review application will be required to be processed prior to permits being issued.

Finding 1 Conclusion:

Based on the above information and with adherence to Site Plan Review as a recommended Condition of Approval, staff believes the site is adequate in size and shape to accommodate the proposal.

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

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Panoche Road - Unknown condition Newcomb Avenue - Poor condition	No change
Direct Access to Public Road	Yes	Panoche Road - Unknown • Newcomb Avenue - Poor condition	No change No change
Road Average Daily Traffic (ADT)		• Panoche Road – Unknown • Newcomb Avenue - Unknown	N/A
Road Classification		• Panoche Road: Collector • Newcomb Avenue: Local Road	No change No change
Road Width		• Panoche Road: 80 feet Prescriptive right-of-way (Recommended 84 feet) • Newcomb Avenue: 60 feet (recommended 60 feet)	• 42 feet Right-of-Way required along parcel frontage measuring from centerline. • No additional ROW required.
Road Surface		• Panoche Road: Paved • Newcomb Avenue: Paved	No change No change
Traffic Trips		Seasonal trips associated with harvesting	• 66.4 one-way daily truck trips per day each year • 54.9 total daily employee trips

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	Yes	N/A	A Traffic Impact Study was prepared for this project by LSA Associates, dated July 2023
Road Improvements Required		N/A	No change

Reviewing Agency/Department Comments:

Fresno County Road Maintenance and Operations (RMO) Division: Panoche Road Ave currently has prescriptive road right-of-way. The road right-of-way along the parcel frontage shall be perfected by dedicating 42 feet of right-of-way from centerline. All proposed improvements on the property shall set back from the ultimate road right-of-way including the proposed truck scale so that truck queues do not extend into the public right-of-way. These requirements have been included as Conditions of Approval.

Fresno County Site Plan Review Section:

A fifteen foot Forty-five-degree (45°) corner cut-offs shall be maintained at the driveway to allow clear visual view of vehicular traffic while accessing the County right-of-way. This requirement has been included as a Condition of Approval.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments. Various comments received from department/agencies regarding regulatory requirements has been included as Project Notes in Exhibit 1 of this report to make the applicant aware of and to comply with those requirements.

Finding 2 Analysis:

Primary vehicular access to the project site would be provided by an access driveway that would connect the project site to West Panoche Road. The proposed driveway would meet County requirements for encroachment easement.

The project-specific Traffic Impact Study (LSA Associates, July 2023) and the information contained in Section 4.13 of the EIR, indicates that for the Cumulative Plus Project scenario, all project intersections and roadway segments are forecast to operate at a satisfactory Level of Service (LOS), no roadway or intersection improvements are required. Potential LOS impacts on the studied intersections and roadway segments would be less than significant.

Furthermore, results of the project-specific Traffic Impact Study indicate that project would be screened out from a detailed VMT analysis as a low trip generator. As such, pursuant to the Fresno Council of Government (COG) Vehicle Miles Traveled (VMT) Guidelines, a detailed VMT analysis is not required for the project. Project VMT impacts would be less than significant.

The project would require dedicating 42 feet road right-of-way for Panoche Road, maintain ultimate right-of-way setback, provide corner cut-offs for view of vehicular traffic, and secure an encroachment permit prior to any work conducted within the County road right-of-way.

Recommended Conditions of Approval:

42 feet road right-of-way shall be dedicated at Panoche Road, all improvements shall setback from ultimate right-of-way, and 45-degree visual clearance at driveways shall be provided.

Finding 2 Conclusion:

Based on the above information, and with adherence to Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1, the surrounding streets and highways serving the Project site will remain adequate to accommodate the proposed use. Finding 2 can be made.

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

Surrounding Parcels

	Use:	Zoning:	Nearest Residence
North	Agricultural land	AE-20	None
South	Agricultural land	AE-20	None
East	Agricultural land	AE-20	None
West	Agricultural land	AE-20	None

Reviewing Agency/Department Comments:

Various comments were received from department/agencies regarding regulatory requirements. The project will comply with those requirements and has been included as Project Notes in Exhibit 1 of this report to make the applicant aware of those requirements.

Finding 3 Analysis:

Implementation of the proposed project would introduce a pistachio, processing facility on the project site. All proposed buildings and structures to be constructed on the project site would be similar and or consistent in design, look and height with other agriculture-related buildings and structures in the area and the greater county area. The project will not degrade the visual quality of the area and would require that all lighting on the project site shall be hooded and directed downward to reduce light and glare on the surrounding properties and streets.

The project would require submitting a complete Report of Waste Discharge (RWD) to Central Valley Water Board in accordance with California Water Code section 13260 prior to commencing the discharge of pistachio processing wastewater to land and be binding by the agency’s other regulatory requirements for the project. The project will also be subject to any regulatory requirement from Westland Water District pertaining to any water received from the District.

During the Scoping Meeting for the project relative to Notice of Preparation (NOP) on July 25, 2022, a neighboring property owner expressed concerns relative the access to the project site and truck traffic on non-public roads.

Although the project site is not in an area determined to be highly or moderately sensitive to archeological resources, potential impacts to subsurface cultural resources may still exist. However, consultation with Table Mountain Rancheria Tribe under the provisions of Assembly Bill 52 did not identify any resources or features that should be protected. If such resources are encountered during construction, the implementation of mitigation measures identified in Section 4.5 of the EIR, would render the impact less than significant.

Based on the above information and with adherence to Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

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

Finding 3 Conclusion:

Based on the above information and with adherence to Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1, staff believes the proposal will not have an adverse effect upon surrounding properties. Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.2: <i>The County shall allow by right in areas designated as Agricultural activities related to the production of food and fiber and support uses incidental and secondary to the on-site agricultural operation.</i></p> <p><i>General Plan Policy LU-A.3: The County may allow value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following applicable criteria:</i></p> <ul style="list-style-type: none"> <i>a) The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas, or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</i> <i>b) The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.</i> <i>c) The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or low by discretionary permit in areas or</i> 	<p>As discussed in Section 4.2 of the EIR, the project site is zoned AE-20 (Exclusive Agriculture) in the County Zoning Ordinance and is classified as “Prime Farmland” by the California Department of Conservation (DOC). 2018 Farmland Mapping and Monitoring Program. The project would construct a pistachio processing facility on a 98-acre portion of a 316.22-acre parcel. Although the project site would stop being used for agricultural crop production, the proposed project would introduce a value-added agricultural facility into the project site, which is a permitted use for land zoned AE-20 subject to the approval of a Conditional Use permit. The project is consistent with General Plan Policies LU-A.2 and LU-A.3, which allow the operation of value-added agricultural processing facilities in agricultural-designated areas. As such, the project would not convert Important Farmland to a non-agricultural use. Furthermore, the 98-acre portion of the site will be subject to non-renewal of Williamson Act Contract. No farmland designated as less than prime farmland is available in the vicinity of the project site.</p>

Relevant Policies:	Consistency/Considerations:
<p><i>management of surrounding properties within at least one quarter (1/4)-mile radius.</i></p> <p>d) <i>A probable workforce should be located nearby or be readily available.</i></p>	
<p>General Plan Policy LU-A.13: <i>County shall protect agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</i></p>	<p>The Project site will have perimeter fencing for security purposes and to separate the proposed use from farming and other non-agricultural operations on adjacent properties. Furthermore, the project would require recordation of a Right-to-Farm Notice, indicating that the Project Applicant is prepared to accept the adjacent normal agricultural operations during operation of the pistachio processing facility.</p>
<p>General Plan Policy HS-B.1: <i>The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.</i></p>	<p>The project will be required to obtain Fire District approval prior to and after construction in accordance with Fresno County development regulations.</p>
<p>General Plan Policy HS-G.1: <i>The County shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses.</i></p>	<p>As discussed in Section 4.12 of the EIR. The project would not result in the generation of substantial increases of temporary or permanent noise levels in the vicinity of the project above the thresholds of the County Noise Ordinance.</p>
<p>General Plan Policy HS-F.1: <i>The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.</i></p>	<p>As discussed in Section 4.9 of the EIR, the project design and operations would not conflict with the existing regulations relating to hazardous materials and waste management.</p>

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: Policy LU-A.2 requires that areas designated as Agricultural activities related to the production of food and fiber and support uses incidental and secondary to the on-site agricultural operation. General Plan Policy LU-A.3 requires that the use shall provide a needed service to the surrounding agricultural area, should not be sited on productive agricultural lands, shall not have a detrimental impact on water resources and be provided with probable workforce nearby.

Finding 4 Analysis:

As discussed in the table above, and discussed in Section 4.11 of EIR, the subject proposal is consistent with the General Plan Policies applicable to the Project. The 316.22-acre parcel is currently under a Williamson Act Land Contract. To allow the proposed use on the project site, a partial non-renewal of the Williamson Act contract for the 98-acre portion of the 316.22-acre parcel occupied by the proposed facility is required to be submitted prior to issuance of building permits.

Additionally to be consistent with the provisions of the Williamson Act, that allows for development of processing facilities on contracted land when the facilities are only used for produce grown on the owners of the processing facility's land, a Condition of Approval has been included that during the time the property is still in the Williamson act Contract, the facility cannot process pistachio crops from land other than those coming from land owned by the facility's owners. Also as noted above, there is not an alternative project site of less productive farmland in the immediate vicinity to locate the processing facility on.

Recommended Conditions of Approval:

The pistachio processing facility shall only process pistachio crops grown and harvested from pistachio orchards owned by the owner of the pistachio processing facility while the 98-acre project site is still subject to the Williamson Act Contract.

Finding 4 Conclusion:

Based on the above information, staff believes the proposal is consistent with the Fresno County General Plan.

Finding 5: **That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.**

Reviewing Agency Comments:

Refer to comments under Findings 1 through 4 of this report.

Finding 5 Analysis:

Per Section 873-F of the Zoning Ordinance, Finding 5 addresses the question of whether the included Conditions can be deemed necessary to protect the public health, safety and general welfare of the public and other such conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division. The environmental mitigation measures, conditions of approval and project notes are listed in Exhibit 1.

The mitigation measures are also listed in the Mitigation Monitoring & Reporting Program prepared in conjunction with Environmental Impact Report No. 8077 which was required to be prepared for the project under CEQA. The mitigation measures proposed for this project are required to reduce the identified adverse impacts to a level that can be considered to be "less than significant". Specific details regarding the need for mitigation measures are discussed in the EIR. The Conditions of Approval are necessary to make the project consistent with the County's policies, regulations and standards. The conditions for the project will be implemented through the Site Plan Review process required for this project. The Site Plan Review process and requirements are contained in Section 874 of the Fresno County Zoning Ordinance.

The Project Notes listed in Exhibit 1 represent existing regulations to which the Project is subject and are provided to aid the Applicant/Developer during construction and/or operation.

Finding 5 Conclusion:

The required conditions reflect CEQA regulation and the County's policies, regulations, and standards necessary to protect the public. Hence, Finding 5 can be made.

ANALYSIS FOR VARIANCE APPLICATION NO. 4112

(VARIANCE TO ALLOW FORTY-EIGHT (48) 50-FOOT-TALL STORAGE SILOS, AND TWO (2) 42.5-FOOT HULLER BUILDINGS (MAXIMUM 35-FOOT ALLOWED) IN THE AE-20 ZONE DISTRICT).

This analysis focuses on the silos as the tallest proposed structures but is also applicable to the increased heights for the two huller buildings.

Finding 1: **There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.**

See **Finding 1** table above for Conditional Use Permit for site information.

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 1 Analysis:

In support of Finding 1, the Applicant's finding states that to construct a state-of-the-art pistachio processing facility, the proposed 50-foot-tall silos and other structures that exceeds the 35-foot height limitation are the most efficient way to utilize space and maximize storage capacity for the pistachios. Furthermore, the process of hulling pistachios creates a need for extra storage capability that the proposed silos will address.

The project site is a prime farmland encumbered with farming operation. Upon analyzing the site aerial photo, staff concludes that going vertical by allowing increased silos height to maximize capacity than going horizontal by allowing more silos on the ground would save prime farmland for ongoing agricultural use and would not necessarily be inconsistent with the character of the existing farming area. The Applicant's Finding merit the requested height for silos and as such support meeting Finding 1.

Finding 1 Conclusion:

Finding 1 can be made due to extraordinary circumstances relating to the need to minimize the amount of prime farmland being used by the processing plant.

Finding 2: **Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.**

See **Finding 1** table above for Conditional Use Permit for site information.

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 2 Analysis:

In support of Finding 2, the Applicant's finding states that as the applicant has the property right to hull, process, and store their own pistachios on site, the proposed 50-foot-tall silos are necessary for the pistachio hauling and processing operation. Also, within 12 miles silos greater than 50-feet are being utilized for storage purposes. Furthermore, taller silos would allow not to consume room for storage that could better be used for agricultural production purposes.

Silos typically are an integral part of pistachio processing facilities and similar agricultural uses. Staff was unable to confirm silos height in the area as noted by the applicant but acknowledges that as the proposed height is a function of the use, 50-foot-tall silos will provide greater storage capacity which would otherwise require many 35-foot-tall silos covering a large portion of prime farmland the project site consist of.

Finding 2 Conclusion:

Finding 2 can be made based on the above analysis.

Finding 3: **The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.**

See **Finding 3** table above for Conditional Use Permit for site information.

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 3 Analysis:

In support of Finding 3, the Applicant's Finding state that granting the Variance to allow the proposed 50-foot-tall silos will not be detrimental to the surrounding properties in that the subject property is 316.22-acres in size, the nearest single-family residence is over 4,000 feet away and the silos will be 1,000 feet away from all surrounding property boundaries. Furthermore, as the height appears to diminish over distance, the silos will not have significant visual impact on the surrounding area.

Building height regulations in the agricultural districts address several considerations, including community aesthetic standards, fire protection capabilities, and agricultural practices such as crop dusting.

The area of the proposed agricultural use (pistachio processing facility) is predominantly agricultural, consisting of large farmland, sparse agriculture-related uses, and distantly located single-family homes. Staff notes that although the proposed silos would be 15 feet higher in elevation than the 35 feet allowed, they would be compatible in height with similar structures in

the area and from distance would not necessarily create substantial visual impacts to the neighborhood.

In reference to fire protection capabilities, the Fresno County Fire Protection District reviewed the variance application with concurrent CUP No. 3709 and determined that the site can adequately be provided with fire protection services.

Finding 3 Conclusion:

Finding 3 can be made as the project as conditioned will not have any material detrimental impacts to the public or surrounding area.

Finding 4: The granting of such a variance will not be contrary to the objectives of the General Plan.

Reviewing Agency/Department Comments:

No comments relating to the General Plan as it pertains to the Variance were received from reviewing agencies or County Departments.

Finding 4 Analysis:

In support of Finding 4, the Applicant's Finding states that the subject request is consistent with the Fresno County General Plan in that as the proposed agricultural use (pistachio processing facility) is consistent with the AE-20 Zone District, the proposed silos will allow for increased site productivity while following the goal of the Fresno County General Plan to support agriculture.

The subject property is designated Agriculture in the Fresno County General Plan. The policies in the General Plan do not specifically address building height. Therefore, approval of the Variance would not conflict with the agricultural policies of the General Plan.

Finding 4 Conclusion:

Finding 4 can be made as there are no identified conflicts with the General Plan.

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit and Variance Application can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3709 and Variance Application No. 4112 subject to the Mitigation Measures and recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

1. Determine the Final EIR (FEIR) presented to, reviewed, and considered by the Planning Commission, and represents their independent judgement;
2. Move to adopt the California Environmental Quality Act (CEQA) Findings of Fact, Statement of Overriding Considerations and certify that Environmental Impact Report (EIR) No. 8077 prepared for the S. Stamoules Inc Pistachio Processing Facility Project (Project), consisting of Unclassified Conditional Use Permit (CUP) No. 3709 and Variance (VA) Application No. 4112, as complete and adequate in conformance with California Environmental Quality Act (CEQA);
3. Move to determine the required Findings can be made and move to approve the Unclassified CUP No. 3709 and Variance (VA) Application No. 4112, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Exhibit 1;
4. Direct the Secretary to prepare a Resolution documenting the Commission's action and direct staff to file a Notice of Determination for the Project.

Alternative Motion (Denial Action)

1. Determine the Final EIR (FEIR) was presented to, reviewed and considered by the Planning Commission, and represents their independent judgement.
2. Move to not certify the Environmental Impact Report (EIR) No. 8077 prepared for the Project.
3. Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified CUP No. 8077 and VA No. 4112; and
4. Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

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

EA:jp

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
S. Stamoules Pistachio LLC Processing Facility Project EIR 8077
Unclassified Conditional Use Permit Application No. 3709
Variance Application No. 4112**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Agriculture and Forestry Resources	Mitigation Measure AG-2: Prior to issuance of building permits, the Project Applicant shall submit for non-renewal of the Williamson Act contract at the 98-acre portion of Accessor's Parcel Number (APN) 019-150-64S associated with proposed project facilities.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning and/or its designee	Prior to issuance of building permits
*2.	Air Quality	Mitigation Measure AIR-4: Prior to issuance of grading or building permits, the project applicant shall develop an odor control plan detailing all methods of nuisance odor control as it applies to operation of the proposed settling ponds, and shall submit it to the SJVACPD and the County of Fresno Department of Public Works and Planning for approval. The odor control plan shall be made available to all employees and shall be used as a training aid for new employees.	Applicant and/or their designee to implement measure as defined	Fresno County Department of Public Works and Planning and/or its designee/ San Joaquin Valley Air Pollution Control District (SJVAPCD)	Prior to issuance of a grading or building permit
*3.	Biological resources	Mitigation Measure BIO-1.1: Nesting Bird Surveys and Active Nest Avoidance. Any initial ground disturbance or tree pruning, or removal should take place outside of the active nesting bird season (i.e., February 1–September 30), when feasible, to avoid impacts to nesting birds protected under the California Fish and Game Code and Migratory Bird Treaty Act. Should phased construction require tree removal or initial ground disturbance to ruderal areas, a qualified biologist shall conduct a nesting bird survey no more than 10 days prior to each phase of ground or vegetation disturbing activities. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the nesting bird(s) are allowed to take place until after the nest is no longer active (e.g., the young birds have fledged), or as otherwise determined by the qualified biologist.	Project Applicant and Construction Contractor	Fresno County Department of Public Works and Planning and/or its designee	Ongoing, throughout construction if during the nesting season (February 1 to September 30)

*4.	Biological Resources	<p>Mitigation Measure BIO-1.2: Surveys for Roosting Bats and Avoidance of Bat Roosts. Any tree pruning or removal could disturb roosting bats, should they be present in any of the trees located within or immediately adjacent to the project site. To avoid potential impact to maternity bat roosts, pruning or removal of trees should occur outside of the period between April 1 and September 30, if feasible. If pruning or removal of mature trees is to occur between April 1 and September 30, a qualified biologist shall conduct a preconstruction survey in search of day-roosting bats, dead carcasses, fecal matter, or staining of guano within 30 days of construction. If no evidence is found, tree pruning, or removal can commence without harm to bats. Should the preconstruction survey show evidence of nonbreeding day-roosts for bats, the bats can be humanely evicted via two-stage removal of trees, under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs. If a maternity colony is detected, the biologist shall identify an appropriate buffer (50–100 feet) where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the roosting bat(s) are allowed to take place. Construction activities, including tree pruning or removal, can commence once the roost is deemed no longer active by the qualified biologist.</p>	Project Applicant and Construction Contractor	Fresno County Department of Public Works and Planning and/or its designee	Ongoing, throughout construction if during the nesting season (February 1 to September 30)
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*5.	Cultural and Tribal Resources	<p>Mitigation Measure CUL-1: If previously unknown resources are encountered before or during grading activities, construction shall stop within 50 feet of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the <i>State CEQA Guidelines</i>.</p> <p>If the resources are determined to be unique archaeological resources as defined under Section 15064.5 (c) (1) of the <i>State CEQA Guidelines</i>, measures shall be identified by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of green space, parks, or open space in undeveloped areas of the project site, or data recovery excavations of the finds.</p> <p>No further grading shall occur in the area of the discovery until the Lead Agency approves the protection measures. Any historical artifacts recovered as a result of mitigation shall be provided to a Lead Agency-approved institution or person who is capable of providing long-term preservation to allow future scientific study. A report of findings shall also be submitted to the Southern San Joaquin Valley Information Center.</p>	Construction Contractor, Qualified Historical Specialist and Qualified Archaeologist	Fresno County Department of Public Works and Planning and/or its designee	Once, prior to initiation of ground-disturbing activities
*6.	Cultural and Tribal resources	<p>Mitigation Measure CUL-3: In the event that human remains are unearthed during excavation and grading activities of the project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the Most Likely Descendent (MLD) of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native</p>	Project Applicant and construction contractor	Fresno County Department of Public Works and Planning and/or its designee	Once, prior to initiation of ground-disturbing activities

		American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the MLDs regarding their recommendations, if applicable, and taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the MLDs all reasonable options regarding their preferences for treatment.			
*7.	Geology and Soils	Mitigation Measure GEO-6: In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop within 50 feet of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a Lead Agency-approved institution or person who is capable of providing long-term preservation to allow future scientific study.	Construction Contractor, and Qualified Paleontologist	Fresno County Department of Public Works and Planning and/or its designee	Once, prior to initiation of ground-disturbing activities
Conditions of Approval					
1.	Development and operation of the project shall be substantially in accordance with the site plan, elevations, operational statement, project description submitted to the Planning Commission.				
2.	Prior to the issuance of building permits for the Use Permit (CUP 3709) and Variance No. 4112, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Items to be addressed under SPR process may include but not limited to design of parking and circulation areas, driveway, access, grading and drainage, fire protection, landscaping, signage, and lighting.				

3.	<p>Panoche Road currently has prescriptive road right-of-way of 42 feet. Prior to occupancy granted for the use, the owner of the property shall record a document dedicating 42 feet of right-of-way along the parcel frontage measuring from centerline.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>
4.	<p>To allow clear views of intersecting traffic a forty-five (45) degree visually clear triangle shall be maintained 15 feet from the lot frontage when a driveway intersects with a street and/or access easement. The area shall be visually clear from a height of three feet to eight feet. The area shall be free of any permanent or temporary structures, landscaping, fencing, signage, parked vehicles, or other visual barriers.</p>
5.	<p>The pistachio processing facility shall only process pistachio crops grown and harvested from pistachio orchards owned by the owner of the pistachio processing facility while the 98-acre project site is still subject to the Williamson Act Contract..</p>
6.	<p>The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.</p>

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

Notes	
<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period more than two years.</p>
2.	<p>Plans, permits and inspections are required for all proposed onsite improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.</p>
3.	<p>To address site development impacts resulting from the project, the Central Valley Regional Water Quality Control Board requires the following:</p> <ul style="list-style-type: none"> • A complete Report of Waste Discharge (RWD) shall be submitted to the Central Valley Regional Water Quality Control Board in accordance with California Water Code section 13260. Prior to commencing the discharge of pistachio processing wastewater to land, the discharger must satisfy the requirements in California Water Code section 13264 (i.e., submit a complete RWD, satisfy the California Environmental Quality Act (CEQA), and either be issued WDRs or satisfy the timelines specified in 13264). • As part of the RWD submittal, the project proponent shall comply with the Basin Plan amendments adopted by the Central Valley Water Board in 2018 (Resolution R5-2018-0034), which created the new Central Valley-Wide Salt and Nitrate Control Programs.

Notes	
	<ul style="list-style-type: none"> • Storm water discharges associated with specific industrial activities, including nut processing facilities shall comply with the regulations contained in the Industrial Storm Water General Permit Order 2014-0057-DWQ. • Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared.
4.	<p>To address site development impacts resulting from the project, the Westland Water District (WWD) requires the following:</p> <ul style="list-style-type: none"> • The project shall comply with the WWD's Groundwater Allocation Rules and Regulations for extraction of project water supply. • The project shall be subject to the WWD's M&I Regulations, and Terms & Conditions if it becomes a Municipal and Industrial (M&I) water service user. • The project site is located near the WWD's Lateral 4, which has delivery turnouts located in the northeast, northwest, southwest, and southeast corners, and on the north side of the project site. The Underground Service Alert shall be contacted prior to the project construction.
5.	<p>To address site development impacts resulting from the project, the Fresno County Site Plan Review Unit requires the following:</p> <ul style="list-style-type: none"> • An asphalt concrete driveway approach 24 to 35 feet in width shall be provided where the access road ties into the public road serving this site. • Any proposed or existing gate(s) that provide(s) initial access to the site should be setback a minimum of 20 feet (or the length of the longest vehicle to initially enter the site whichever is greater) from the edge of the ultimate right-of-way. • Parking spaces shall be a minimum of 9 feet by 18 feet with 29 feet of clear backing space. • The parking spaces for the physically disabled shall be located adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. <p>Note: These requirements will be addressed through Site Plan Review included as a Condition of Approval.</p>
6.	<p>To address site development impacts resulting from the project, the Fresno County Road Maintenance and Operations (RMO) Division requires the following:</p> <ul style="list-style-type: none"> • An encroachment permit shall be obtained for any work performed within the county road right-of-way. • The proposed truck scale shall be set back an appropriate distance from the ultimate road right-of-way so that truck queues do not extend into the public right-of-way. • The Applicant shall verify adequate sight distance visibility from the proposed drive approach.
7.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan shall be prepared to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. If the licensed Civil Engineer deems an

Notes	
	<p>engineered grading and drainage plan is not necessary because the proposed development does not substantially increase the net impervious surface on-site and will not adversely impact surrounding properties and itself, and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning will be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed.</p> <ul style="list-style-type: none"> • Any proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board (CA RWQCB). • Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the county road right-of-way, and must be retained on-site, per County Standards. • A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI and SWPPP shall be provided to the Development Engineering prior to any grading work. • A grading permit or voucher shall be required for any grading proposed with this project.
8.	The project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19; obtain CalFire conditions of approval; and may require annexation into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. It is the Applicant's responsibility to deliver two sets of plans to FCFPD.
9.	The project shall comply with Air District rules including but not limited to: District Rules 2010 and 2201 (Air Quality Permitting for Stationary Sources); Rule 9510 - Indirect Source Review (ISR); Rule 4601 (Architectural Coatings); Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

EA:

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EXHIBIT 2
LOCATION MAP

CUP 3709, VA 4112, EIR 8077

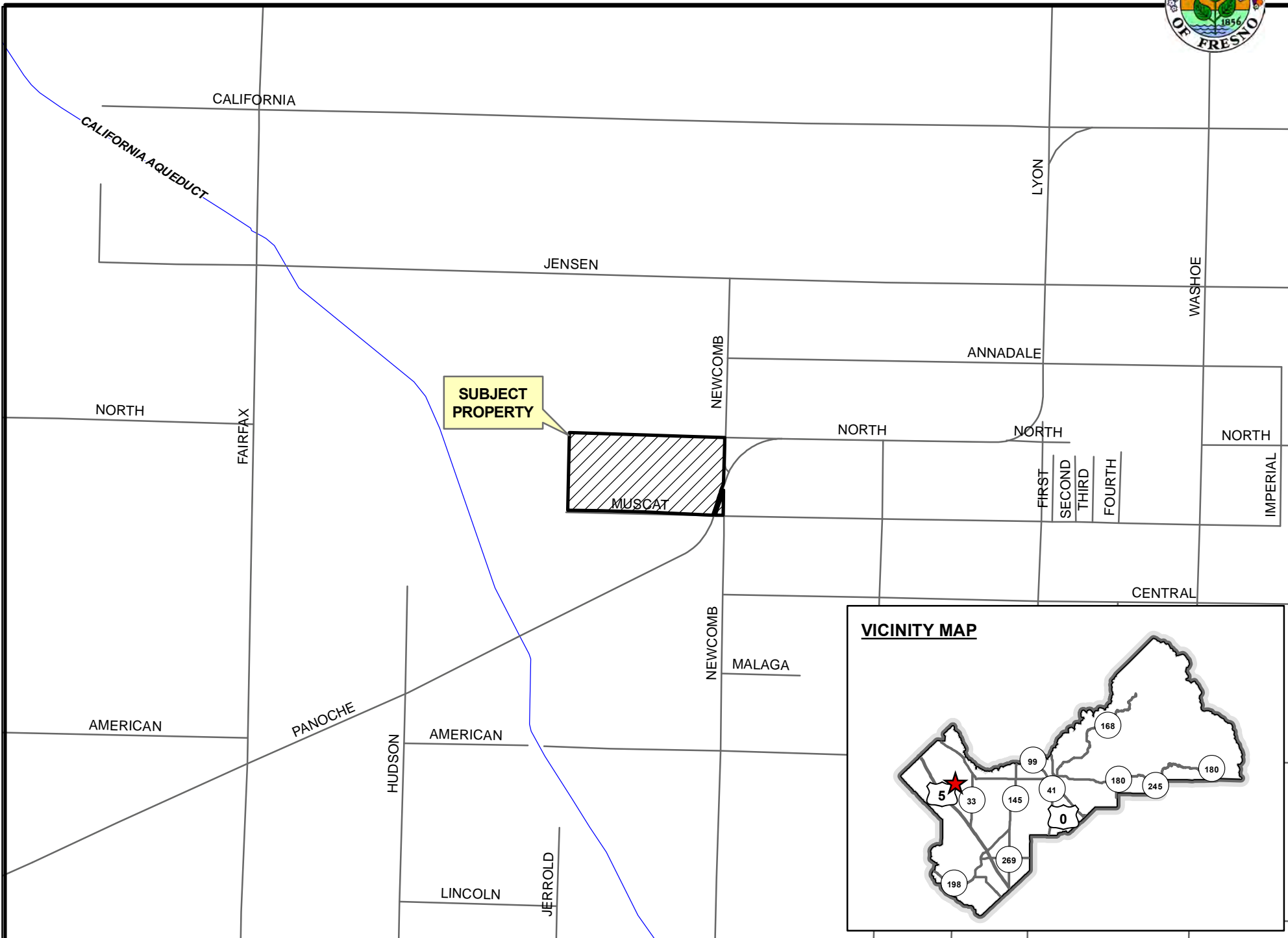


EXHIBIT 2

EXHIBIT 3
EXISTING ZONING MAP

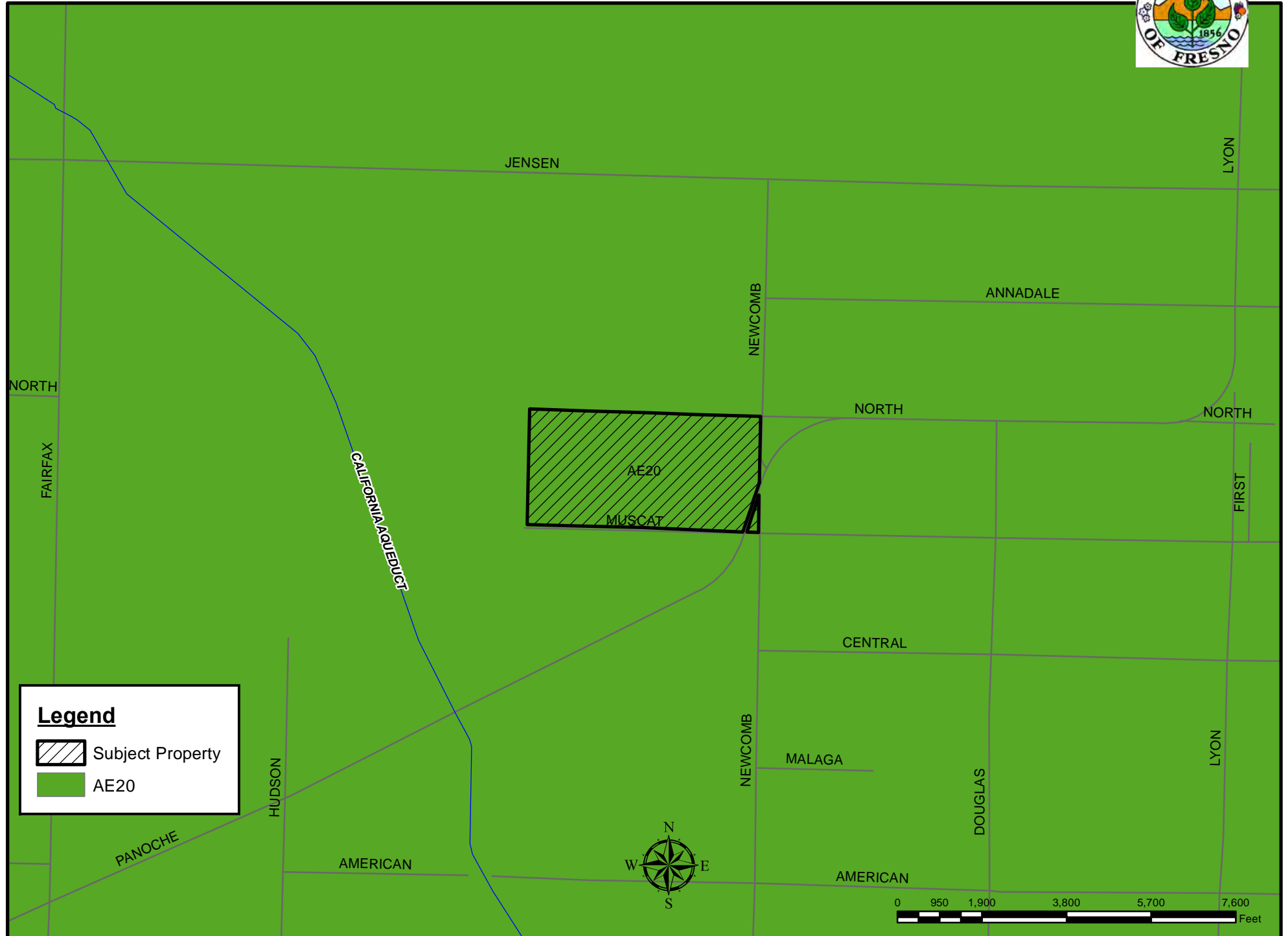
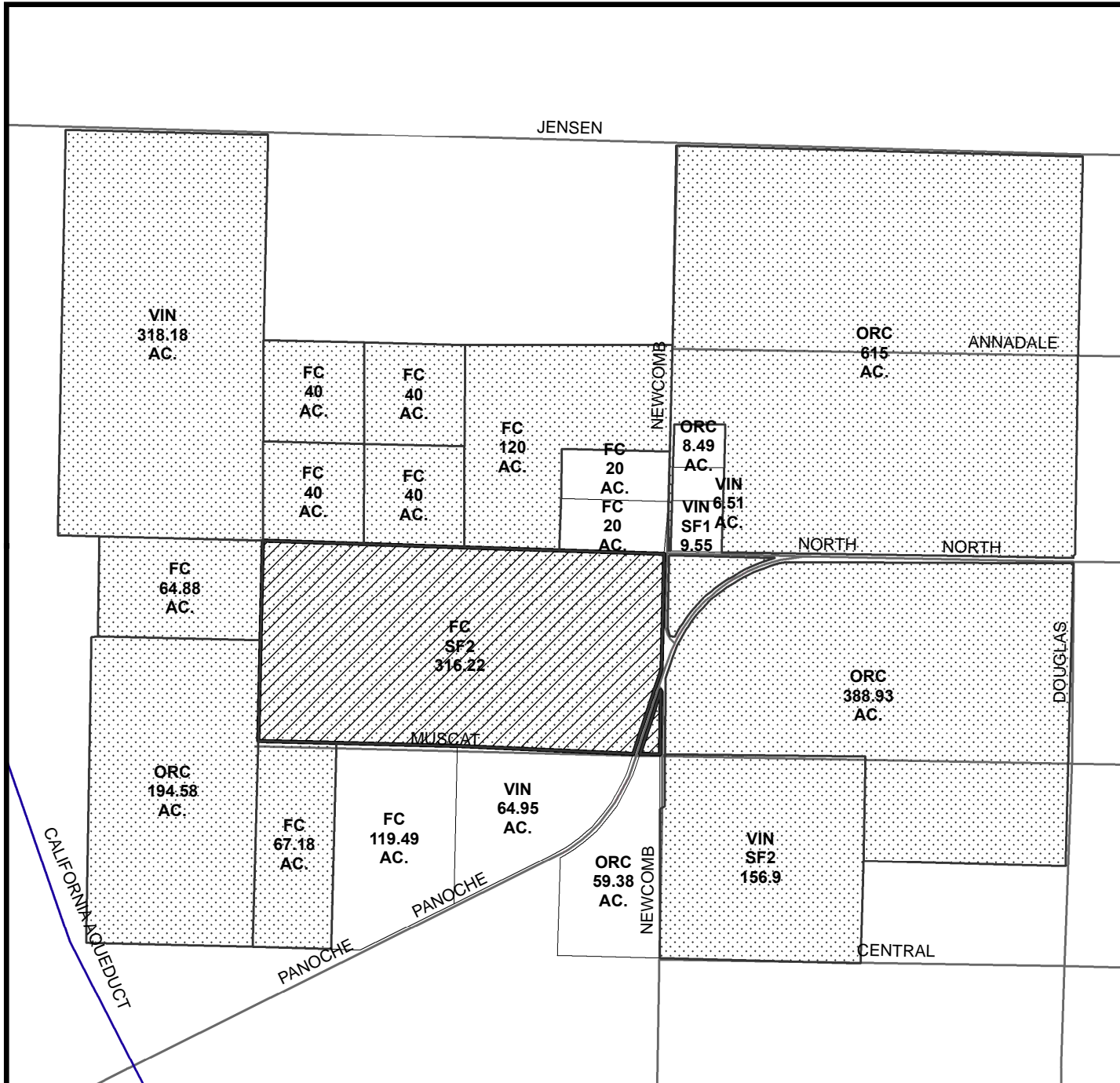


EXHIBIT 3

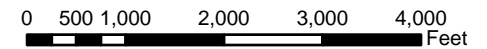
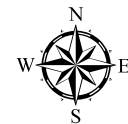
EXISTING LAND USE MAP



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

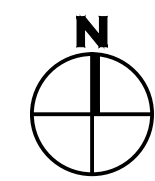
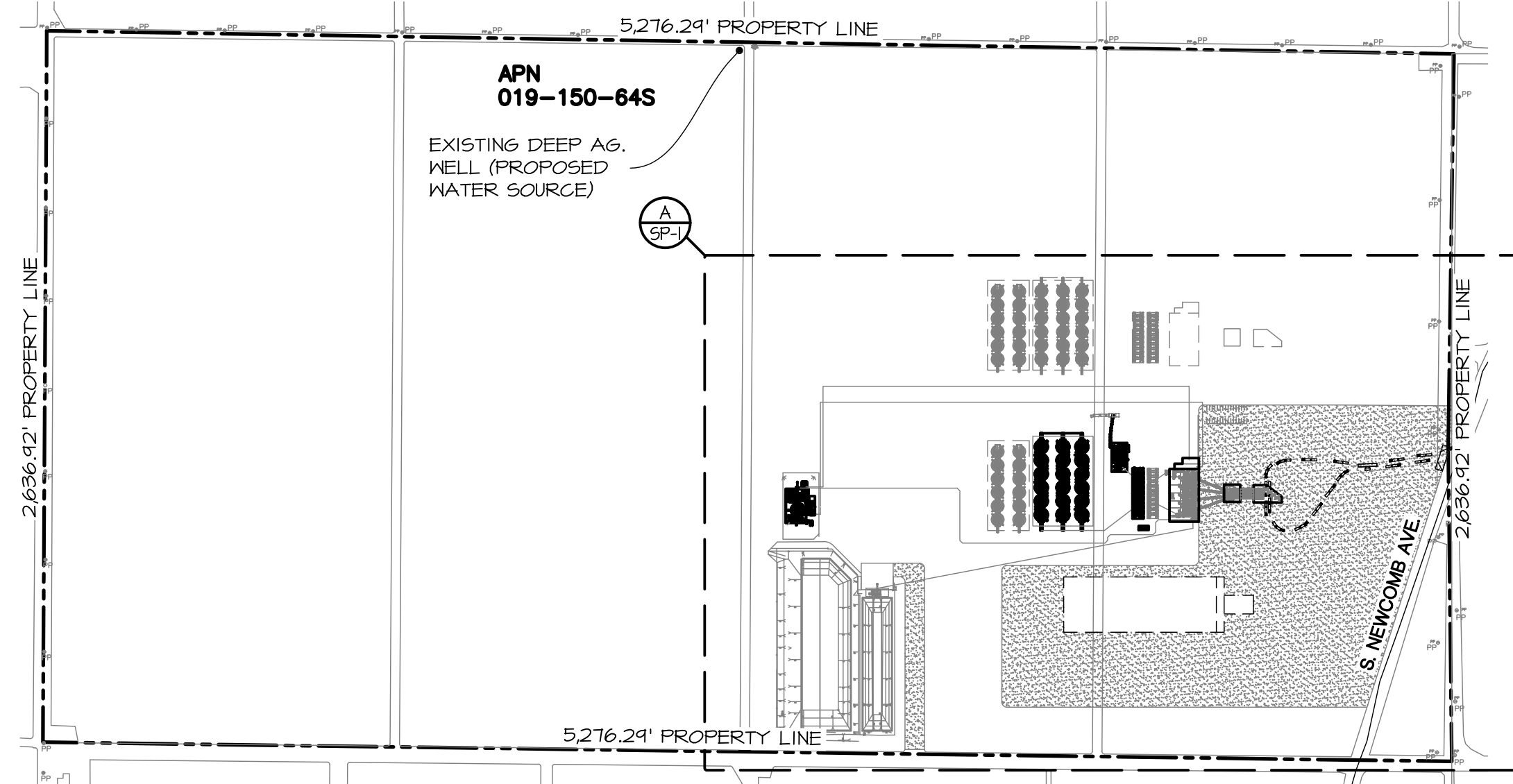
LEGEND:

- Subject Property
- Ag Contract Land



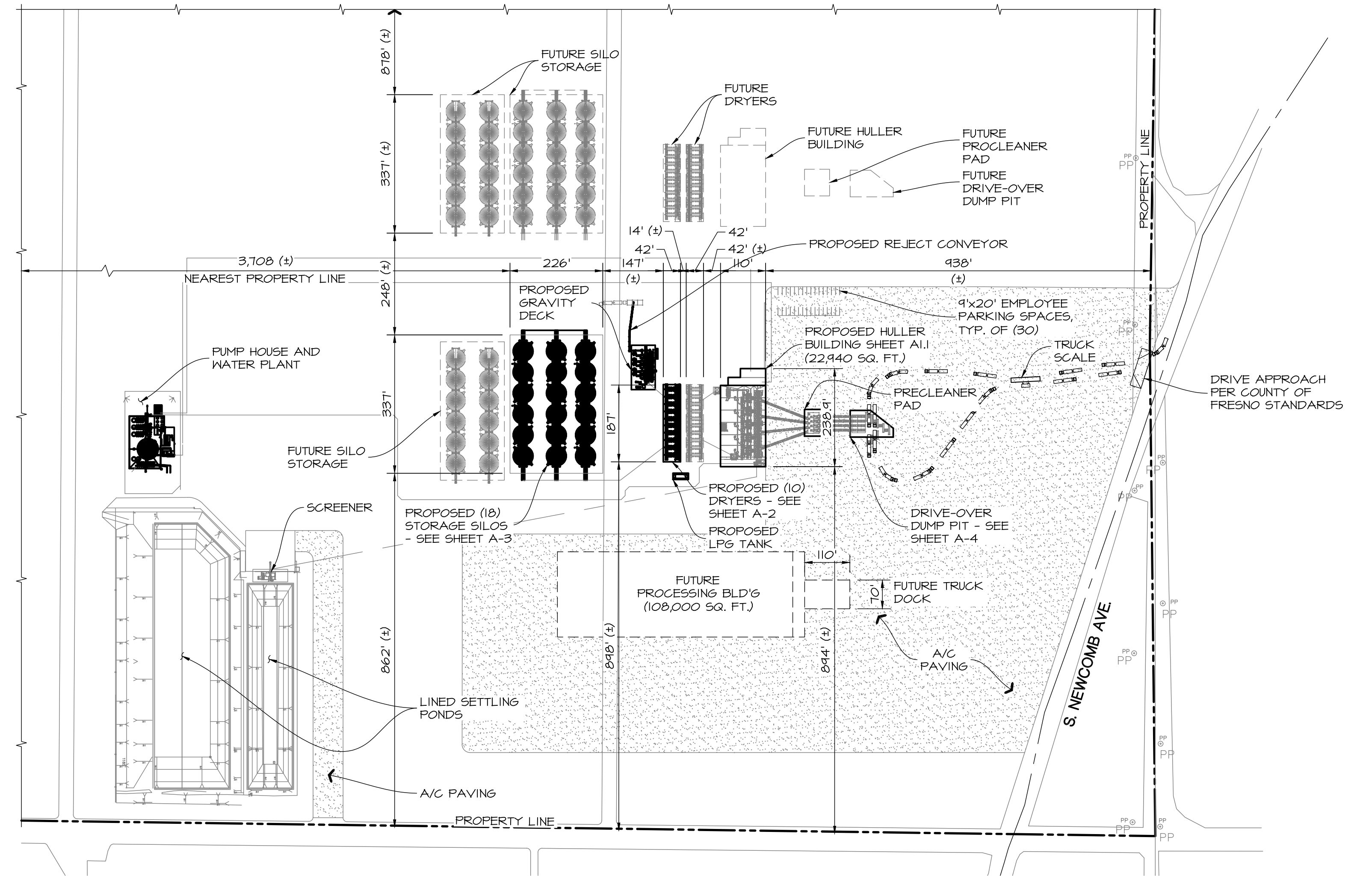
Department of Public Works and Planning
Development Services Division

EXHIBIT 5



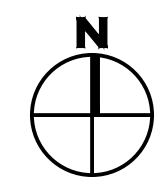
OVERALL SITE PLAN

1" = 500'



(A) PARTIAL SITE PLAN

1" = 200'



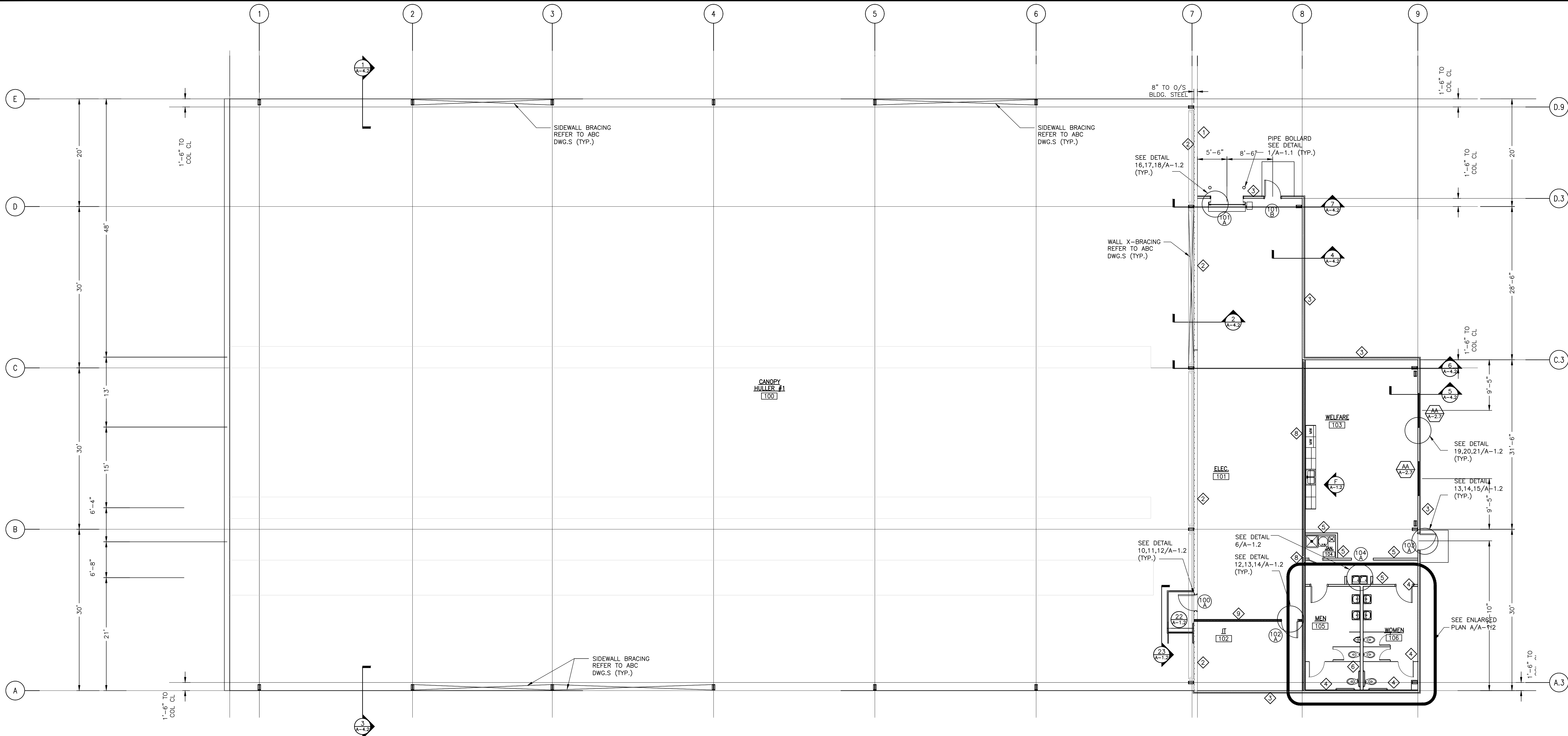
VICINITY MAP

N.T.S.

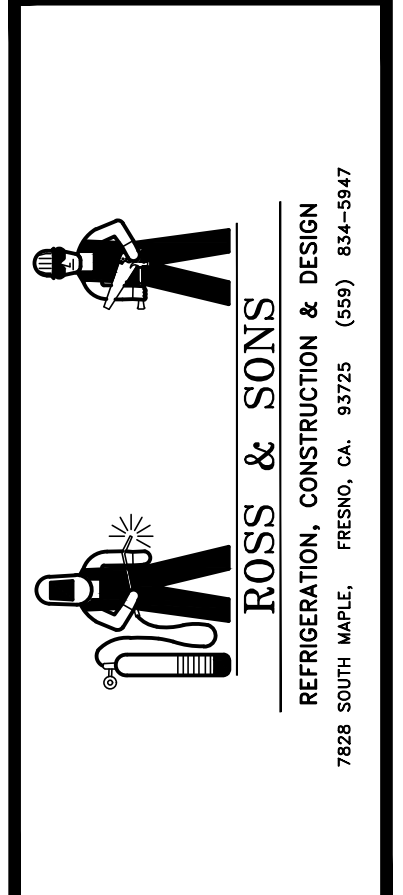
EXHIBIT 5

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		ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.engelengineers.com (661) 327-7025		DRAWN AJK DATE 04/04/2020 CHECKED FJA APPROVED	Site Plan Conditional Use Permit Opa Pistachios™ W. Panoche Rd Mendota, California 93640	SHEET NO. SP-1 . OF 23/33
4/4/20	SITE PLAN REVIEW	DATE	ISSUED FOR			



FLOOR PLAN
SCALE: 1/8" = 1'-0"
0 2' 4' 8' 16'



ROSS & SONS
ARCHITECTURAL DESIGN
7805 SANTA MONICA, SUITE 100, MENDOTA, CA 93542 (562) 244-2447

OPA PISTACHIOS
W. PANOCH ROAD
MENDOTA, CA 93640

FLOOR PLAN

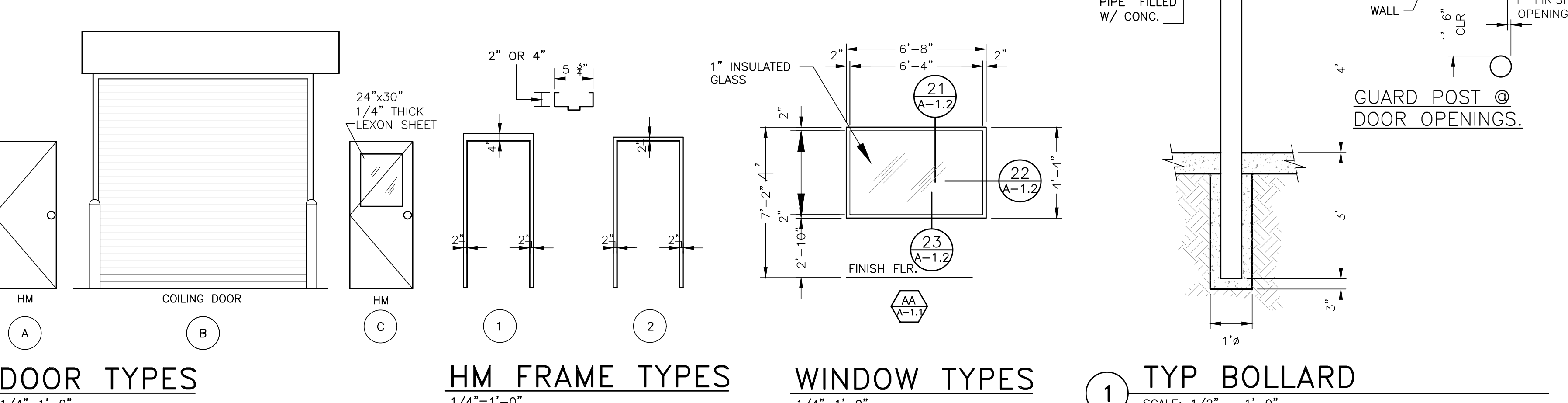
ROOM FINISH SCHEDULE																									
BUILDING NUMBER	BUILDING NAME	FLOOR	BASE	WALL				CEILING	CEILING HEIGHT	REMARKS															
				N	E	S	W																		
100	HULLER #1 CANOPY	D	-	-	-	-	-	-	-	NO PAINT															
101	ELECTRICAL	D	3	D	V	2	-	I	2	C	G	1	C	U	1	C	I	2	C	K	7	-	VARIES	PAINT 35%	
102	IT ROOM	D	3	D	V	2	-	G	1	C	I	2	C	U	1	C	O	G	1	C	K	7	-	VARIES	PAINT
103	WELFARE	E	4	A	E	4	A	I	2	C	G	1	C	G	1	C	I	2	C	K	7	-	VARIES	PAINT 50%	
104	JANITORIAL	E	4	A	E	2	A	G	1	C	G	1	C	G	1	C	K	7	-	VARIES	PAINT				
105	WOMENS RESTROOM	E	4	A	E	2	A	E	2	C	E	2	C	E	2	C	K	7	-	VARIES	TILE @ BOTTOM, PAINT ABOVE				
106	MENS RESTROOM	E	4	A	E	2	A	E	2	C	E	2	C	E	2	C	K	7	-	VARIES	TILE @ BOTTOM, PAINT ABOVE				

WALL TYPES	
1	LONG SPAN METAL PANEL ABC SUPPLIER
2	8" CMU BLOCK FROM 1'-0" AFF TO 18'-4" AFF
3	4" INSULATED METAL PANEL, AZTECO SURREY BEIGE AP300
4	1 5/8" METAL FURRING HAT (@ 16" O.C.) W/ 1/2" MR-GWB ONE SIDE TO UNDERSIDE CEILING
5	3 5/8" METAL STUD (@ 16" O.C.) W/ 1/2" TYPE X GWB TWO SIDES TO UNDERSIDE CEILING, NO BATT.
6	6" METAL STUD (@ 16" O.C.) CHASE WALL W/ 1/2" TYPE X MR-GWB ON TWO SIDES TO UNDERSIDE CEILING
7	NOT USED.
8	6" METAL STUD (@ 16" O.C.) W/ 5/8" TYPE X GWB TWO SIDES TO UNDERSIDE CEILING W/ R-19 BATT INSULATION.
9	3 5/8" METAL STUD (@ 16" O.C.) W/ 5/8" TYPE X MR-GWB ONE SIDE AND ONE SIDE 5/8" TYPE X GWB TO UNDERSIDE CEILING W/ R-13 BATT INSULATION.

DOOR HARDWARE SCHEDULE				
ITEM	MANUFACTURER	DESCRIPTION	SIZE, FUNCTION, ETC.	FINISH
HB	HAGER	BUTT HINGE	11418 4 1/2 x 4 1/2 NRP	32D
L3	SCHLAGE	OFFICE LOCK	D5OPD-RHO	626
L4	SCHLAGE	STORAGE RM	D66PD-RHO	626
L5	SCHLAGE	CLASSROOM	D7OPD-RHO	626
L6	VON DUPRIN	PANIC DEVICE	22 SERIES	ALUM
C1	LCN	CLOSER	SERIES LCN 1070 /1074 CYL.	ALUM
SL	HAGER	SILENCER	307D	GREY
DB4	PEMCO	BOTTOM SEAL	307 AV	ALUM
WS	HAGER	WEATHERSTRIP	Ø41 SAV - 36Ø4	ALUM
RD	HAGER	RAIN DRIP	Ø10SA - 40"	ALUM
TI	PEMCO	THRESHOLD	271 A	ALUM
FS2	HAGER	FLR STOP-HIGH	267F	ALUM

WINDOW SCHEDULE								
REFERENCE	OPENING		WINDOW TYPE	FRAME TYPE	GLAZING	HARDWARE GROUP	DETAILS	REMARKS
	WIDTH	HEIGHT						
AA	6'-4"	4'-0"	-	HM	-	-	19/A-1.2 20/A-1.2 21/A-1.2	-

DOOR SCHEDULE															
DR. No.	ROOM NO.	FROM ROOM	TO ROOM	SWING	TYPE	SIZE			MATERIAL	LITE	FRAME			REMARKS	
						WIDTH	HEIGHT	THICK			HEAD	JAMB	THRESHOLD		
100-A	100	101	100	LHR	A	3'-0"	7'-0"	1-5/8"	HOLLOW METAL	-	1	METAL	9/A-1.2 10/A-1.2 11/A-1.2	-	HB L5 - CL - FS2 DB4 TI WS SL - COILING STEEL SLAT DOOR, CHAIN OPERATED RIGHT HAND
101-A	101	101	EXT.	RHR	B	6'-0"	10'-0"	-	METAL	-	2	METAL	16/A-1.2 19/A-1.2 20/A-1.2	-	-
101-B	101	EXT.	101	RHR	A	3'-0"	7'-0"	1-5/8"	HOLLOW METAL	-	2	METAL	15/A-1.2 16/A-1.2 17/A-1.2	-	HB L6 - CL RD FS2 DB4 TI WS SL -
102-A	102	101	102	LH	A	3'-0"	7'-0"	1-5/8"	HOLLOW METAL	-	2	METAL	12/A-1.2 13/A-1.2 14/A-1.2	-	HB L5 - CL - FS2 - - - SL -
103-A	103	EXT.	103	RHR	C	3'-0"	7'-0"	1-5/8"	HOLLOW METAL	24"X30" LITE	2	METAL	15/A-1.2 16/A-1.2 17/A-1.2	-	HB L5 - CL RD FS2 DB4 TI WS SL -
104-A	104	103	104	RHR	A	3'-0"	7'-0"	1-5/8"	HOLLOW METAL	-	2	METAL	12/A-1.2 13/A-1.2 14/A-1.2	-	HB L4 - - - - - SL -



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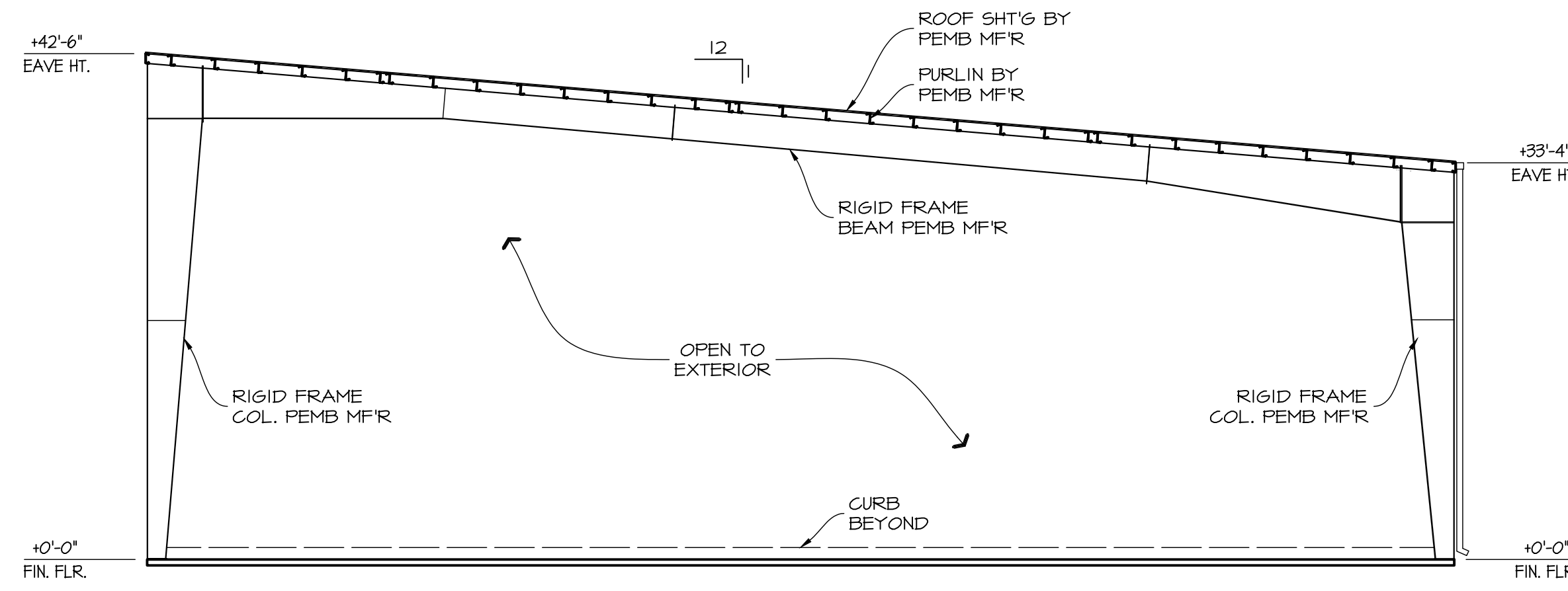
REV.	DATE	BY	DESCRIPTION
0	8-17-20	GRV	PLAN REVIEW

JOB NO. 2010550
DRAWN: GRV
CHECKED: AJR
SCALE: AS SHOWN

A-1.1
DRAWING NO.

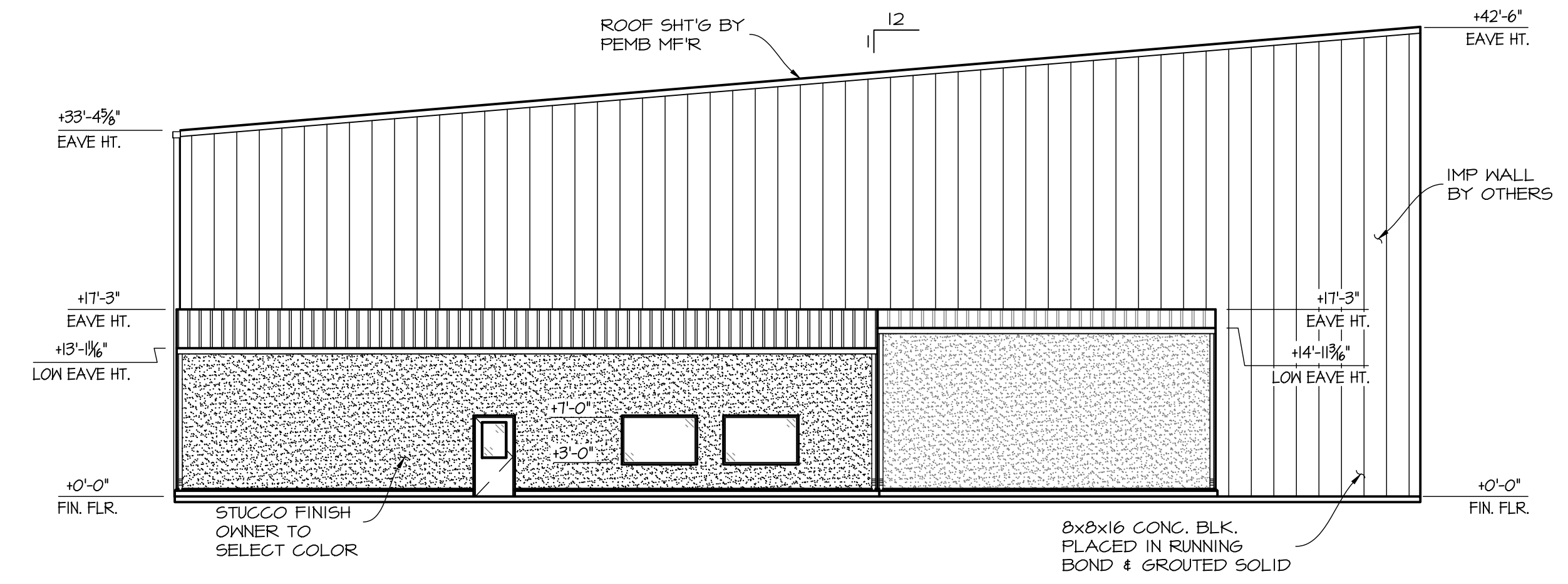
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EXHIBIT 5, Page 3



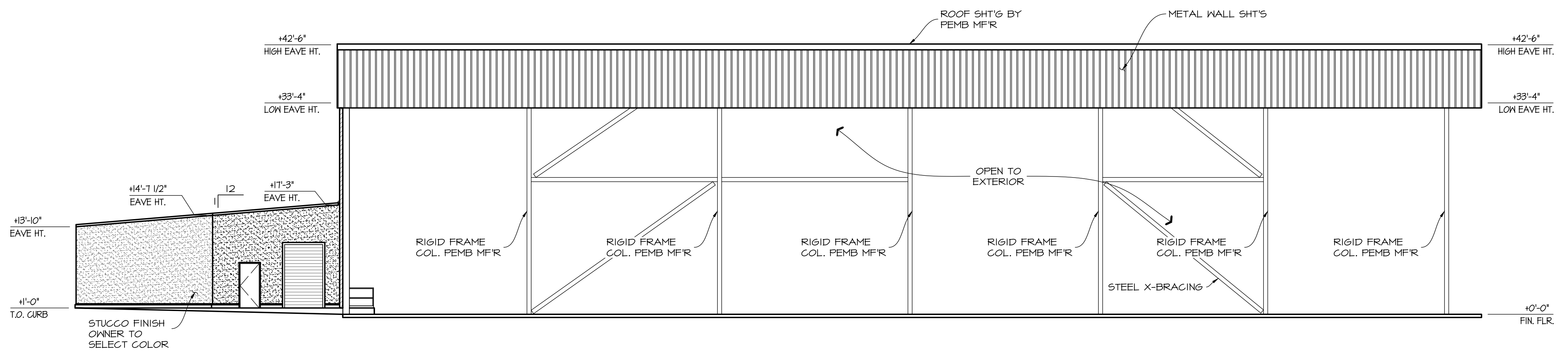
SOUTH EXTERIOR ELEVATION

3/32" = 1'-0"



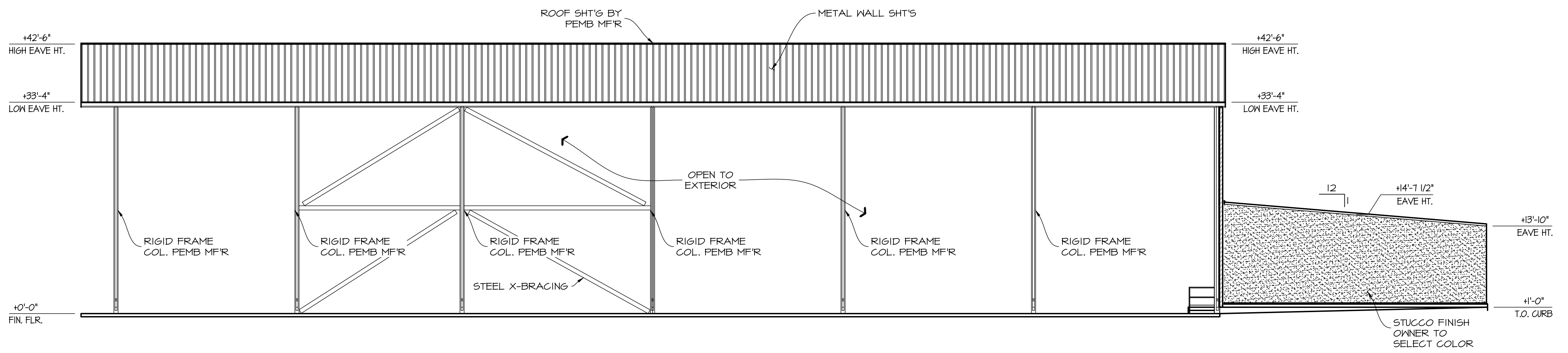
NORTH EXTERIOR ELEVATION

3/32" = 1'-0"



WEST EXTERIOR ELEVATION

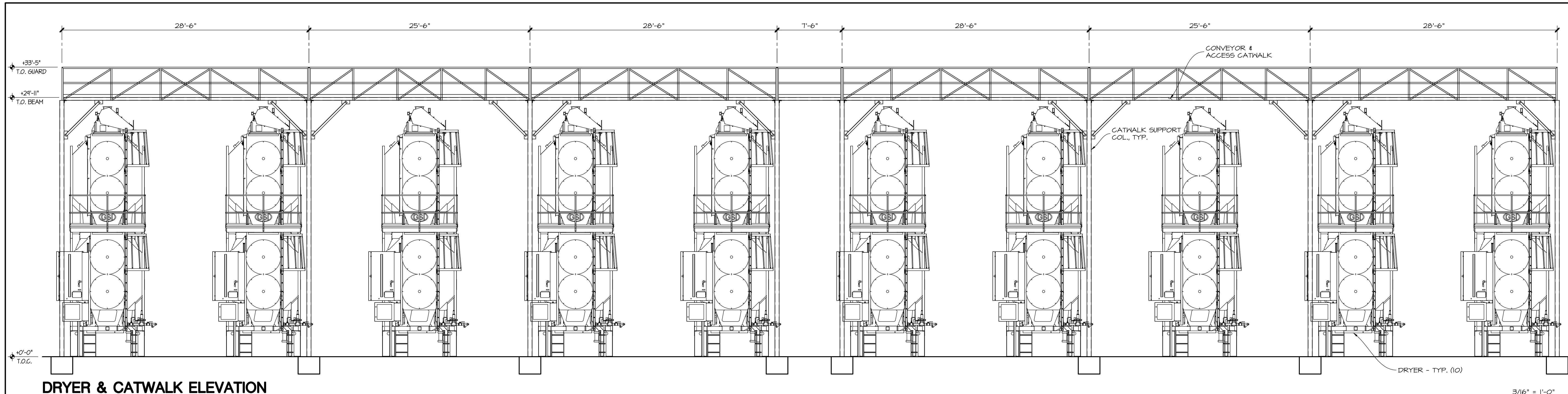
3/32" = 1'-0"



EAST EXTERIOR ELEVATION

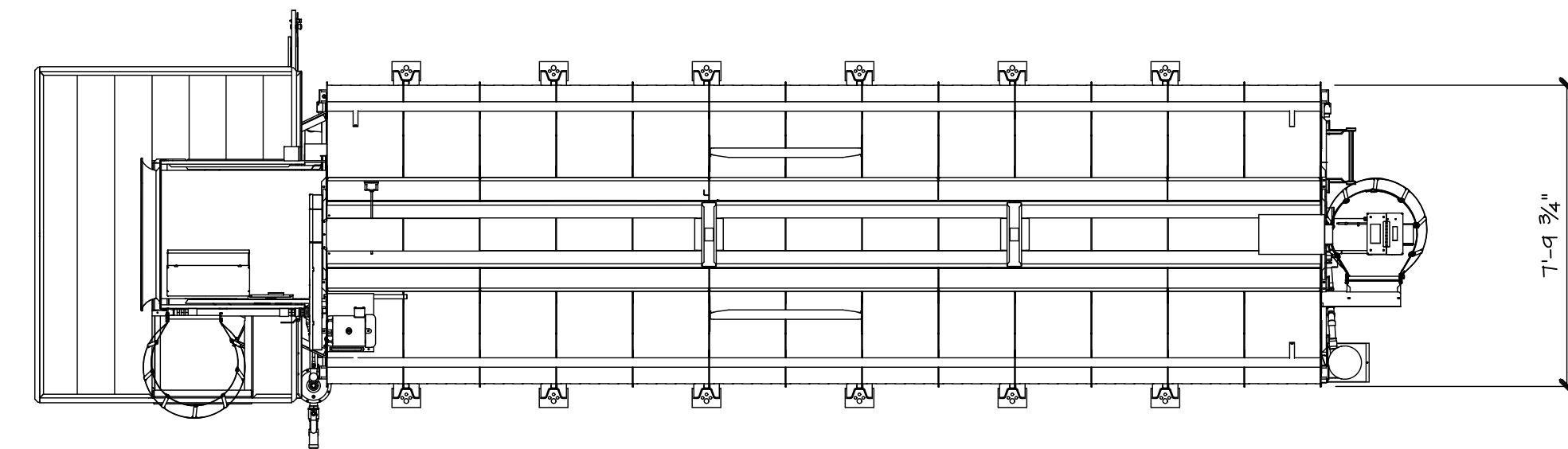
3/32" = 1'-0"

		ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.engelengineers.com (661) 327-7025	DRAWN A.J.K.	Huller Exterior Elevations Site Plan Review Opa Pistachios™ W. Panoche Rd Mendota, California 93640	SHEET NO. A-1 OF 23/33
4/4/20	SITE PLAN REVIEW		DATE 04/04/2020		
DATE	ISSUED FOR		APPROVED		

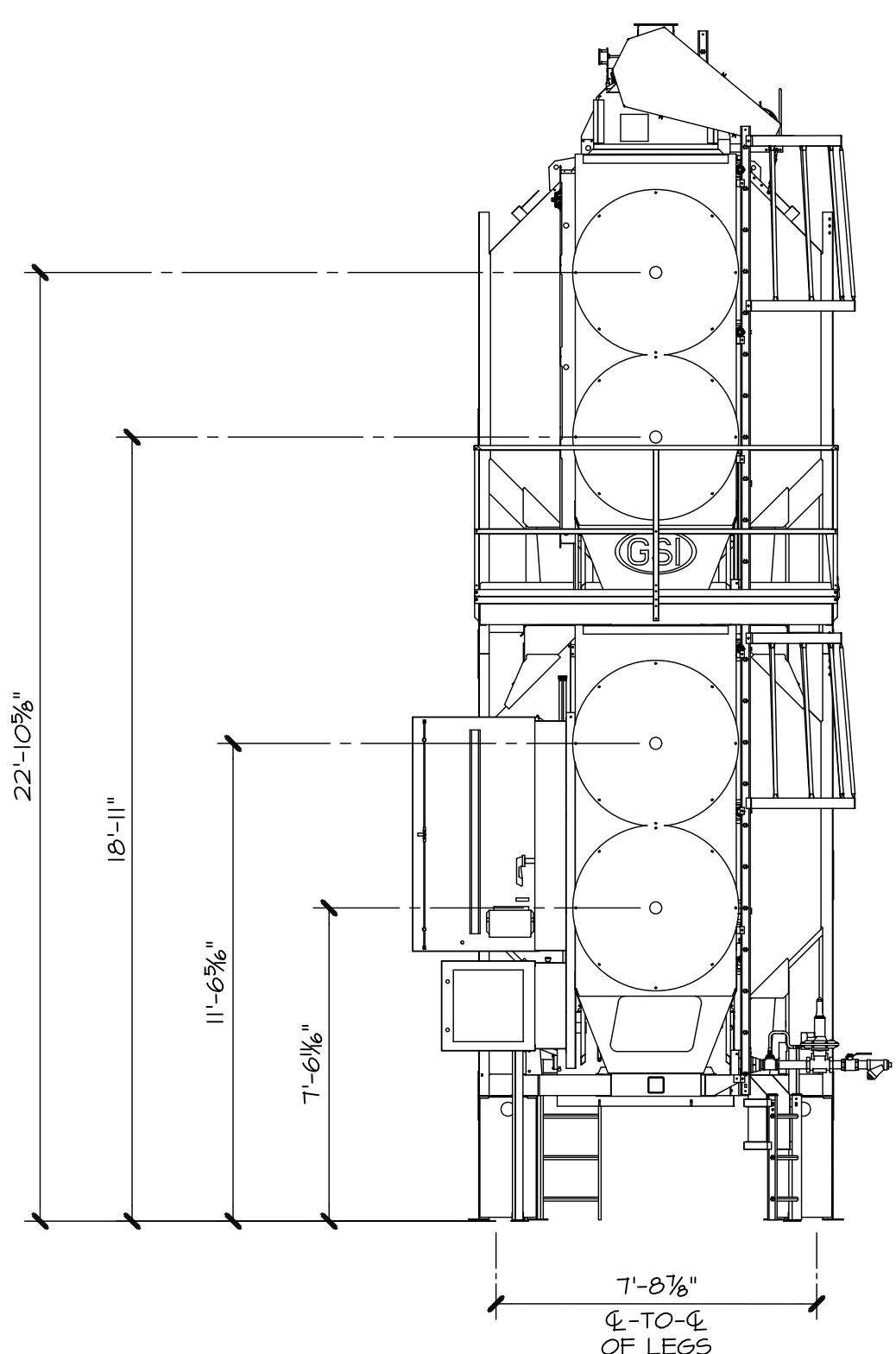


DRYER & CATWALK ELEVATION

3/16" = 1'-0"

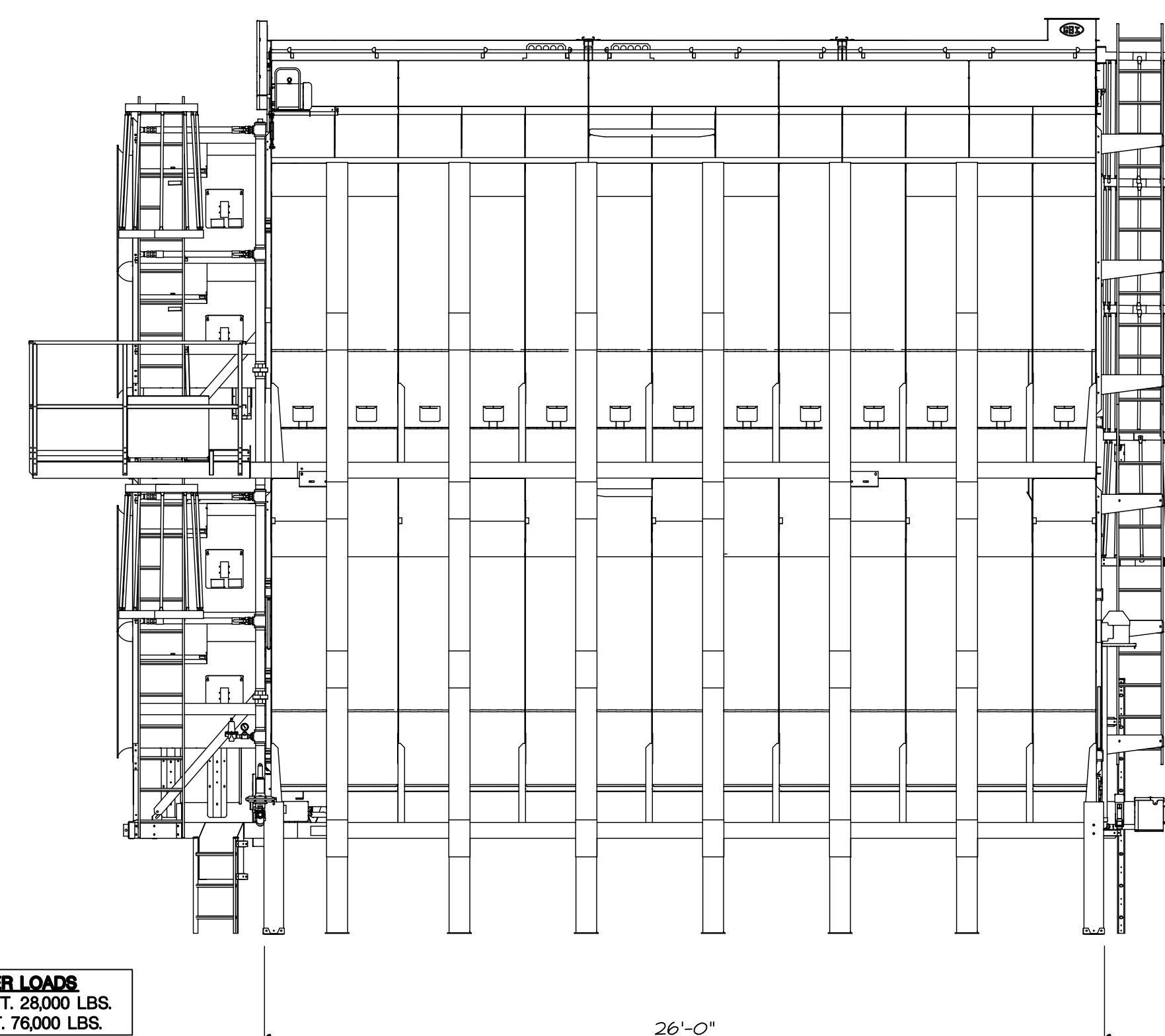


TOP VIEW

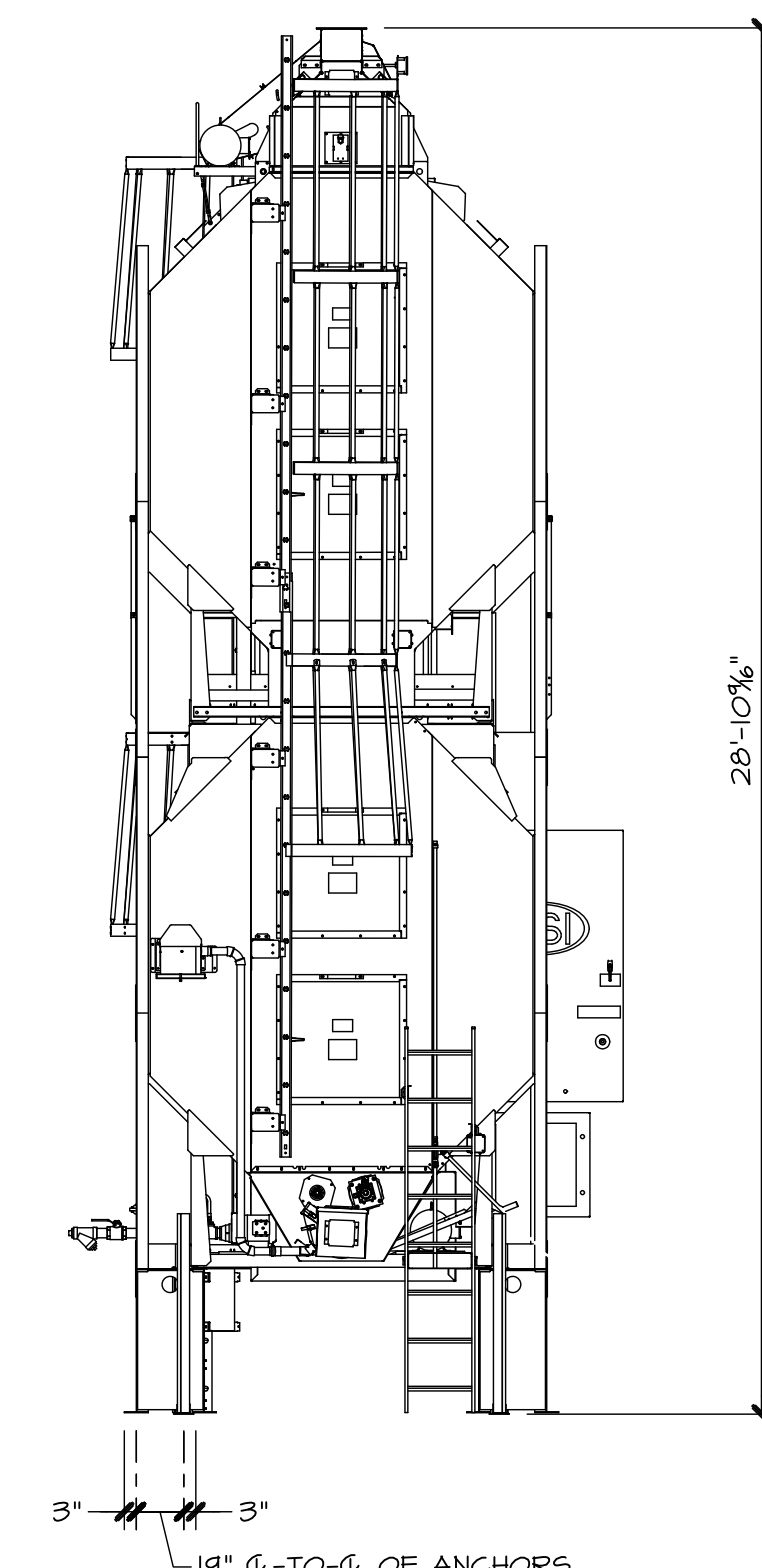


RIGHT SIDE VIEW

DRYER LOADS
EMPTY WT. 28,000 LBS.
OPG WT. 76,000 LBS.



FRONT VIEW



LEFT SIDE VIEW

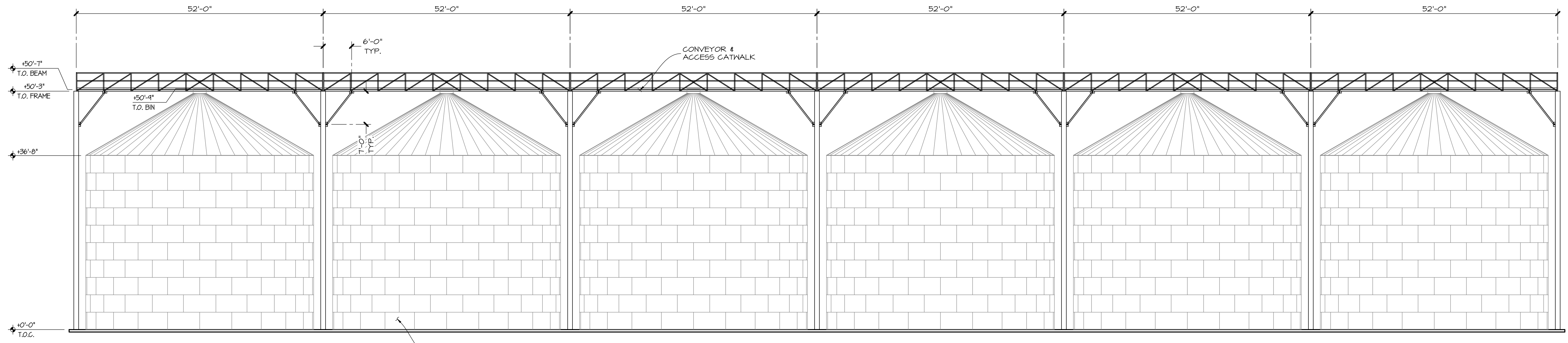
DRYER ELEVATION

1/4" = 1'-0"

EXHIBIT 5, Page 4

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ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.angelengineers.com (661) 327-7025		DRAWN AJK DATE 04/04/2020 CHECKED FJA APPROVED	Dryer Elevations Conditional Use Permit Opa Pistachios™ W. Panoche Rd Mendota, California 93640	SHEET NO. A-2 OF
4/4/20 SITE PLAN REVIEW DATE ISSUED FOR	www.angelengineers.com (661) 327-7025	APPROVED	SHEET NO. A-2 OF	SHEET NO. A-2 OF



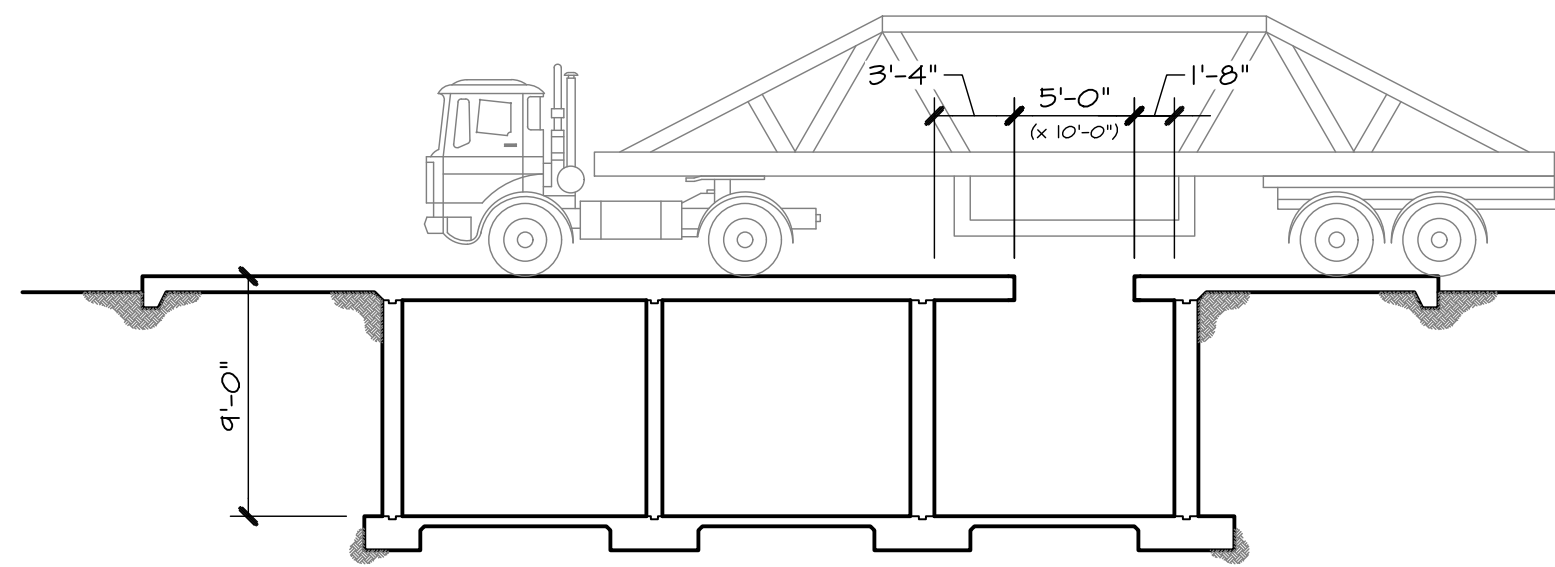
**EAST
SILO ELEVATION**

3/32" = 1'-0"

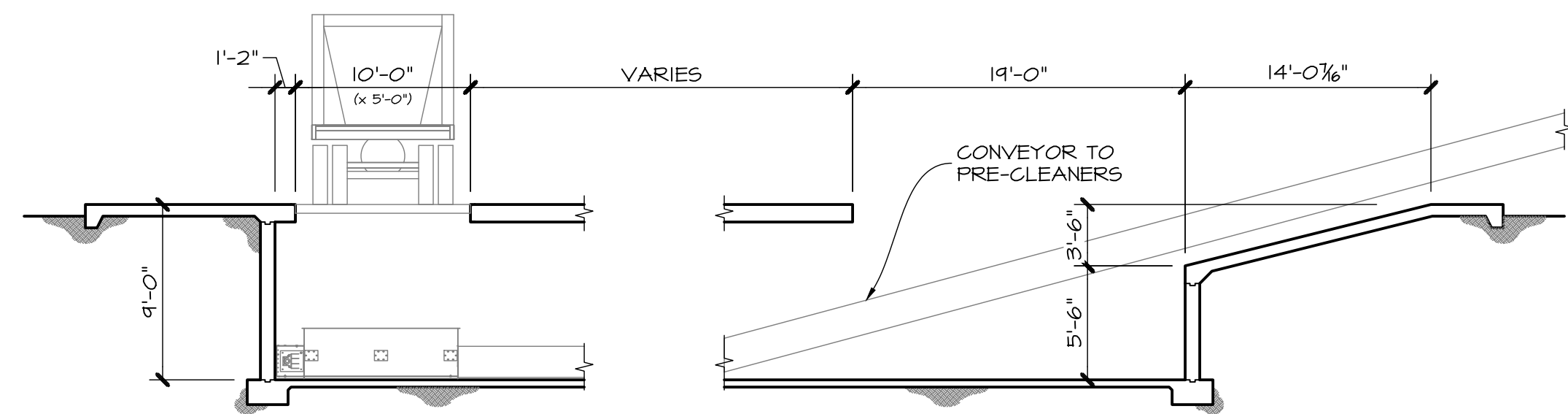
EXHIBIT 5, Page 5

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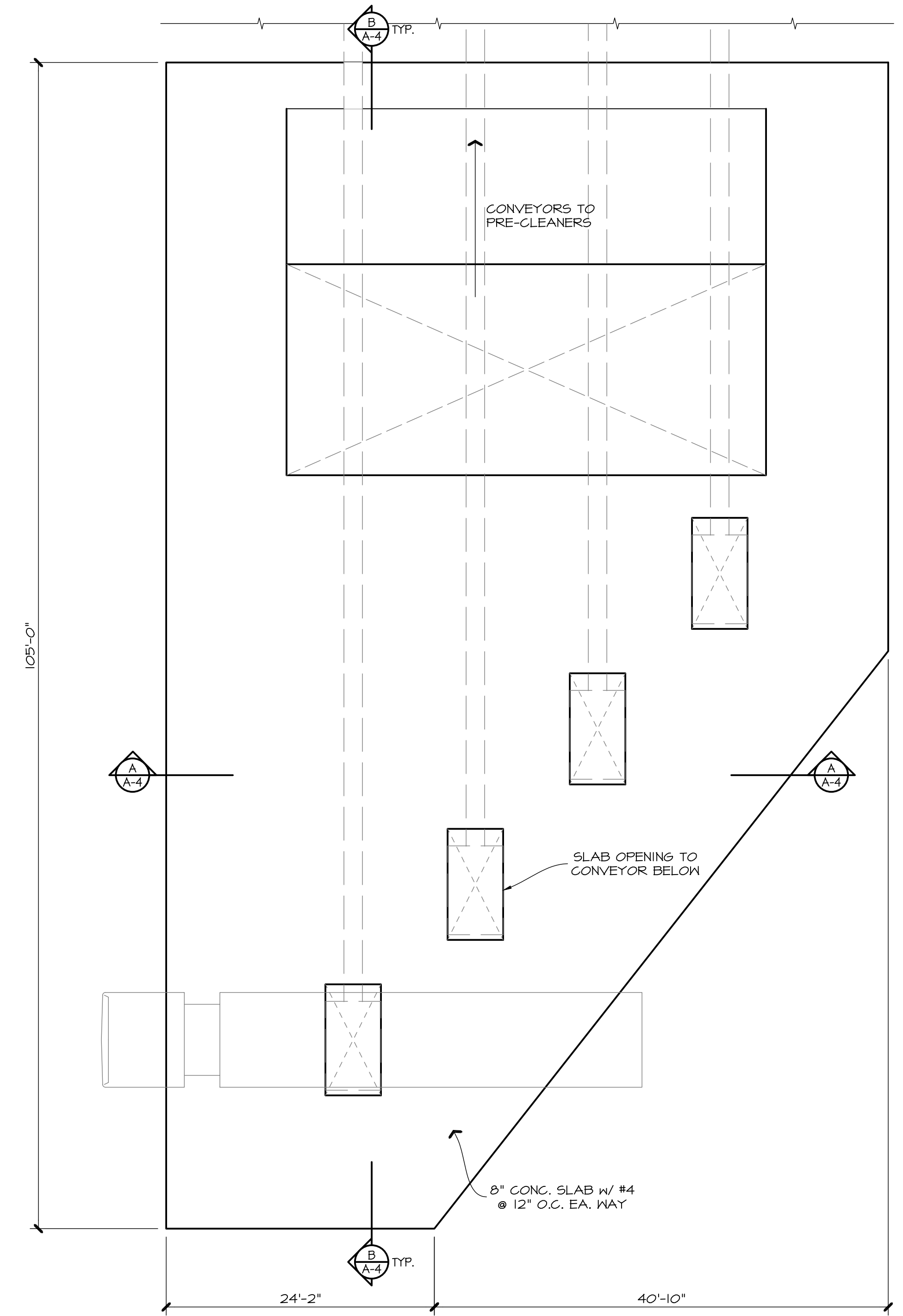
		ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.angelengineers.com (661) 327-7025	DRAWN AJK	Silo Elevation Conditional Use Permit Opa Pistachios™ W. Panoche Rd Mendota, California 93640	SHEET NO.
4/4/20	SITE PLAN REVIEW		DATE 04/04/2020		A-3
			CHECKED FJA		
DATE	ISSUED FOR		APPROVED		



(A) DRIVE-OVER DUMP TRANSVERSE DETAIL 1/8" = 1'-0"



(B) DRIVE-OVER DUMP LONGITUDINAL DETAIL 1/8" = 1'-0"



DRIVE-OVER DUMP PLAN 1/8" = 1'-0"

file: c:\Users\jweber\OneDrive\Documents\Projects - general\ross & sons\20103 - stls product huller\Drawings\SPR\2010304.dwg layout: 2010304 scale: 1 by: A.J.K. date: 07/16/2020 10:20 PM

		ENGEL & COMPANY <i>Engineers</i> 4009 UNION AVENUE BAKERSFIELD, CA 93305 www.engelengineers.com (661) 327-7025	DRAWN A.J.K.	Drive-Over Pit Conditional Use Permit Opa Pistachios™ W. Panoche Rd Mendota, California 93640	SHEET NO. A-4 . OF . 23/33
DATE 4/4/20	SITE PLAN REVIEW		CHECKED P.J.A.		
DATE ISSUED FOR			APPROVED		

EXHIBIT 6

**Conditional Use Permit Application Operational Statement for
S. Stamoules, Inc. Pistachio Huller
June 22, 2021**

Applicant: S. Stamoules Inc.
904 S. Lyon Ave.
Mendota, CA 93640

Record Owners: S. Stamoules Inc.
904 S. Lyon Ave.
Mendota, CA 93640

Representatives: Land Development Services, Inc. (Dirk Poeschel)
Engel & Co. (Paul Anchordoquy)

APN: 019-150-64S (316.2 Acres)

Project Area: 98 Acres +/-

Location: S. Newcomb Ave. between North Ave. and Annedale Ave.

Request: Approval of an Unclassified Conditional Use Permit to allow the owner to construct and operate a pistachio processing facility in the AE-20 zone.

References:

1. Water Process Flow Diagram (South Valley Pump) (REF 1)
2. Process Flow Diagram (JTI) (REF 2)
3. Figure 1: Site Location Map (Valley Science and Engineering) (REF 3)
4. Equipment brochures (REF 4)

1. Nature of the Operation

Please see the project site plan, floor plans and elevations prepared for the project by Engel & Co., structural engineers in Bakersfield, California. The proposed pistachio processing facility is for the owner's use in processing their own pistachio harvest from approximately 7,500 acres of mature pistachio orchards. The owner is currently sending their entire pistachio crop to an outside huller. The owner has plans to eventually develop approximately 13,000 acres of pistachio orchards, with the entire crop being directed to this site for processing, with no outside pistachios being processed.

The pistachios will arrive on site from the owner's surrounding orchards in the owner's collection of field trucks where they are dumped onto conveyors that deliver the nuts to the Pre-Cleaners. The Pre-Cleaners remove large debris that has been mixed with the pistachios during harvest.

From the Pre-Cleaners, the nuts are conveyed to the Huller Building. The Huller Building contains mechanical peelers that use a combination of water and abrasion to remove the hulls from the pistachios.

From the Huller Building, the pistachios are conveyed to gas-powered dryers that heat the product and ready it for bulk storage in large on-site Storage Silos, until the product is ready to be packaged. Raw product may be stored in the Storage Silos anywhere from 2 to 8 months, depending on market demand

Site improvements will be phased. The proposed huller buildings will total 22,940 sq. ft. In or around the year 2025, there will be a 155,169 sq. ft., Processing Building constructed on site where the pistachios will be placed in “super sacks” (large bags weighing approximately 1,500 lbs.) and shipped to an off-site processing and packing facility. By 2026 or 2027, the owner will begin installing processing equipment in the Processing Building to allow processing, sorting and packaging of their own pistachios on site. The finished product would then be shipped via truck not owned by the applicant to retail markets.

Project Phase	Est. Construction	Scope
1	2022	Pit, Pre-Cleaners, Huller Building, (10) Dryers, 18 Silos.
2	2024 - 2025	Processing Building (no equipment)
3	2026 - 2027	Process Equipment install in Processing Building, add (10) Dryers and (12) Silos at Huller Area
4 (+)	2028 - 2029	Second (identical) Huller w/ Pits, Pre-Cleaners, Huller Building, (20) Dryers and (30) Silos

2. Operational Time Limits

The pistachio harvest typically begins around September 1 and runs through the month of October with the majority of the crop being harvested and delivered to the facility in the first month of the season. During the peak of the harvest (usually 4 to 6 weeks), we expect the Huller portion of the facility to be operational from 6 a.m. until 11 p.m. for six to seven days per week.

Once complete, the Processing Building will keep regular hours, running from 7:30 a.m. to 4:30 p.m. for five days each week. The Process Building will run all year except during the 2 months (approximately) of harvest season. The Processing Building will not run during the harvest season because the harvest process requires additional manpower and at this time of year there is usually very little product available for processing. Some employees will shift from working in the Processing Building to working in the Huller during the harvest season.

Hours of Operation:

Activity	Proposed Time
Office	7:30 a.m. - 4:30 p.m.
Material Receiving	6:00 a.m. - 4:00 p.m.
Material Processing (Peak Season Only)	6:00 a.m. - 11:00 p.m.
Maintenance	7:30 a.m. - 4:30 p.m.

3. Number of Customers or Visitors

This site will be closed to the public for food safety reasons. Only employees and delivery vehicles will have regular access. It is estimated two light duty delivery trucks will visit the site on average each day with supplies and parts etc.

4. Number of Employees

At maximum capacity there will be as many as 14 employees on site with 4 employees performing administrative tasks and 10 employees operating the facility. Please see section 2 for operating hours. As previously mentioned, the Processing Building and Huller will not operate at the same time, so the total number of employees on site will not be cumulative between the two areas. The site will not have a resident caretaker.

5. Service and Delivery Vehicles

It is estimated that there will be 4 daily trips to the site for equipment servicing, general delivery of materials and parts .

Traffic

Product Related Trips

During the harvest season, it is anticipated that 2 or 3 loads of raw nuts to arrive at the processing facility from the field each hour of operation. Each load from the field will weigh between 48,000 and 52,000 lbs. The applicant anticipates 4 to 6 trucks per day leaving the Process Building once it is complete, with each truck load weighing approximately 80,000 lbs. The finished product will be delivered to both retail and wholesale markets.

For Phase I of the project, it is anticipated that there will be up to 100 million pounds of harvested product annually delivered to the site from the field for cleaning and processing. The plant is expected to receive less than that total in the first few years of operation, but that harvest will increase steadily as more of the owner's orchards mature into production. 50,000 tons of incoming harvested material processed per year / 25 tons capacity per truck / 313 working days per year (approximately) results in an average of 6.4 field trucks per workday hauling raw

material to the site. The same 6.4 trucks exit the site empty meaning 12.8 one-way truck trip ends are generated by the facility per day.

When the first huller is completed (Phase 3, please see table above), the facility will process approximately 83,000 tons of harvested material annually, resulting in an average of 21.2 one-way truck trips per day each year. Finally, when the second huller is constructed (Phase 4 and up), the capacity of the facility will double, resulting in 66.4 one-way truck trips per day each year.

It is important to note that the applicant's current crop is processed at an outside hulling facility. By constructing their own facility, the applicant will reduce the distance travelled by trucks transporting their current crop to the outside huller. The applicant plans to divert approximately 18,630 tons of their own raw harvest material to the proposed huller and processing facility.

Employee Related Trips

The Institute of Transportation Engineers (ITE) Trip Generation Manual 10th edition, Land Use Code 110 *Light Industrial* estimates 0.67 a.m. peak trips will be generated per employee or 12.0 total a.m. peak employee trips per day and that 0.68 p.m. peak trips will be generated per employee or 12.2 total p.m. peak employee trips per day.

According to the ITE, total weekday employee trips are estimated to be 3.05 trips per employee or 54.9 total daily employee related trips (3.05 trip generation factor x 18 employees=54.9 total daily employee trips). Therefore, the proposed maximum 14 employees will generate 54.9 employee related traffic trips.

Estimated Daily Truck Trip Ends	Estimated Daily Employee Trip Ends
66.4	54.9

Note: These trip counts are for the full project build-out (Phases 1 through 4).

6. Access to Site

Truck access to the site will be via S. Newcomb Ave. which is designated a local road in the Circulation Element of the Fresno County General Plan. All on-site travel ways and parking areas will be paved. There will also be tractors and field trucks that access the site from the surrounding orchards via unpaved farm roads.

7. Number of Parking Spaces

Thirty paved employee parking spaces will be provided at the Huller Area of the facility (Please see attached site plan). Truck loading and parking are located on the project site.

8. On-site Sales

There will be no on-site sales of any products.

9. Processing Equipment

<u>Stationary Processing Equip.</u> <u>Huller Area</u>	<u>Stationary Processing Equip.</u> <u>Processing Building</u>	<u>Mobile Equipment</u> <u>Huller & Processing</u>
Truck Scale	Scales	Bobcats
Conveyors	Baggers	Front-end loaders
Pre-cleaners	Hoppers	Forklifts
Hullers	Roasters	
Float Tank	Forklifts	
Water		
Collection pumps		
Screener		
De-Twigger		
Dryers		
Gravity Deck		
Silos		

10. Supplies and Materials

Typical supplies and materials for processing agricultural products are required for this facility. Paper, plastic and metal packaging materials will be used depending on type of storage/transportation application.

11. Appearance, Glare, Noise, Dust, Odor

The applicant is his own neighbor. The adjacent land the applicant does not own is also in agricultural production.

The facility will operate under strict federal and state food safety protocols and will be subject to inspection by a variety of regulatory agencies. The site will be kept free and clear of litter and debris to avoid attracting vermin. The applicant will implement state of the art vermin control measures.

All lighting will be hooded and directed downward to minimize light pollution.

The Huller Area and the Processing Building will be industrial-style construction, consisting of steel-framed construction with insulated metal panel exterior walls. The Pre-Cleaners, Dryers, conveyors and Silos will be visible from S. Newcomb Ave. However, the entire Huller Area will be kept very clean because of food safety requirements. The facility will be consistent in appearance with similar industrial food plants.

The Silos and Dryers will be constructed of galvanized steel, and will reflect sunlight if viewed from a certain angle. However, the Silos and Dryers are located on the other side of the Huller Area relative to S. Newcomb Ave., so glare seen from the road will be limited. The rest of the equipment and buildings on side will be painted white. Exposed structural steel framing will be coated with grey primer. Please see attached brochures (Ref. 4) depicting examples of the

process equipment that will be visible from the outside of the plant. The maximum height of the Silos will be 52 feet and corresponding height of the Dryers will be 33 feet.

The process of removing the pistachio hulls is a wet process, so there will be very little dust generated at this facility. Trucks will travel on paved surfaces when on site to minimize the amount of dust generated.

The water used in the hulling process will be directed to lined settling ponds. The settling ponds where solids are removed from the process wastewater may generate some unpleasant odors, however this will only be for a short time when the plant is operational. The settling ponds will be drained and scraped clean at the end of the season, with the solids being used for compost or cattle feed.

The Dryers and some of the pre-cleaner equipment make enough noise that employees working in close proximity to the equipment will be required to wear ear protection. However, past experience with similar equipment has shown that the noise will not be noticeable from off site.

12. Solid or Liquid Waste

Please see attached process flow diagram (Ref. 2). The hulling process requires a large volume of water (defined in below), and all process wastewater will be captured on site. Upon leaving the Hullers, the process wastewater will contain pistachio hulls and other debris that comes from the field with the harvested pistachios. The process wastewater will pass through a screen intended to capture most of the larger debris.

The process wastewater will then be directed to lined settling ponds where small debris that passed through the screens will settle to the bottom of the ponds to be collected when the ponds are drained at the end of the harvest season. Both the large and small solids will be used for either compost or cattle feed. The process wastewater will be beneficially reused to irrigate crops.

The facility is proposed to generate approximately 311.4 million gallons (955.5 acre-feet) of process wastewater annually, at final build-out. The process wastewater will be used as a supplemental irrigation and nutrient source for pistachio orchards owned by S. Stamoules Inc. (Ref. 3). The pistachio orchards, land application area (LAA), slated to receive the process wastewater are located approximately 2 to 6 miles to the northeast of the facility and total approximately 3,740 acres. The process wastewater will be conveyed to the LAA's utilizing existing subsurface piping. Based on water quality information from existing pistachio processing plants using similar source water, including projected nitrogen, potassium, and biochemical oxygen demand concentrations that have been permitted in existing waste discharge requirements (WDR) adopted by the Regional Water Quality Control Board, irrigation of the process wastewater would be used on a minimum of 2 acres of land per acre-foot to meet applicable water quality requirements. The proposed 3,740 acre LAA should supply sufficient acreage to effectively treat the process wastewater and meet water quality objectives. The surface application of the process wastewater will be subject to the approval of a Wastewater Discharge Permit issued by the Regional Water Quality Control Board.

Pistachio waste contains different components that are of potential value to certain entities. One component is twigs, broken shells and earthen material that can be used for composting or other soil amendment applications. Rejected pistachio nuts and pistachio hulls are a large part of the waste stream and have nutritional value as the nuts have a relatively high fat content and can be used to supplement cattle feed. For these reasons, and due to varying market demands, it is difficult to predict exactly where the solid waste from this site will be directed. However, it is certain that the waste will be re-used in one form or another.

Only normal putrescible waste will be generated by the project employees, with eligible materials directed to the appropriate recycling centers in accordance with the California Green Code

13. Volume of Water

Both process and fire suppression water will be supplied by an existing deep irrigation well located in the northwest corner of the site. The well currently can produce from 1,800 to 2,000 gallons per minute.

Please see attached water process flow diagram (Ref. 1). Water will be pumped from the existing well, through sand media filters, then to a large storage tank (approximately 250,000 gallons). Approximately 180,000 gallons will be allotted for site fire suppression, with the balance being used for processing operations. The tank will be plumbed in such a way to preserve the 180,000 gallons for fire suppression at all times. The majority of the water use at the facility will occur during the peak of the harvest season (usually 4 to 6 weeks) between September and October. It is anticipated that the initial phase of the project will require between 1,000 and 1,250 gallons per minute (GPM) of water for processing operation during the peak season, totaling 78.03 million gallons (239.5 acre-feet) annually. The final build-out is expected to use between 4,000 and 5,000 GPM of water during the peak season, which equates to approximately 311.4 million gallons (955.5 acre-feet) annually. The final build-out will require additional water from other existing wells on the owner's adjacent properties, or new wells to be installed.

From the Hullers, the process wastewater will be pumped over screens to remove hulls and other debris, with the wash water then placed in lined settling ponds. The screens collect the hulls and other solid materials, which are routinely squeezed to remove as much water as possible. The hulls and other solids are then collected with a loader and used for compost or cattle feed.

The surface application of wastewater from the hulling process will be subject to the approval of a Wastewater Discharge Permit issued by the Regional Water Quality Control Board. There are a number of factors that are considered in the discharge permit, such as the soil type where the water is applied, the crops to be irrigated, etc. The applicant is currently in possession of approximately 172 parcels used in the production of pistachios, row crops and forage crops, and should have the ability to designate a land application area large enough to effectively treat the wastewater to satisfy the permitting requirements of the Regional Water Quality Control Board.

Domestic Water

A new domestic well will be developed for potable water purposes.

14. Advertising

No site advertising is proposed. Traffic directional signs will be installed per county standards near S. Newcomb Ave. to help truck drivers identify the site.

15. Existing or New Buildings

The site is currently undeveloped and used for farming, so all construction on site will be new. Please see attached site plan, floor plan and exterior elevations for more detail on building location, appearance and construction materials.

16. Buildings Used in the Operation

All buildings and non-building structures constructed on site will be used as part of the proposed pistachio hulling and packing operation.

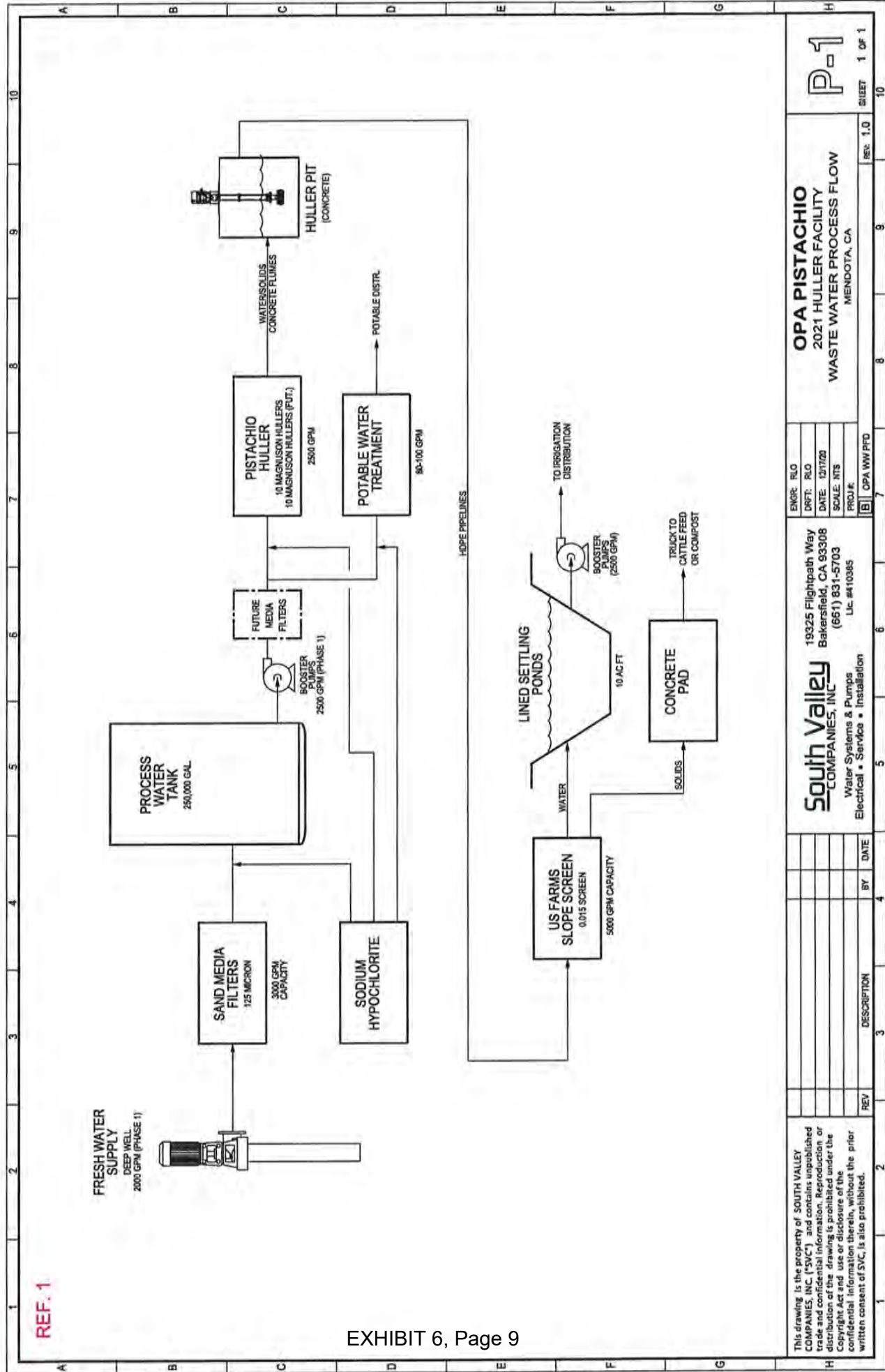
17. Outdoor Lighting and Sound

There will be no sound amplification system or public address system installed with this project.

There will be lighting installed on site, however it will all be directed downward to minimize light pollution. There will be light standards in the parking areas, in the Huller Building, and in certain outdoor areas of the Huller Area. The Processing Building will have exterior wall-mounted lights directed downward to illuminate the ground adjacent to the building.

18. Landscaping and Site Fencing

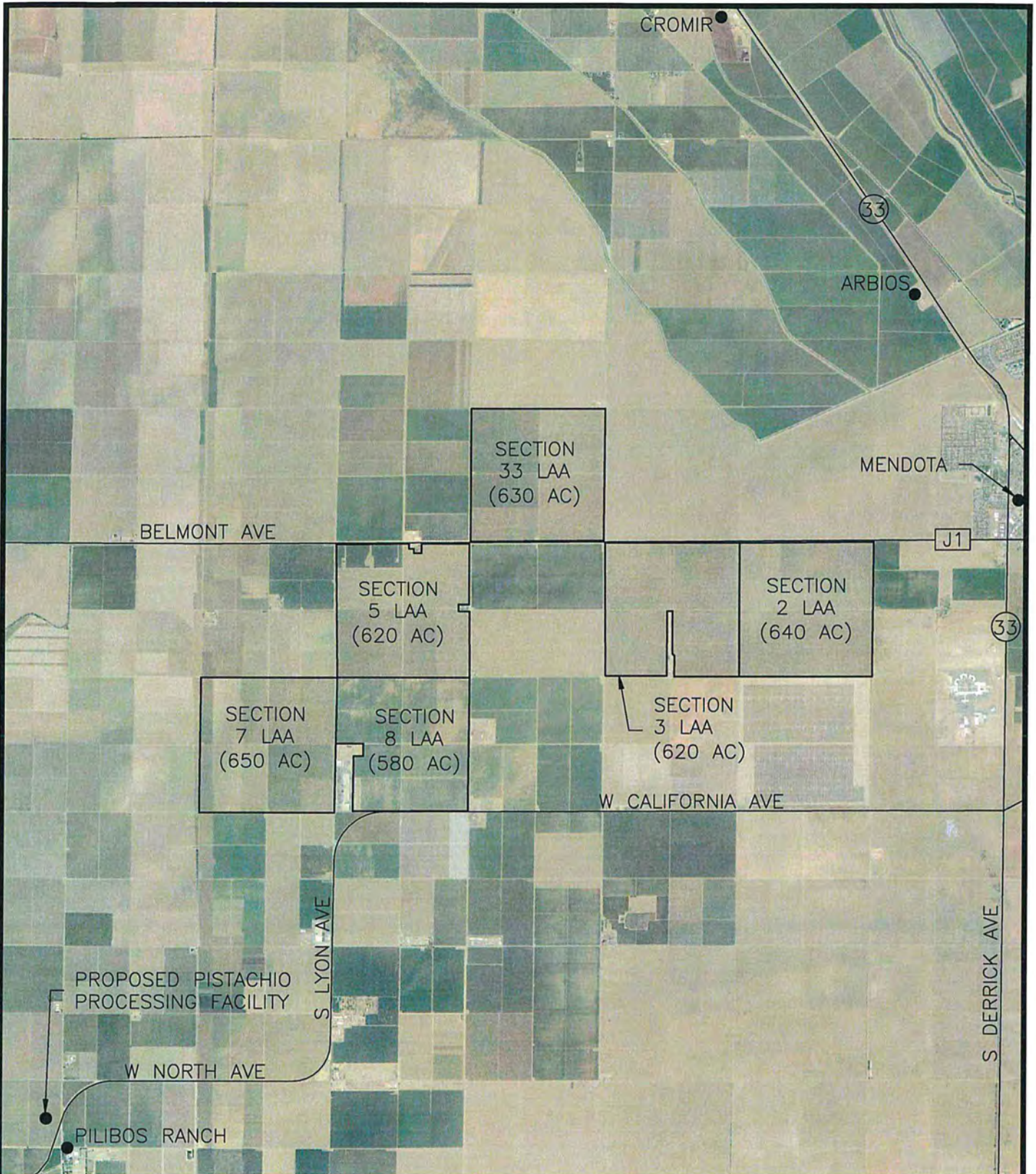
No landscaping is proposed for the site. There will be a chain-link security fence around the perimeter of the facility to control access to comply with food-safety requirements. Security staff will monitor the site 24/7 either in person or with security cameras.



REF. 1

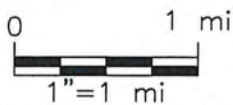
EXHIBIT 6, Page 9

<p>The drawing is the property of SOUTH VALLEY COMPANIES, INC. (SVC) and contains unpublished trade and confidential information. Reproduction or distribution of the drawing is prohibited under the Copyright Act and use or disclosure of the confidential information therein, without the prior written consent of SVC, is also prohibited.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DESCRIPTION	BY	DATE													<p style="text-align: center;">South Valley COMPANIES, INC. Water Systems & Pumps Electrical • Service • Installation</p> <p>19325 Flightpath Way Bakersfield, CA 93308 (661) 831-5703 Lic. #410385</p>	<p style="text-align: center;">OPA PISTACHIO 2021 HULLER FACILITY WASTE WATER PROCESS FLOW MENDOTA, CA</p>
REV	DESCRIPTION	BY	DATE																
<p>ENGR: RLO DRFT: RLO DATE: 12/17/20 SCALE: NTS PROJ.#: [B] OPA WW/PFD</p>		<p>REV. 1.0 SHEET 1 OF 1</p>																	



EXPLANATION:

LAA - LAND APPLICATION AREA
 AC - ACRES



(SCALE AND LOCATIONS APPROXIMATE)

Figure 1. Site Location Map

PROJECT NUMBER: 2021210059	S. Stamoules Pistachio Processing Facility Conditional Use Permit Application: Projected Land Application Area
DATE: 5/24/2021	
DWG NO: 2020210059 F1.DWG	South Valley Engineers S. Newcomb Ave. APN 019-150-64S Mendota, California 93640
DWG BY: PROJECT MANAGER: 6NSG 10MSS	
REVISED:	

VALLEY SCIENCE AND ENGI

PARCEL LIST OF APPLICANT-OWNED FARMGROUND

019-030-79	019-030-78S	019-040-28S	038-231-53S
060-030-18S	019-030-78S	019-040-28S	038-231-33S
019-050-64S	027-071-24S	019-040-25S	038-330-21S
019-030-82	019-030-23S	027-071-20	038-330-22S
027-071-11S	019-030-23S	027-071-20	038-221-51S
027-071-35S	019-030-78S	019-030-78S	027-220-10S
019-050-64S	019-030-79	019-030-78S	027-220-12S
019-030-71	060-030-18S	019-030-78S	027-220-13S
060-030-30S	019-050-64S	027-071-24S	027-220-14
019-050-44S	019-030-82	019-030-23S	027-220-32
019-050-44S	027-071-11S	019-030-23S	027-220-27
019-050-62S	027-071-35S	019-030-78S	027-220-28S
019-030-68	019-050-64S	019-160-31S	027-220-30S
019-050-62S	019-030-71	019-200-75S	038-330-21S
019-030-73	060-030-30S	019-200-11	038-330-22S
019-050-62S	019-050-44S	019-200-12S	038-221-51S
019-030-67	019-050-44S	019-200-15S	027-220-10S
027-071-12	019-050-62S	019-200-23S	027-220-12S
019-050-62S	019-030-68	019-200-25S	027-220-13S
019-030-72	019-050-62S	019-200-55S	027-220-14
019-050-63S	019-030-73	019-200-85	027-220-32
019-020-67	019-050-62S	019-200-88S	027-220-27
019-020-62	019-030-67	019-200-88S	027-220-28S
019-020-61	027-071-12	019-200-86	027-220-30S
019-020-66	019-050-62S	019-200-89S	019-200-82S
019-040-14S	019-030-72	019-200-35S	019-200-84
019-040-23S	019-050-63S	019-200-82S	019-200-85
019-040-13S	019-020-67	019-200-83	019-150-64S
019-040-22S	019-020-62	012-180-19S	019-150-64S
019-040-22S	019-020-61	038-221-20S	011-150-06S
028-020-43S	019-020-66	038-221-22S	011-150-07S
019-040-13S	019-040-14S	038-221-49S	011-180-11S
019-040-13S	019-040-23S	012-180-19S	
019-040-13S	019-040-13S	019-210-40S	
019-040-13S	019-040-22S	038-221-50S	
019-040-28S	019-040-22S	012-180-20S	
019-040-28S	028-020-43S	038-221-48S	
019-040-28S	019-040-13S	012-180-03	
019-040-25S	019-040-13S	012-180-20S	
027-071-20	019-040-13S	019-210-40S	
027-071-20	019-040-13S	038-231-34S	
019-030-78S	019-040-28S	038-231-52S	

OPA PISTACHIOS
VARIANCE FINDINGS

June 7, 2021

Owner:

Mr. Dio Stefanopoulos, Vice President
Stamoules Produce Co., Inc.
904 S. Lyon Ave.
Mendota, Ca. 93640-9735

Applicant:

S. STAMOULES, INC.
904 S. Lyon Ave.
Mendota, CA 93640

Representative:

Dirk Poeschel Land Development Services, Inc.
923 Van Ness Ave., Suite 200
Fresno, CA 93721
559-445-0374

Property Location:

The project site is located on S. Newcomb Ave. between North Ave. and Annedale Ave.

APN:

019-150-64S (316.2 Acres)

Existing Zone Designation:

AE-20 (Fresno County land use designation)

Existing General Plan Land Use Designation:

Exclusive Agriculture

Request:

Grant a Variance to allow (16) 50-foot silos in the AE-20 Zone District, where the maximum building height is 35 feet.

Background:

The applicant, Opa Pistachios, is a sister company to Stamoules Produce Company. Stamoules Produce Company began in 1927 experimenting with cantaloupes. Since the 1960's, Stamoules Produce had expanded to honeydews, mini watermelons, bell peppers, sweet corn, broccoli, pistachios, onions, and cauliflower.

Finding 1:

There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having identical zoning classification.

The applicant proposes to construct a state-of-the-art pistachio hauling processing facility, the first of its kind in the general vicinity, to accommodate their own crop. The 50-foot vertical silos are the most efficient way to utilize space and maximize storage capacity for the pistachios. The use of silos is typical of agricultural storage in Central California. In fact, silos are used as storage vessels for wine, nuts, grains, dairy products, and animal feed. The process of hauling pistachios creates a need for extra storage capability that the proposed silos will address.

Finding 2:

Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

The 50-foot silos are necessary for the pistachio hauling and processing operation. The applicant has the property right to haul, process, and store their own pistachios on site. Approximately 12 miles east of the proposed pistachio hauling and processing facility, silos greater than 50-feet are being utilized for storage purposes. Please see the attached photograph. Silos allow the applicant to not consume room for storage that could better be used for agricultural production purposes.

Finding 3:

The granting of the variance will not be material detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Granting the proposed variance to allow the 50-foot silos will not be detrimental to surrounding property for various reasons. The subject property is 316.2 +/- acres, and the nearest single-family resident is over 4,000 ft. away. The silos will be placed at least 1,000 ft. from all surrounding property boundaries. Because height appears to diminish over distance, the silos will not conflict with surrounding property owners and their privacy. As mentioned above, storage silos are typical in agricultural settings.

Finding 4:

The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.

The applicant's proposed agricultural use is consistent with the existing AE-20 zone district. The proposed silos allow for increased site productivity, which is an indirect goal of the Fresno County General Plan to support agriculture. Therefore, the proposed use is consistent with the Fresno County General Plan.

EXHIBIT 7

**FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATIONS**

**S. STAMOULES, INC. PISTACHIO PROCESSING FACILITY
FRESNO COUNTY, CALIFORNIA**

LSA

January 2024

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

S. STAMOULES, INC. PISTACHIO PROCESSING FACILITY FRESNO COUNTY, CALIFORNIA

Submitted to:

Fresno County
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th floor
Fresno, California 93721

Prepared by:

LSA
2565 Alluvial Avenue, Suite 172
Clovis, California 93611
(559) 490-1210

Project No. CFF2201



January 2024

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INTRODUCTION

The following Findings of Fact and Statement of Overriding Considerations are based in part on the information contained in the S. Stamoules, Inc. Pistachio Processing Facility Project [Conditional Use Permit (CUP) No. 3709 and Variance (VA) Application No. 4112] Draft and Final Environmental Impact Report (State Clearinghouse # 2022070101) that was prepared by the County of Fresno (County) acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notices of Availability and Completion (NOA/NOC), Draft Environmental Impact Report (Draft EIR), Appendices, Technical Studies, Final Environmental Impact Report containing Responses to Comments and textual revisions to the Draft EIR (in the Final Environmental Impact Report), and Mitigation Monitoring and Reporting Program (MMRP) will be referred to collectively herein as the "EIR." These Findings are based on the entire record before the Planning Commission, including the EIR. The EIR is hereby incorporated by reference and is available for review at the County of Fresno, 2220 Tulare Street, Fresno, California, and electronically at: <https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/environmental-impact-reports/eir-8077-s-stamoules-inc-pistachio-processing-facility-project>

The purpose of these Findings of Fact and Statement of Overriding Considerations is to satisfy the requirements of Sections 15091, 15092, and 15093 of the CEQA Guidelines, associated with approval of proposed S. Stamoules, Inc. Pistachio Processing Facility Project (CUP No. 3709 and VA Application No. 4112) (herein referred to as the proposed project).

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PROJECT DESCRIPTION

PROJECT LOCATION

The project site is located in western Fresno County, approximately 8 miles southwest of Mendota. The project site is located in an agricultural area of Fresno County and is surrounded by orchards and row crops. The project site is bounded by farm fields and West Panoche Road to the south, West Panoche Road and farm fields to the east, and farm fields to the north and to the west. The San Luis Canal of the California Aqueduct is located approximately 0.6 mile to the west of the project site.

PROJECT OBJECTIVES

The following is a list of objectives for the proposed project:

- Construct a pistachio hulling, processing, and packing facility on the proposed project site that can process pistachio crops harvested in the 7,500 acres of orchards owned by Stamoules Produce Company, and at full buildout, be able to process approximately 13,000 acres of the Project Applicant's additional pistachio orchards.
- Reduce public and private development and operational costs of the pistachio processing facility through the selection of a Project Applicant-owned project site.
- Allow the Project Applicant the undisrupted operation of a privately-owned pistachio processing facility.

PROJECT CHARACTERISTICS

The proposed project would consist of building a pistachio hulling, processing, and packing facility that can process pistachio crops from the Project Applicant's surrounding pistachio orchards. Trucks carrying pistachios from the Project Applicant's orchards would deposit their load on a conveyor belt system that would transport the pistachios through different sections of the proposed facility that include a huller building, a propane-powered dryer area, a drive-over dump pit area, and an area with storage silos. The proposed project would be implemented in four phases, and each phase would include the construction and addition of buildings, working areas and equipment to increase the capacity of the project site.

Phase I would occur in 2024 and would include the construction of an approximately 5,608 square foot drive-over dumping pit area, where trucks carrying pistachios would unload goods into four approximately 9 by 10-foot pit stations. A 3,900 square foot pre-cleaning area would contain equipment to eliminate large debris from the pistachio loads. A huller building with an area of approximately 22,940 square feet and approximately 42 feet in height would also be constructed. The building would be of industrial-style construction with insulated metal panel exterior walls. Ten approximately 26-foot long, 8-foot wide and 29-foot tall dryers and eighteen approximately 52-foot wide and 50-foot tall galvanized steel silos, each of 2,200,000-pound capacity, would be added to the project site west of the proposed huller building.

Phase II would occur between 2025 and 2027, and would include the construction of the processing building, an approximately 155,169 square foot, steel-framed, industrial-style building with insulated metal panel exterior walls. The processing building would be located south of the huller building constructed during Phase I.

Phase III would occur between 2028 and 2029 and would include the installation of the processing equipment inside the processing building constructed during Phase II. This equipment includes scales, baggers, hoppers, roasters, and forklifts. Additionally, ten dryers and twelve silos with the same dimensions and style of those constructed during Phase I would be added adjacent to the existing dryers and storage silos in the project site.

Phase IV would occur between 2030 and 2031 and would include the construction of a second huller building, a second drive-over dumping pit area, and an additional pre-cleaning area with the same dimensions as the facilities constructed during Phase I. Additionally, twenty dryers and thirty silos with the same dimensions and style of those constructed during Phase I would be added to the north of the existing dryer and storage silo areas of the project site.

A number of other permits and approvals are also contemplated as part of the project, as further described in Section 3.0 of the EIR, which is incorporated by reference.

PROCEDURAL FINDINGS

On July 8, 2022, the County circulated an NOP notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. The NOP was sent to the State Clearinghouse, responsible agencies, interested parties, and organizations likely to be interested in the potential impacts of the proposed project. A scoping session was held virtually on July 25, 2022, to solicit feedback regarding the scope and content of the EIR. Comments received by the County on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on November 1, 2023, and was distributed to local and State responsible and trustee agencies. The NOA for the Draft EIR was submitted to the State Clearinghouse, provided to all individuals and organizations who made a written request for notice, and filed with the Fresno County Clerk.

The CEQA-mandated 45-day public comment period ended on December 18, 2023. The County accepted and responded to all comments received between November 1, 2023, and December 18, 2023 for the Draft EIR.

Following public review of the Draft EIR, a Final EIR was prepared. The Final EIR was made available in January 2023 and consists of the following items:

- The Draft EIR released on November 1, 2023.
- Responses to Comments; and
- Text revisions to the Draft EIR.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Public Review Draft EIR were provided at least 10 days to review the proposed responses contained in the Final EIR prior to the date for consideration of the Final EIR for certification.

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RECORD OF PROCEEDINGS

In accordance with Public Resources Code (PRC) Section 21167.6(e), the record of proceedings for the County's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these Findings:

- County staff reports and all attachments;
- The Draft EIR and all appendices to the Draft EIR;
- The Final EIR and all appendices to the Final EIR;
- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP and the Draft EIR;
- All studies conducted for the project and contained or referenced in the Draft EIR and the Final EIR;
- All documents cited or referenced in the Draft EIR and the Final EIR;
- All public reports and documents related to the project prepared for the County and other agencies;
- All other documents related to the project;
- The MMRP for the project; and
- Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the County's offices at 2220 Tulare Street, 6th Floor, Fresno, California.

The Draft EIR and Final EIR are incorporated into these Findings in their entirety, unless and only to the extent that these Findings expressly do not incorporate by reference the Draft EIR and Final EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

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FINDINGS REQUIRED UNDER CEQA

The Draft EIR identified a number of less than significant impacts associated with the project that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, "Statement of Overriding Considerations," however, the County has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the County with respect to the project's significant effects and mitigation measures are set forth in the EIR and these Findings of Fact. The Summary of Findings does not attempt to replicate or restate the full analysis of each environmental impact contained in the EIR. Please refer to the Draft EIR and Final EIR for more detail.

The following provides a summary description of each potentially significant impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the County, and states the findings of the County regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and Final EIR and associated record (described herein), both of which are incorporated by reference. The County hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these Findings, and ratifies, adopts, and incorporates into these Findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

To the extent any of the mitigation measures are within the jurisdiction of other agencies, the County finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines, Section 15091[a][2]).

AESTHETICS

Environmental Effects of the Project Found to Have No Impact on the Environment or to Have a Less Than Significant Impact on the Environment

- **Impact AES-1:** *The proposed project would not have a substantial adverse effect on a scenic vista.*
- **Impact AES-2:** *The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.*
- **Impact AES-3:** *The proposed project would not 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 a publicly accessible vantage point). Due to the location of the project in an*

urbanized area, the project would not conflict with applicable zoning and other regulations governing scenic quality.

- **Impact AES-4:** The project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- **Impact AES-5:** The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to aesthetics.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

AGRICULTURE AND FORESTRY RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact AG-1:** The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- **Impact AG-3:** The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code section.51104(g)).
- **Impact AG-4:** The project would not result in the loss of forest land or conversion of forest land to non-forest use.
- **Impact AG-5:** The project would not 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.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- **Impact AG-2:** The project would conflict with existing zoning for agricultural use or a Williamson Act contract.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: The proposed project site is in APN 019-150-64S, which is currently under a Williamson Act contract. Fresno County determined that the non-renewal of the Williamson Act contract at APN 019-150-64S for the 98-acre area occupied by the proposed project facility would be required. Implementation of Mitigation Measure AG-2 would ensure compliance with the required procedure for non-renewal of a portion of the Williamson Act contract at APN 019-150-64S. With implementation of Mitigation Measure AG-2, by the time project development begins at the project site, contract non-renewal would be in process and within 10 years there would be no parcels within the project site under a Williamson Act contract. Therefore, with Mitigation Measure AG-2, the proposed project would not conflict with zoning for agriculture or a Williamson Act contract, and the impact would be less than significant.

Mitigation Measure AG-2 Prior to issuance of building permits, the Project Applicant shall submit for non-renewal of the Williamson Act contract at the 98-acre portion of Accessor's Parcel Number (APN) 019-150-64S associated with proposed project facilities.

- **Impact AG-6:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to agricultural resources.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: The project would implement Mitigation Measure AG-2 to reduce impacts related to conflicts with a Williamson Act contract to less than significant levels, as described above. Additionally, the proposed project would not result in the conversion of agricultural uses to nonagricultural uses and would not contribute to a cumulative loss of agricultural land in Fresno County. Further, the project site does not include any forestlands or timberland, so implementation of the proposed project would not contribute to cumulative impacts to forestry resources. Thus, the project would not contribute to any significant cumulative impacts to agricultural and forestry resources, and cumulative impacts to these resources would be less than significant.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

AIR QUALITY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact AIR-1:** *The project would not conflict with or obstruct implementation of the applicable air quality plan.*
- **Impact AIR-2:** *Implementation of the proposed project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or State ambient air quality standard.*

- **Impact AIR-3:** Implementation of the proposed project would expose sensitive receptors to substantial pollutant concentrations.
- **Impact AIR-5:** The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to air quality.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- **Impact AIR-4:** The project would result in significant odors that could adversely affect a substantial number of people.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: According to the San Joaquin Valley Air Pollution Control District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. The proposed project would include the construction of settling ponds to filter out organic debris from wastewater from project operations, which could result in significant odors once operational. With implementation of Mitigation Measure AIR-4, which would require that a project odor control plan be prepared and submitted to the SJVAPCD and the County for approval, the proposed project would not generate significant odors that would adversely affect a substantial number of people, and impacts would be mitigated to a less than significant level.

Mitigation Measure AIR-4

Prior to issuance of grading or building permits, the project applicant shall develop an odor control plan detailing all methods of nuisance odor control as it applies to operation of the proposed settling ponds, and shall submit it to the SJVACPD and the County of Fresno Department of Public Works and Planning for approval. The odor control plan shall be made available to all employees and shall be used as a training aid for new employees.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less than Significant

- None.

BIOLOGICAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact BIO-2:** The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.

- **Impact BIO-3:** *The project would not 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.*
- **Impact BIO-4:** *The project would not 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.*
- **Impact BIO-5:** *The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*
- **Impact BIO-6:** *The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- **Impact BIO-1:** *The project would 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: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: The project site contains suitable nesting habitat for a few urban-adapted native avian species, as well as a potential roosting habitat for several protected bat species.

The on-site trees have the potential to support nesting birds such as house finch, mourning dove, and western kingbird. Nearly all native birds are protected by the Federal Migratory Bird Treaty Act, the California Migratory Bird Protection Act, and the California Fish and Game Code. Construction activities that occur during the nesting bird season (typically February 1 through September 30) have potential to result in the mortality/disturbance of nesting birds.

Avoidance, conducting pre-construction surveys and establishing buffers would prevent or compensate for impacts on special-status bird species. Therefore, implementation of Mitigation Measure BIO-1.1, which would require avoidance, conducting pre-construction surveys, and establishing buffers, would effectively mitigate any impacts to nesting birds to less than significant levels.

In addition, on-site trees in the project site have the potential to be used as roosting habitat for bat species, including the Western red bat, a state-protected species. Construction activities that occur near, or that directly affect, potential roosting habitat could result in “take” of special-status bat species. Avoidance, conducting pre-construction surveys, establishing buffers, and humane eviction of bats under the direction of a qualified biologist, as applicable, would prevent or compensate for

impacts on special-status bat species. Therefore, implementation of Mitigation Measure BIO-1.2, which would require avoidance, conducting pre-construction surveys, establishing buffers and humane eviction, as applicable, would effectively mitigate any impacts to special-status bat species to less than significant levels.

No other special-status species were determined to have a moderate or high probability of occurrence on the project site. As such, Mitigation Measures BIO-1.1 and BIO-1.2 would reduce potential impacts to special-status species to less than significant levels.

Mitigation Measure BIO-1.1 Nesting Bird Surveys and Active Nest Avoidance. Any initial ground disturbance or tree pruning, or removal should take place outside of the active nesting bird season (i.e., February 1–September 30), when feasible, to avoid impacts to nesting birds protected under the California Fish and Game Code and Migratory Bird Treaty Act. Should phased construction require tree removal or initial ground disturbance to ruderal areas, a qualified biologist shall conduct a nesting bird survey no more than 10 days prior to each phase of ground or vegetation disturbing activities. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the nesting bird(s) are allowed to take place until after the nest is no longer active (e.g., the young birds have fledged), or as otherwise determined by the qualified biologist.

Mitigation Measure BIO-1.2 Surveys for Roosting Bats and Avoidance of Bat Roosts. Any tree pruning or removal could disturb roosting bats, should they be present in any of the trees located within or immediately adjacent to the project site. To avoid potential impact to maternity bat roosts, pruning or removal of trees should occur outside of the period between April 1 and September 30, if feasible. If pruning or removal of mature trees is to occur between April 1 and September 30, a qualified biologist shall conduct a preconstruction survey in search of day-roosting bats, dead carcasses, fecal matter, or staining of guano within 30 days of construction. If no evidence is found, tree pruning, or removal can commence without harm to bats. Should the preconstruction survey show evidence of nonbreeding day-roosts for bats, the bats can be humanely evicted via two-stage removal of trees, under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs. If a maternity colony is detected, the biologist shall identify an appropriate buffer (50–100 feet) where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the

roosting bat(s) are allowed to take place. Construction activities, including tree pruning or removal, can commence once the roost is deemed no longer active by the qualified biologist.

- **Impact BIO-7:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to biological resources.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: The project would implement Mitigation Measure BIO-1.1 and BIO-1.2 to reduce impacts on nesting birds and roosting bats respectively, as described above. The proposed project is not expected to have a substantial adverse effect on any other special-status species. Thus, the project would not contribute to any significant cumulative impacts to biological resources, and cumulative impacts to these resources would be less than significant.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

CULTURAL AND TRIBAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- None.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- **Impact CUL-1:** *The project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No historical resources were identified within or adjacent to the project site. In the event that unknown resources are discovered during project construction, existing federal, State, and local laws and regulations would require construction activities to cease until such artifacts are properly examined and determined to not be of significance by a qualified professional. Implementation of Mitigation Measure CUL-1 would require consultation with a historical resources specialist to assess whether the discovered resource qualifies as a historical resource and to identify appropriate mitigation measures, if applicable. Therefore, potential impacts related to a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 would be less than significant with mitigation.

Mitigation Measure CUL-1

If previously unknown resources are encountered before or during grading activities, construction shall stop within 50 feet of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the *State CEQA Guidelines*.

If the resources are determined to be unique archaeological resources as defined under Section 15064.5 (c) (1) of the *State CEQA Guidelines*, measures shall be identified by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of green space, parks, or open space in undeveloped areas of the project site, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the protection measures. Any historical artifacts recovered as a result of mitigation shall be provided to a Lead Agency-approved institution or person who is capable of providing long-term preservation to allow future scientific study. A report of findings shall also be submitted to the Southern San Joaquin Valley Information Center.

- **Impact CUL-2:** *The project would cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No archaeological resources were identified in the project site. However, there is a potential for unknown archaeological resources to be discovered during construction of the proposed project. Mitigation Measure CUL-1 requires that if unknown archaeological resources are discovered during construction, work in the area would halt and a qualified archaeologist would be contacted and consulted regarding how to appropriately address the situation. This would minimize or eliminate any potential for an adverse change to the significance of any discovered archaeological resources. Therefore, adherence to the requirements of Mitigation Measure CUL-1, described above, would reduce potential impacts from a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 to less than significant with mitigation.

- **Impact CUL-3:** *The project would disturb human remains, including those interred outside of formal cemeteries.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: Disturbance of human remains interred outside of formal cemeteries would result in a significant impact. If human remains are identified during project construction, Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98 shall apply, as appropriate. Mitigation Measure CUL-3 requires adherence to Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98. With implementation of Mitigation Measure CUL-3, potential impacts related to disturbance of any human remains, including those interred outside of formal cemeteries, would be less than significant with mitigation.

Mitigation Measure CUL-3

In the event that human remains are unearthed during excavation and grading activities of the project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the Most Likely Descendent (MLD) of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the MLDs regarding their recommendations, if applicable, and taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the MLDs all reasonable options regarding their preferences for treatment.

- **Impact CUL-4:** *The project would result in a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: While there is no evidence to suggest the presence of tribal cultural resources, if any artifacts are inadvertently discovered during ground-disturbing activities, existing federal, State, and local laws and regulations would require construction activities to cease until such artifacts are properly examined and determined not to be of significance by a qualified cultural

resource professional. In addition, Mitigation Measure CUL-1 requires that if unknown archaeological resources are discovered during construction, work in the area would halt and a qualified archaeologist would be contacted. Therefore, adherence to the requirements of Mitigation Measure CUL-1 would reduce potential impacts related to the substantial adverse change in the significance of a tribal cultural resource to less than significant.

- **Impact CUL-5:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to cultural resources.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: Archaeological and historical resources are recorded throughout Fresno County, and it is possible that previously unknown archaeological and historical resources also exist within the project vicinity. Mitigation Measure CUL-1 would ensure that the proposed project would not make a cumulatively considerable contribution to any cumulative impact on cultural resources. In addition, no known precontact or Native American human remains have been identified within or in the vicinity of the project site. There is a possibility that ground-disturbing activities associated with cumulative development may uncover previously unknown buried human remains. With implementation of Mitigation Measure CUL-3, potential impacts related to the potential disturbance of any human remains would be less than significant with mitigation. In addition, if tribal cultural resources are found during construction of the proposed project, compliance with applicable federal, State, and local laws and regulations and compliance with Mitigation Measure CUL-1 would reduce impacts to tribal cultural resources to less than significant.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

ENERGY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact EN-1:** *The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.*
- **Impact EN-2:** *The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.*
- **Impact EN-3:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would not contribute to a significant cumulative impact with respect to energy.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

GEOLOGY AND SOILS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact GEO-1:** *Directly or Indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - *Strong seismic ground shaking.*
 - *Seismic-related ground failure, including liquefaction.*
 - *Landslides.*
- **Impact GEO-2:** *Result in substantial soil erosion or the loss of topsoil.*
- **Impact GEO-3:** *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.*
- **Impact GEO-4:** *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.*
- **Impact GEO-5:** *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- **Impact GEO-6:** *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No paleontological resources or unique geological features are known to exist within or near the project site, and the proposed project is not expected to alter or destroy a paleontological resource, site, or unique geologic feature. However, as required by Mitigation Measure GEO-6, in the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop within 50 feet of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. Mitigation Measure GEO-6 would reduce potential impacts related to the project's potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature to less than significant with mitigation.

Mitigation Measure GEO-6 In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop within 50 feet of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a Lead Agency-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

- **Impact GEO-7:** *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

Finding: The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to geology and soils.

Rationale for the Finding: Paleontological resources and unique geological features are recorded throughout Fresno County, and although no such resources are known to exist within or near the project site, there is a possibility that ground-disturbing activities associated with cumulative development may uncover previously unknown resources. Mitigation Measure GEO-6, as described above, would ensure that the proposed project would not make a cumulatively considerable contribution to any cumulative impact on paleontological or geological resources.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

GREENHOUSE GAS EMISSIONS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *None.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- **Impact GHG-1:** *The project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

Rationale for the Finding: According to BAAQMD’s *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*¹ (Justification Report), which identifies applicable GHG significance thresholds, if a project is designed and built to incorporate design elements related to natural gas, energy, VMT, and electric vehicles, then it would contribute its portion of what is necessary to achieve California’s long-term climate goals—its “fair share”—and an agency reviewing the project under CEQA can conclude that the project would not make a cumulatively considerable contribution to global climate change.

The proposed project would require the use of natural gas-powered operational equipment. Although GHG emissions from project operations would be minimized to the extent possible through the implementation of Best Performance Standards for pistachio processing equipment, and all-electric equipment design would be incorporated, where feasible, natural gas usage will still be needed for project operations, and as such, the project would not meet the natural gas design criteria of the Justification Report. Additionally, no feasible mitigation measures are available to reduce this impact.

To meet the Justification Report’s electric vehicle criteria, the project would need to achieve compliance with CALGreen’s Tier 2 off-street electric vehicle requirements, which would require the project to include a total of 17 electric vehicle (EV) capable spaces/ electric vehicle spaces with service equipment (EVSE). However, a maximum of 14 employees would be on site during hours of operation, and most vehicles operating at the site would include hauling trucks, which would run on diesel fuel. Therefore, based on applicability constraints related to employee numbers and the types of vehicles

¹ Bay Area Air Quality Management District (BAAQMD). 2022. *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*. April.

that would be used by the project, it would not be feasible to implement the 17 EV/EVSE spaces. As such, the project would not meet the electric vehicles design criteria of the Justification Report.

Additionally, because the project would have limited control of the composition of third-party truck fleets hired for pistachio crop transportation, it would not be feasible to require other parties to upgrade truck fleets to incorporate zero or near-zero emissions technologies as mitigation for the project. Due to the project's limited control over other parties' truck fleets, the no feasible mitigation is available to reduce all mobile source emissions from the project.

As such, because not feasible mitigation measures are available to reduce project greenhouse gas emissions to less than significant levels, this impact is considered significant and unavoidable.

- **Impact GHG-2:** *The project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

Rationale for the Finding: While the proposed project would comply with the SJVAPCD Climate Change Action Plan (CCAP) best performance standards (BPS) requirements and would not conflict with the Fresno Council of Governments (Fresno COG) Regional Transportation Plan (RTP) for Fresno County, the proposed project would not be consistent with long-term State goals for GHG emission reductions and carbon neutrality by 2045, as included in the 2022 Scoping Plan and associated State legislation, including SB 32 and AB 1279.

The 2022 Scoping Plan focuses on building clean energy production and distribution infrastructure for a carbon-neutral future, including transitioning existing energy production and transmission infrastructure to produce zero-carbon electricity and hydrogen, and utilizing biogas resulting from wildfire management or landfill and dairy operations, among other substitutes. While the proposed project would comply with all regulations adopted for the purpose of reducing GHG emissions, the proposed project would not contribute to its "fair share" of emission reductions required to support achieving long-term 2045 carbon neutrality, consistent with State goals, due to the utilization of natural gas in equipment operations.

Therefore, the project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. This would be a significant and unavoidable impact.

- **Impact GHG-3:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to greenhouse gas emissions.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

Rationale for the Finding: As presented above, the proposed project would not meet all of the project design features included in the Justification Report. These design elements help projects implement

their “fair share” of GHG emissions reductions to support the achievement of long-term GHG emission reductions and 2045 carbon neutrality, consistent with State goals. The proposed project would not meet the natural gas or electric vehicle project design features. Per the Justification Report, if a project does not meet the project design elements, a lead agency can conclude that it would not be consistent with achieving the 2045 neutrality goal and will have a cumulatively considerable impact on climate change. There are no additional mitigation measures feasible that would allow the proposed project to achieve the project design features recommended in the Justification Report to support the project achieving its “fair share” of emission reductions. Therefore, the proposed project would have a cumulatively considerable impact on climate change. This impact would be significant and unavoidable.

HAZARDS AND HAZARDOUS MATERIALS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact HAZ-1:** *The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*
- **Impact HAZ-2:** *The project would 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.*
- **Impact HAZ-3:** *The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.*
- **Impact HAZ-4:** *The project would not 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 create a significant hazard to the public or the environment.*
- **Impact HAZ-5:** *The project would not be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area.*
- **Impact HAZ-6:** *The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*
- **Impact HAZ-7:** *The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.*
- **Impact HAZ-8:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to hazards and hazardous materials.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

HYDROLOGY AND WATER QUALITY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact HYD-1:** *The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.*
- **Impact HYD-2:** *The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.*
- **Impact HYD-3:** *The project would not 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.*
- **Impact HYD-4:** *The project would not release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone.*
- **Impact HYD-5:** *The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (SGMA).*
- **Impact HYD-6:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would not contribute to a significant cumulative impact with respect to hydrology and water quality.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

LAND USE AND PLANNING

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact LU-1:** *The project would not physically divide an established community.*
- **Impact LU-2:** *The project would not cause 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.*
- **Impact LU-3:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would not contribute to a significant cumulative impact with respect to land use and planning.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

MINERAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environmental or Have a Less Than Significant Impact on the Environment

- *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.*
- *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.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

NOISE

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact NOI-1:** *The proposed project would not generate 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 in other applicable local, State, or federal standards.*
- **Impact NOI-2:** *The proposed project would not generate excessive groundborne vibration or groundborne noise levels.*
- **Impact NOI-3:** *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 2 miles of a public airport or public use airport, the proposed project would not expose people residing or working in the project area to excessive noise levels.*
- **Impact NOI-4:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would not contribute to a significant cumulative impact with respect to noise.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

POPULATION AND HOUSING

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *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).*
- *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

PUBLIC SERVICES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

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

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

RECREATION

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *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.*
- *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

TRANSPORTATION

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact TRA-1:** *The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.*
- **Impact TRA-2:** *The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b).*
- **Impact TRA-3:** *The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).*
- **Impact TRA-4:** *The project would not result in inadequate emergency access.*
- **Impact TRA-5:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would not contribute to a significant cumulative impact with respect to transportation.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

UTILITIES AND SERVICE SYSTEMS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact UTL-1:** *The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.*
- **Impact UTL-2:** *The project would have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.*
- **Impact UTL-3:** *The project would result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.*

- **Impact UTL-4:** *The project would not 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.*
- **Impact UTL-5:** *The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.*
- **Impact UTL-6:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would not contribute to a significant cumulative impact with respect to aesthetics.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

WILDFIRE

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *Substantially impair an adopted emergency response plan or emergency evacuation plan.*
- *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.*
- *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.*
- *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.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

MITIGATION MONITORING

An MMRP was prepared for the project and approved by the County (PRC Section 21081.6, Subd. [a][1]; CEQA Guidelines Section 15097). The County will use the MMRP to track compliance with the project mitigation measures. The MMRP will remain available for public review during the compliance period.

SIGNIFICANT IRREVERSIBLE ENVIRONMENT EFFECTS

The State CEQA Guidelines (Section 15126) require a discussion of the significant irreversible environmental changes that would be involved in a project should it be implemented. The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms.

CEQA requires that EIRs assess whether the proposed project would result in significant irreversible changes to the physical environment. The CEQA Guidelines discuss three categories of significant irreversible changes that should be considered. Each is addressed below.

As mandated by the CEQA Guidelines, an EIR must address any significant irreversible environmental change that would result from project implementation. According to Section 15126.2(d) of the CEQA Guidelines, such a change would occur if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources;
- Irreversible damage would result from environmental accidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project would result in the wasteful use of energy).

The environmental effects of the proposed project are thoroughly discussed in Section 4.0, Evaluation of Environmental Impacts, and summarized in the Executive Summary. Implementation of the project would require the long-term commitment of natural resources, as discussed below.

Changes in Land Use Which Commit Future Generations

The proposed project would involve the development of a pistachio processing facility in a project site currently used for active agricultural production. Although the proposed project would stop active agricultural production on the project site, the proposed project would introduce a value-added agricultural use that would be consistent with uses permitted under the County's zoning ordinance for the Exclusive Agricultural District (AE-20) pursuant to the approval of a Conditional Use Permit. Therefore, the proposed project would not result in a land use change that would commit future generations to using the project site for any uses other than the County's planned agricultural uses (Draft EIR, page 6-2).

Irreversible Damage from Environmental Accidents

Construction activities associated with implementation of the proposed project would involve some risk for environmental accidents. However, as discussed in Section 4.9, Hazards and Hazardous Materials, of this EIR, accidental spills and soil contamination would be addressed by federal, State, and County requirements, and handling, transport and disposal of hazardous materials on the project site would follow professional industry safety standards and requirements per federal, State and local laws. Although there is a possibility for contaminated soil to be encountered during grading, excavation, and/or ground disturbance associated with implementation of the proposed project, it is likely that such contamination may have resulted from agricultural operations within the project site. However, the risks of accidental contamination from handling construction materials or transport of these materials off site would be reduced to a less than significant level through compliance with the many federal, State, and local regulations regarding the handling and disposal of such construction materials. Additionally, potential release of pollutants during project construction would be addressed through compliance with regulatory measures that address erosion control and stormwater pollution management during construction and operation of the project, as outlined in Section 4.10, Hydrology and Water Quality. As a result, the proposed project would not pose a substantial risk of environmental accidents (Draft EIR, page 6-2).

Consumption of Nonrenewable Resources

Approval and implementation of actions related to development of the project would result in an irretrievable commitment of nonrenewable resources such as energy and construction materials. As discussed in Section 4.5, Energy, of the EIR, diesel, gasoline, natural gas, and electricity consumption associated with the proposed project would result in a negligible increase in yearly demand for these resources in Fresno County. Therefore, the projected demand of the proposed project would not result in a significant adverse impact related to the provision of diesel, gasoline, natural gas, or electricity.

In addition, the proposed project would comply with Title 24 of the CCR, which requires conservation practices that would limit the amount of energy (California Energy Code Building Energy Efficiency Standards [Title 24, Part 6]) consumed through implementation of the proposed project, as well as with all applicable California Green Building Standards Code (CALGreen Code) building efficiency standards (Title 24, Part 11) and mandatory nonresidential building requirements in the California Energy Code Building Energy Efficiency Standards (Title 24, Part 6) (as required by State law).

Additionally, the project would also result in an increased demand for potable water and water for pistachio processing. As discussed in Section 4.8, Hydrology and Water Quality, the existing groundwater well on site is expected to yield sufficient water to serve operational water demands of the project by Phase IV with minor modifications to the well's water pump and the construction of two 500,000-gallon storage tanks for operational water retention. Additionally, as discussed in Section 4.14, Utilities and Service Systems, the project would have sufficient water supplies available to meet future demand during normal, dry, and multiple dry years subject to the preparation and approval by the Westland Water District Groundwater Sustainability Agency (GSA) of a Groundwater Credit Program for the project, which would allow augmented groundwater allocations for the project with

the implementation of groundwater replenishment strategies authorized by the Westside Subbasin Groundwater Sustainability Plan (GSP)..

Although the construction and operation of the proposed project would involve the use of non-renewable resources, through the inclusion of energy-conserving features of the proposed project, and compliance with applicable standards and regulations, the proposed project would not represent an unjustified use of such non-renewable resources (Draft EIR, page 6-3).

GROWTH INDUCEMENT

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or the construction of additional housing, either directly or indirectly, could foster economic or population growth in the surrounding environment.

As described in Section 6.4, Effects Found Not to Be Significant, the proposed project would not include a residential component that would result in direct population growth. The proposed project would only employ 14 employees, who would commute from nearby cities and communities to the project site and would not require the construction of housing on the project site. Development of the proposed project would involve construction activities that could generate some temporary employment opportunities. However, given the temporary nature of such opportunities, it is unlikely that construction workers would need to relocate to nearby cities or communities. Thus, the proposed project would not be considered growth-inducing from an employment or housing perspective.

As discussed in Section 6.4, Effects Found Not to Be Significant, and Section 4.14, Utilities and Service Systems, the County of Fresno (County) would provide police protection and fire protection services to the project site. Pacific Gas and Electric (PG&E) would be the electricity and natural gas provider for the project site. The proposed project would construct lined settling pools to filter wastewater from project operation and redistribute it to surrounding orchards for irrigation uses. Sewage produced on site would be managed by a septic system constructed pursuant to County of Fresno specifications and requirements.

Operation of the proposed project could result in an increase in demand for public services in Fresno County. The Project Applicant would be required to pay applicable Public Facilities Fees prior to issuance of building permits to account for project impacts to public services facilities. The Project Applicant would also be required to pay applicable connection fees to PG&E to connect to existing natural gas and electricity facilities in the vicinity of the project site. The proposed project would consist of the operation of an agricultural facility similar to other agricultural operations in the vicinity of the project site. The project would be consistent with permitted uses for the project site's General Plan land use designation and zoning, pursuant to the approval of a Conditional Use Permit by the County. Because the proposed pistachio processing facility is compatible with planned land uses for the project site, the provision of services and construction of utilities' infrastructure for the proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly, and this impact would be less than significant.

Development of the proposed project would involve construction activities that could generate some temporary employment opportunities. However, given the temporary nature of such opportunities,

it is unlikely that construction workers would need to relocate to cities and communities near the project site because of the proposed project. Thus, the proposed project would not be considered growth-inducing from an employment perspective (Draft EIR, page 6-1 and 6-2).

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PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

An alternative may be “infeasible” if it fails to achieve the lead agency’s underlying goals and objectives with respect to the project. Thus, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

ALTERNATIVES CONSIDERED IN THE EIR

The following alternatives to the project are evaluated in detail in the EIR, as described below:

- **Alternative 1: No Project Alternative:** Under the No Project Alternative, the project site would not be developed, and existing land uses would remain. No modifications to existing site access or infrastructure would occur.
- **Alternative 2: Reduced Project Alternative:** Under the Reduced Project Alternative, only Phase I of the proposed project would be developed. Proposed site access would remain the same as that identified for the proposed project. Infrastructure improvements would be limited to those required to serve the project under Phase I.
- **Alternative 3: Off-Site Alternative:** Under the Off-Site Alternative, the project would be developed at an alternate location, Assessor’s Parcel Number (APN) 019-160-31S, an approximately 477.4-acre site located approximately 1 mile east of the project site, as shown on Figure 5-1. Proposed phasing and development under this alternative would remain the same as identified for the proposed project.

Alternative 1: No Project Alternative

The No Project Alternative would avoid all of the less than significant and significant unavoidable impacts of the proposed project. However, the No Project Alternative would also not achieve any of the objectives of the proposed project. The No Project Alternative would not: (a) construct a pistachio hulling, processing, and packing facility that can process pistachio crops harvested from the 7,500 acres of orchards owned by Stamoules Produce Company or, at full buildout, be able to process approximately 13,000 acres of additional pistachio orchards on the proposed project site; (b) develop the project site, and as such would not reduce public and private development and operational costs of the pistachio processing facility through the selection of a Project Applicant-owned project site; and (c) allow the Project Applicant the uninterrupted operation of a privately-owned pistachio processing facility.

Alternative 2: Reduced Project Alternative

The Reduced Project Alternative would limit development in the project site to planned development under Phase I of the proposed project. The Reduced Project Alternative would construct a pistachio hulling and processing facility that would have partial capacity to process the Project Applicant's surrounding pistachio orchards; would reduce public and private development and operational costs of the pistachio processing facility through the selection of a Project Applicant-owned project site; and would allow the Project Applicant the undisturbed operation of a privately-owned pistachio processing facility. Because this alternative would limit the processing features of the project facility as well as reduce its processing capacity, this alternative would only partially meet project objectives.

Alternative 3: Off-Site Alternative

The Off-Site Alternative would involve the development of the project in an alternate location (i.e., Assessor's Parcel Number [APN] 019-160-31S), an approximately 477.4-acre site located approximately 1 mile east of the project site. The Off-Site Alternative would construct a pistachio hulling and processing facility with the capacity to process the Project Applicant's surrounding pistachio orchards; would reduce public and private development and operational costs of the pistachio processing facility through the selection of a Project Applicant-owned project site; and would allow the Project Applicant the undisturbed operation of a privately-owned pistachio processing facility. As such, this alternative would fulfill all project objectives.

Environmentally Superior Alternative

The No Project Alternative has the least impact to the environment because it would not result in any development or new physical impacts. While this alternative would lessen or avoid the impacts of the proposed project, the beneficial impacts of the proposed project—including creating job growth and providing a new pistachio processing facility to meet processing demands of pistachio growers in Fresno County—would not occur. Further, none of the Project Objectives would be met, including constructing a pistachio hulling, processing, and packing facility on the proposed project site that can process pistachio crops harvested in the 7,500 acres of orchards owned by Stamoules Produce Company, and at full buildout, be able to process approximately 13,000 acres of the Project Applicant's additional pistachio orchards; reducing public and private development and operational costs of the pistachio processing facility through the selection of a Project Applicant-owned project site; or allowing the Project Applicant the undisrupted operation of a privately-owned pistachio processing facility. As such, this alternative is rejected as infeasible. In addition, under CEQA, if the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives (*CEQA Guidelines* Section 15126.6(e)(2)).

The Off-Site Alternative would result in similar impacts to the proposed project under most resource topics, except Air Quality, Noise, and Biological Resources. Under this alternative, Air Quality and Noise impacts would be fewer due to the greater distance of the Off-Site Alternative location from sensitive receptors when compared to the proposed project. For Biological Resources, impacts under this alternative would be greater when compared to the proposed project due to the higher potential of the Off-Site Alternative location to result in impacts to sensitive species. Under this alternative, all project objectives would be met, including constructing a pistachio hulling, processing, and packing

facility on the proposed project site that can process pistachio crops harvested in the 7,500 acres of orchards owned by Stamoules Produce Company, and at full buildout, be able to process approximately 13,000 acres of the Project Applicant's additional pistachio orchards; reducing public and private development and operational costs of the pistachio processing facility through the selection of a Project Applicant-owned project site; and allowing the Project Applicant the uninterrupted operation of a privately-owned pistachio processing facility. However, this alternative would potentially result in greater impacts to special-status species than the proposed project, given that conditions at the off-site alternative are unknown, and there is potential that the off-site location could be occupied by, or potentially contain habitat that supports, special status species. As such, this alternative is rejected as infeasible.

The Environmentally Superior Alternative would be the Reduced Project Alternative. Overall, this alternative would lessen significant and less-than-significant environmental impacts or result in impacts similar to those associated with the proposed project. The Reduced Project Alternative would partially achieve Project Objectives by constructing a pistachio processing facility on the proposed project site that can partially process pistachio crops harvested in the orchards owned by Stamoules Produce Company; reducing public and private development and operational costs of the pistachio processing facility through the selection of a Project Applicant-owned project site; and allowing the Project Applicant the undisturbed operation of a privately-owned pistachio processing facility. However, overall this alternative would not achieve all of the objectives of the proposed project to the same extent or degree because the reduced development of the proposed pistachio processing facility would not fully address the processing needs of the Project Applicant. Additionally, this alternative would result in reduced capacity to accommodate pistachio processing needs of nearby pistachio growers, as well as reduced employment opportunities for residents of western Fresno County. As such, this alternative is rejected as infeasible.

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STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the County adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The County has carefully considered and balanced the benefits of the proposed project against its unavoidable environmental risks in determining that the specific economic, legal, social, technological, or other benefits outweigh the unavoidable significant adverse environmental effects related to greenhouse gas emissions. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are identified in the EIR, the agency must state in writing the reasons to support its actions based on the EIR and/or other information in the record. The reasons set forth below are based on the EIR and other information in the record.

This Statement of Overriding Considerations is based on the County's review of the Draft EIR, Final EIR, and other information in the administrative record. Based upon the County's review and the substantial evidence in the administrative record, including but not limited to the EIR, the County finds that the benefits of the project outweigh its unavoidable adverse environmental effects, and furthermore, finds that such adverse, environmental effects are acceptable. The County also finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the County's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the County chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The benefits and reasons for the approval of the project despite the occurrence of significant unavoidable project impacts related to greenhouse gas emissions (Impact GHG-1 – greenhouse gas emissions; Impact GHG-2 – conflict with a plan, policy, or regulation for GHG emission reduction), which create or otherwise contribute to related cumulative impacts, consist of the items listed below.

The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below

constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval

The County finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits, which constitute overriding considerations:

- **The project would address the growing pistachio processing demands of the Project Applicant and other pistachio growers in Fresno County, providing enhanced processing infrastructure to support the development of the local pistachio industry.**

The proposed project would result in the construction of a pistachio hulling, processing, and packing facility that at full buildout will have the capacity to process approximately 20,500 acres of pistachio orchards belonging to the Project Applicant, as well as other pistachio crops from local growers in the County. The proposed facility would be equipped with the most technologically-advanced processing and drying equipment available in the market, even employing prototype pistachio dryers with capacity to utilize up to 30 percent less natural gas than regular dryers while achieving the same product as the regular equipment. The provision of this cutting-edge processing facility would enhance the Project Applicant's business operations while also providing quality processing infrastructure that would support the needs of other growing pistachio enterprises.

- **The project would establish a centrally located pistachio processing facility in Fresno County, reducing travel distances taken by pistachio growers to process pistachio crops.**

The Project Applicant currently processes pistachio crops at an existing facility located on Assessor's Parcel Numbers (APNs) 042-172-004 and 042-172-005. This existing facility is located farther away from the Project Applicant's pistachio crops than the proposed project site, requiring hauling trucks to travel longer distances to haul pistachio crops to and from the existing facility. The proposed project would place a state-of-the-art pistachio processing facility at APN 019-150-64S, approximately 8 miles from the City of Mendota, and in the vicinity of the Project Applicant's pistachio crops. Additionally, the project site is located in center of the County's agricultural region, near other pistachio growing operations. The proposed project would allow the Project Applicant ease of access to its own pistachio processing facility, permitting more efficient business operations. The proposed project would also provide a convenient location for other pistachio growers to meet their processing needs. Furthermore, the reduction of travel distances associated with the project would have positive environmental effects, as shorter trips would reduce mobile-source emissions generated by pistachio hauling vehicles, fostering a more sustainable environment in the County.

- **The project would generate employment opportunities that would economically benefit communities in western Fresno County.**

The proposed project would require up to 14 personnel to support project operations, and vacancies are expected to be filled by local applicants from nearby communities. The nearest communities to the project site include the cities of Mendota and Firebaugh, both located approximately 8 miles and 11 miles from the project site respectively.

According to the 2022 Regional Transportation Plan & Sustainable Communities Strategy (RTP/SCS) prepared by the Fresno Council of Governments (Fresno COG), a jurisdiction is considered housing rich if the employment-to-household ratio is less than 1.10 jobs for every household and job rich if the ratio is above 1.30 jobs for every household.¹ Mendota had an employment-to-household ratio of 0.31 in 2020, and Firebaugh had an employment-to-household ratio of 0.53 the same year, indicating that both of these communities are “job poor”.² As such, employment provided by the proposed project would aid in addressing pressing employment needs in the County, contributing to its prosperity.

Based on the detailed findings made above, the County hereby finds that economic and social considerations outweigh the remaining environmental effects of approval and implementation of the project.

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- ¹ Fresno Council of Governments, 2022. Draft Program Environmental Impact Report for the 2022 Regional Transportation Plan and Sustainable Communities Strategy. Pg. 3-403. April 15.
 - ² Fresno Council of Governments, 2020. Fresno County 2019-2050 Growth Projections. Website: https://agendas.fresnocog.org/itemAttachments/604/Fresno_COG_2019_2050_Projections_Draft_Report_101920.pdf (accessed January 2024)

EXHIBIT 8

To view

Exhibit 8: Draft Environmental Impact Report (DEIR) No. 8077

Check the following link:

<http://www.co.fresno.ca.us/EIR>

EXHIBIT 9

To view

Exhibit 9: Complied Appendices A - J

Check the following link:

<http://www.co.fresno.ca.us/EIR>

FINAL ENVIRONMENTAL IMPACT REPORT

**S. STAMOULES, INC. PISTACHIO PROCESSING FACILITY
FRESNO COUNTY, CALIFORNIA**

LSA

January 2024

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FINAL ENVIRONMENTAL IMPACT REPORT

S. STAMOULES, INC. PISTACHIO PROCESSING FACILITY FRESNO COUNTY, CALIFORNIA

Submitted to:

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January 2024

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APPENDIX

K: PUBLIC COMMENT LETTERS ON THE DRAFT EIR

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LIST OF ABBREVIATIONS AND ACRONYMS

AAQA	Ambient Air Quality Analysis
AE-20	Exclusive Agricultural District
ATC	Authority to Construct
BPS	Best Practice Standards
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CO	carbon monoxide
County	County of Fresno
Draft EIR	Draft Environmental Impact Report
eTRIP	Employer Trip Reduction Implementation Plan
EV	electric vehicle
EVSE	electric vehicle spaces with service equipment
FCFPD	Fresno County Fire Protection District
Final EIR	Final Environmental Impact Report
g/bhp-hr	grams per brake horsepower-hour
HHD	heavy-duty
HP	horsepower

HRA	health risk assessment
ITP	Incidental Take Permit
M&I Regulations	Regulations Regarding the Application for and Use of Municipal and Industrial Water Within Westlands Water District
M&I Terms & Conditions	Terms and Conditions for Municipal and Industrial Water Service
M&I	Municipal and Industrial
NOA	Notice of Availability
NOP	Notice of Preparation
NO _x	nitrogen oxides
PG&E	Pacific Gas and Electric
PM ₁₀	particulate matter less than 10 microns in diameter
PM _{2.5}	particulate matter less than 2.5 microns in diameter
PTO	Permit to Operate
ROG	reactive organic gas
SB	Senate Bill
SBA	Small Business Assistance
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO _x	sulfur oxides
Title 24 Standards	2022 Title 24 Building Energy Efficiency Standards
VA	Variance
WWD	Westlands Water District

1.0 INTRODUCTION

1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed S. Stamoules, Inc. Pistachio Processing Facility Project (herein referred to as the proposed project) for the County of Fresno (County). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This Final Environmental Impact Report (Final EIR) provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, resulting from those comments or to clarify material in the Draft EIR. This document, together with the Draft EIR, constitutes the EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On July 8, 2022, the County circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. The NOP was sent to the State Clearinghouse, responsible agencies, interested parties, and organizations likely to be interested in the potential impacts of the proposed project. A scoping session was held on July 25, 2022, to solicit feedback regarding the scope and content of the EIR. Comments received by the City on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on November 1, 2023, and was distributed to local and State responsible and trustee agencies. The Notice of Availability (NOA) for the Draft EIR was submitted to the State Clearinghouse, provided to all individuals and organizations who made a written request for notice, and filed with the Fresno County Clerk.

The CEQA-mandated 45-day public comment period ended on December 18, 2023. The County accepted and responded to all comments received between November 1, 2023, and December 18, 2023. Copies of all written comments received during the comment period are included in Chapter 3.0, Comments and Responses, of this document.

1.3 DOCUMENT ORGANIZATION

This Final EIR consists of the following chapters:

- **Chapter 1.0: Introduction.** This chapter discusses the purpose and organization of this Final EIR, and summarizes the environmental review process for the project.

- **Chapter 2.0: List of Commenters.** This chapter contains a list of agencies and individuals who submitted written comments during the public review period and comments made at the public hearing on the Draft EIR.
- **Chapter 3.0: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 4.0: Draft EIR Text Revisions.** Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Double underlined text represents language that has been added to the Draft EIR; text with strikeout has been deleted from the Draft EIR.

2.0 LIST OF COMMENTERS

This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments provided in Chapter 3.0, Comments and Responses, of this document.

2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter 3.0 includes a reproduction of each comment letter received on the Draft EIR. The written comments are grouped by the affiliation of the commenter, as follows: State agencies (A), local agencies (B) and organizations and interested parties (C).

The comment letters are numbered consecutively following the A, B, and C designations and follow the format below:

State Agencies	A#-#
Local Agencies	B#-#
Organizations and Interested Parties	C#-#

The letters are numbered, and comments within each letter are numbered consecutively after the hyphen. For example, Letter A1 represents the first State agency letter, and Comment A1-1 represents the first enumerated comment within that letter.

2.2 LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

Table 2.A provides a list of the State agencies, local agencies, and organizations and interested parties that commented on the Draft EIR prior to the close of the public comment period. The comments received have been organized by date received and in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a number below.

Table 2.A: List of Comments Received

State Agencies		
A1	California Department of Transportation, District 6, Nicholas Isla	November 14, 2023
A2	California Department of Fish and Wildlife, Julie Vance	December 14, 2023
Local Agencies		
B1	Fresno County Fire Protection District, Dustin Hail	November 3, 2023
B2	Fresno County Department of Public Works and Planning, Development Engineering Section, Leonardo Navos	December 14, 2023
B3	San Joaquin Valley Air Pollution Control District, Brian Clements	December 18, 2023
B4	Westlands Water District, Russ Freeman	December 18, 2023
Organizations and Interested Parties		
C1	Table Mountain Rancheria, Robert Pennell	November 21, 2023
C2	Picayune Rancheria of the Chukchansi Indians, Heather Airey	November 28, 2023
C3	American Pistachio Growers, Wesley Wilson	December 18, 2023
C4	Richard Matoian	December 18, 2023

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3.0 COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR are provided in this chapter. All letters received during the public review period on the Draft EIR are provided in their entirety. The letters are immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State agencies (A), local agencies (B) and organizations and interested parties (C).

Please note that to the extent text within individual letters has not been numbered, it indicates that the text does not raise substantive environmental issues or relate to the adequacy of the information or analysis within the Draft EIR; therefore, no comment is enumerated, nor is a response required per CEQA Guidelines Sections 15088 and 15132. In addition, when general support or opposition is given for the project, that comment is noted but no further analysis is provided in the response, as the commenter is not questioning the adequacy of the information or analysis within the Draft EIR. However, comments related to the merits of the proposed project will be considered by decision-makers taking action on the project.

Where comments on the Draft EIR concern issues requiring technical expertise, the responses to comments, like the analysis in the Draft EIR, rely on the knowledge and professional analysis of qualified experts.

Where revisions to the Draft EIR text are called for, the page is set forth followed by the appropriate revision. Added text is indicated with double underlined text, and deleted text is shown in ~~striketrough~~. Text revisions to the Draft EIR are summarized in Chapter 4.0 of this Final EIR.

3.1 COMMENTS AND RESPONSES MATRIX

Table 3.A includes all CEQA-related comments received on the Draft EIR and a response to each comment. The text of each comment has been included in the matrix and includes any grammatical errors included in the original comment letter. Each comment letter is included in its entirety in Appendix K, Public Comment Letters on the Draft EIR.

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Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
State Agencies		
A1 California Department of Transportation, District 6 (November 14, 2023)		
A1-1	We've reviewed the above mentioned project and have no comment. Thank you,	This comment states that the California Department of Transportation does not have comments on the adequacy of the analysis included in the Draft EIR. This comment does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
A2 California Department of Fish and Wildlife (December 14, 2023)		
A2-1	Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, the California Department of Fish and Wildlife (CDFW) appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.	This introductory comment. This comment does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
A2-2	After reviewing the provided CEQA document, CDFW concurs with the biological resources related analysis and measures proposed in the Draft EIR and recommends that all such measures in the Draft EIR be carried forward into the Final EIR. CDFW has determined that most of the biological resource mitigation measures as currently documented in the Draft EIR are sufficient for mitigation of potential project related impacts to listed species. Please note that take of any species listed under the California Endangered Species Act (CESA) would be unauthorized unless an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) is acquired in advance of such actions. It is recommended to consult with CDFW before any ground disturbing activities commence and to obtain an ITP if take of CESA listed species cannot be avoided.	The following comment states that the CDFW concurs with the biological resources related analysis and measures included in the Draft EIR. The comment also states that the CDFW has determined that most of the biological resource mitigation measures as they currently are documented in the Draft EIR are sufficient for mitigation of potential project related impacts to listed species. This comment also states that take of species listed under the California Endangered Species Act (CESA) would be unauthorized unless an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) is acquired in advance of such actions and recommends consultation with the CDFW prior to ground disturbing activities and if an ITP is required. Implementation of Mitigation Measure BIO-1.1, as amended in Chapter 4.0 of this Final EIR, and BIO-1.2 would reduce take potential to special-status species to a less than significant level. As such, ground-disturbing activities at the project site are not expected to result in take, and the issuance of an ITP would not be required. This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		not request the incorporation of additional information relevant to environmental issues. No further response is required.
A2-3	Mitigation Measure BIO-1.1 (Nesting Bird Surveys and Active Nest Avoidance) states that a qualified biologist shall conduct a nesting bird survey no more than 15 days prior to each phase of clearing activities. CDFW recommends that this measure be updated in the Final EIR to state that pre-construction surveys for active nests be conducted no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected.	<p>The following comment includes a recommendation from the CDFW to update Mitigation Measure BIO-1.1 (Nesting Bird Surveys and Active Nest Avoidance) to state that pre-construction surveys for active nests be conducted no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Therefore, in response to this comment, and as shown in Chapter 4.0 of this Final EIR, Mitigation Measure BIO-1.1 has been updated as follows:</p> <p>Mitigation Measure BIO-1.1. Nesting Bird Surveys and Active Nest Avoidance. Any initial ground disturbance or tree pruning, or removal should take place outside of the active nesting bird season (i.e., February 1–September 30), when feasible, to avoid impacts to nesting birds protected under the California Fish and Game Code and Migratory Bird Treaty Act. Should phased construction require tree removal or initial ground disturbance to ruderal areas, a qualified biologist shall conduct a nesting bird survey no more than 15<u>10</u> days prior to each phase of clearing<u>clearing</u> ground or vegetation<u>ground or vegetation</u> disturbing<u>disturbing</u> activities. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the nesting bird(s) are allowed to take place until after the nest is no longer active (e.g., the young birds have fledged), or as otherwise determined by the qualified biologist.</p>
A2-4	CDFW appreciates the opportunity to comment on the Project to assist the County of Fresno in identifying and mitigating the Project’s impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW’s website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Kelley.Nelson@wildlife.ca.gov .	This comment provides a closing to the comment letter. This comment does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
Local Agencies		

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B1 Fresno County Fire Protection District (November 3, 2023)		
B1-1	Fresno County Fire Protection District (FCFPD) has received notice of the project and will continue to review the project for its potential impacts on the FCFPD.	This introductory comment is noted. This comment does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
B1-2	<p style="text-align: center;"><u>Application Types</u></p> <p style="text-align: center;">Site Plan Review (SPR) Initial Study Application (ISA) Director Review Application (DRA) Variance Application (VA) Conditional Use Permit (CUP) General Plan Application (GPA) Tentative Parcel Map (TPM, TPMW) Tentative Tract Map (TTM) Pre-Application for Certificate of Compliance (PCOC)</p> <p>All application types stated above SHALL comply with California Code of Regulations Title 24 –Fire Code. Prior to receiving your FCFPD conditions of approval for your project, you must submit construction plans to the County of Fresno Public Works and Planning and FCFPD for review. It is the Applicants Responsibility to deliver a minimum of two (2) sets of plans to the FCFPD</p>	This comment lists application types that are subject to compliance with the California Code of Regulations Title 24 – Fire Code. This comment also states that project construction plans must be submitted to County of Fresno Public Works and Planning and Fresno County Fire Protection District (FCFPD) for review prior to issuance of FCFPD conditions of approval for the project. The Project Applicant will coordinate with the FCFPD and the County to comply with applicable construction plan review and regulatory compliance requirements for the project. As such, this comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
B1-3	Your Project/Development may be required to annex into the into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Developments included: Single Family Residential (SFR), SFR Properties subdivided into three (3) or more housing units, Multi-Family Residential (MFR) Property, Commercial Property, Industrial Property, and/or Office Property.	<p>This comment states that the project may require annexation into the into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p> <p>This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.</p>
B1-4	Project/Developments will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.	This comment states that projects and developments seeking a building permit or certificate of occupancy would be subject to requirements of the current Fire Code and Building Code. The Project Applicant will coordinate with the FCFPD and the County to comply with applicable Fire Code and Building Code requirements. As such, this comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B1-5	Before plans are submitted to the Fresno County Fire Protection District, please visit our website at www.fresnocountyfire.org and complete the Fire Permit Application to submit with your plans.	This comment provides instructions for completing a Fire Permit Application before submitting project plans to the Fresno County Fire Protection District. This comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
B1-6	Please Note – requirements for your project may include but are not limited to: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Water Flow Requirements</p> <p>Water Storage Requirements</p> <p>Fire Pumps</p> <p>Road Access</p> </div> <div style="width: 45%;"> <p>Fire Hydrants</p> <p>Fire Sprinklers Systems</p> <p>Fire Alarm Systems</p> <p>Premises Identification</p> </div> </div>	This comment list potential fire protection design requirements that may be applicable to the project. The proposed project would comply with all applicable fire protection requirements issued by the Fresno County Fire Protection District. This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
B1-7	Please contact the FCFPD at (559) 319-0400 to schedule an over the counter meeting to receive specific requirements for your project. Failure to schedule an appointment with the FCFPD will affect your ability to obtain final approval for your project.	This comment requests the Project Applicant to schedule an appointment with Fresno County Fire Protection District to discuss project-specific fire protection requirements. The Project Applicant will coordinate with the FCFPD to comply with applicable fire protection requirements, and as such, this request will be fulfilled. Additionally, this comment does not question the adequacy of the analysis included in the Draft EIR. No further response is required.
B2	Fresno County Department of Public Works and Planning, Development Engineering Section (December 14, 2023)	
B2-1	After browsing all the attachments, Development Engineering Section has no comment.	This comment states that the Development Engineering Section of the Fresno County Department of Public Works and Planning does not have comments on the adequacy of the analysis included in the Draft EIR. This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3 San Joaquin Valley Air Pollution Control District (December 18, 2023)		
B3-1	<p>The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the County of Fresno (County) for the Pistachio Processing Facility. The project consists of the construction and operation of a pistachio hulling, processing and packing facility to be constructed in the following four phases (Project):</p> <ul style="list-style-type: none"> ● Phase 1: construction of a 16,893 square foot huller building, approximately 5,608 square foot drive-over dumping pit area, approximately 3,900 square foot pre-cleaning area, ten 8x29 foot dryers, and eighteen 52x52 foot galvanized steel silos ● Phase 2: construction of a 155,169 square foot processing building for pistachios ● Phase 3: installation of a processing, sorting, and packing equipment in the pistachio processing building. Including twelve additional silos and the installation of ten additional dryer units ● Phase 4: construction of a second 16,893 square foot huller building, and additional drive-over dumping pit area and pre-cleaning area, and the construction and installation of 30 additional silos and 20 dryer units <p>The Project is located on the northwest corner of South Newcomb Avenue and West Muscat Avenue, in Firebaugh, CA.</p>	<p>This comment provides an introduction to the comment letter and does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines. No further response is necessary.</p>
B3-2	<p><u>1) Stationary Source Operational Emission</u></p> <p>The District recommends the County ensure the quantification of criteria pollutant emissions from stationary sources be included in the DEIR (i.e. dryers, silos, etc.). More specifically, Table 4.3.J (Project Operation Emissions) of the DEIR should be revised to include criteria pollutant emissions from stationary sources.</p>	<p>This comment states that the SJVAPCD recommends that the County ensure the quantification of criteria pollutant emissions from stationary sources be included in the Draft EIR (i.e., dryer, silos, etc). In addition, this comment states that Table 4.3.J of the Draft EIR should be revised to include the stationary source emissions.</p> <p>As discussed on page 4.3-28 of the Draft EIR, emission estimates for operation of the proposed project were calculated using the California Emissions Estimator Model (CalEEMod). As discussed on page 4.2-28 of the Draft EIR, the proposed project would utilize operational equipment and special processing equipment, including a conveyor system, pistachio pre-cleaning equipment, and gas-powered dryers. All off-road equipment (i.e., bobcats, frontend loaders, forklifts) and pre-cleaning special machinery would be all electric; however, industrial</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		<p>dryers would utilize natural gas. As shown in Appendix B of the Draft EIR, all off-road equipment was included in CalEEMod, including the following equipment:</p> <ul style="list-style-type: none"> • Three Forsburgs Gravity Deck, each consisting of a 1 horsepower (HP) motor, a 3 HP motor and a 60 HP motor with a 0.8-load factor. • Two scalpers, each consisting of a 1 HP motor and a 5 HP motor with a 0.8-load factor. • Ten Magnuson Peeler machines, each consisting of a 0.75 HP motor, a 2 HP motor, a 7.5 HP motor, a 15 HP motor and a 20 HP motor with a 0,8-load factor. • Ten Sukup Dryers, each consisting of a 1 HP motor, a 2 HP motor, a 10 HP motor, and a 4x40 HP motor with a 0.8 load factor. • Ten forklifts, ten skid steer loaders, and ten rubber-tired loaders. <p>In addition, energy estimates for stationary equipment were provided by the Project Applicant (see Chapter 3.0, Project Description, Table 3.A) and added to the overall energy consumption of the project as part of the non-title 24 section in CalEEMod. As such, the operational equipment was included in the analysis and is presented as “Energy Source Emissions” and “Off-Road Equipment Emissions” in Table 4.3.J of the Draft EIR. In addition, as identified in the CalEEMod User’s Guide, stationary source emissions in CalEEMod include emergency generators, fire pumps, and process boilers. The proposed project would not include any emergency generators, fire pumps, or boilers; therefore, the proposed project would not include any stationary source emissions. As such the analysis is adequate as presented.</p> <p>In addition, as discussed on page 4.3-29 of the Draft EIR, the SJVAPCD has identified Best Practice Standards (BPS) for pistachio dryers and dehydrators that can be used to determine significance of project specific impacts. The proposed project would comply with BPS and emission control measures for pistachio dryers by including the use of an electric motor to drive combustion air fans. As such, the proposed</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		project would include all applicable BPS measures for stationary sources.
B3-3	<p>2) Health Risk Screening/Assessment The District reviewed the Health Risk Assessment (HRA) for the Project and has the following comments:</p> <ul style="list-style-type: none"> • The DEIR states the diesel PM₁₀ exhaust emissions to be 16.7 pounds per year. However, the District has reviewed the California Emission Estimator Model (CalEEMod) output files which identifies emissions from diesel exhaust as 180 pounds per year. The District recommends including the 180 pounds of diesel PM₁₀ from the construction in addition to 16.7 pounds per year of diesel PM₁₀ exhaust emissions project related mobile sources. Additionally, the District recommends including documentation on how the 16.7 pounds per year of diesel PM₁₀ exhaust emissions were derived. • The DEIR HRA does not include emissions from Project operation from sources such as, but not limited to, nut processing (dust), combustion from dryers, and fumigation. The District recommends calculating the aforementioned operational toxic emissions and updating the prioritization analysis. • The DEIR states that the project prioritization score is 9.65 in 1 million, and compares that value to the District cancer risk threshold of 20 in a million. It should be noted, the District’s prioritization threshold is 10 for each category (acute, chronic, and cancer), and should include emissions from both construction and operation of the Project. Should the revised Prioritization score exceed 10 for any category, a health risk assessment (HRA) should be completed to ensure the Project will not exceed the District’s thresholds. <p>Modifications to the Prioritization/HRA based on the deficiencies listed above have the potential to cause the Project to exceed District health risk thresholds. Therefore, the District recommends the Prioritization/HRA be revised to ensure the analysis is representative and adequately reflects the Project’s potential air quality impacts.</p>	<p>This comment states that the Draft EIR identifies the diesel PM₁₀ exhaust emissions to be 16.7 pounds per year and claims that the CalEEMod output files identify emissions from diesel exhaust as 180 pounds per year. As such, this comment recommends including the 180 pounds of diesel PM₁₀ from the construction in addition to 16.7 pounds per year of diesel PM₁₀ exhaust emissions project related mobile sources.</p> <p>In addition, this comment states that the Draft EIR does not include emissions from project operation from sources such as, but not limited to, nut processing (dust), combustion from dryers, and fumigation and recommends updating the prioritization to include these sources.</p> <p>This comment also states that the project prioritization score is 9.65 in 1 million and compares that value to the SJVAPCD cancer risk threshold of 20 in one million. This comment notes that the SJVAPCD’s prioritization threshold is 10 for each category (acute, chronic, and cancer), and should include emissions from both construction and operation of the project and should the revised Prioritization score exceed 10 for any category, a health risk assessment (HRA) should be completed.</p> <p>First, as discussed on page 4.3-31 of the Draft EIR, the analysis for on-site truck emissions assumes that 5 percent of the project-related mobile sources, which is an estimate of the amount of project-related on-site vehicle and truck travel, would occur on site. Considering the total trip length included in CalEEMod, the 5 percent assumption is conservative. As discussed in Response B3-2 above, all off-road equipment (i.e., bobcats, frontend loaders, forklifts) and pre-cleaning special machinery would be all electric; however, industrial dryers would utilize natural gas. As presented in Table 4.3.J of the Draft EIR, emissions associated with the use of the equipment would be negligible. In addition, the SJVAPCD does not have thresholds for dust</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		<p>emissions; therefore, dust emissions are not included in the prioritization calculator.</p> <p>Therefore, in response to this comment, and as shown in Chapter 4.0 of this Final EIR, text on page 4.3-31 of the Draft EIR has been revised as follows:</p> <p style="padding-left: 40px;">Based on the diesel emissions anticipated for the project and the distance to the nearest sensitive receptor, using the Prioritization Calculator, it is estimated the project would result in a cancer score of 9.65 in 1 million cancer cases, which is below the SJVAPCD threshold of significance of 20 in 1 million <u>prioritization screening score of 10 in 1 million</u>.</p> <p>Impacts would be less than significant. Therefore, further evaluation is not necessary.</p>
B3-4	<p>3) Ambient Air Quality Analysis</p> <p>If the air quality modeling results are revised based on comment 1 above, the District recommends that an Ambient Air Quality Analysis (AAQA) be performed for the Project if emissions exceed 100 pounds per day of any pollutant.</p> <p>An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.</p> <p>Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District’s website: https://ww2.valleyair.org/permitting/ceqa/.</p>	<p>This comment recommends that if the air quality modeling results are revised based on Comment B3-2, the SJVAPCD recommends that an Ambient Air Quality Analysis (AAQA) be performed for the proposed project if emissions exceed 100 pounds per day of any pollutant.</p> <p>As discussed in Response B3-2, the analysis encompasses all operational activities and equipment and is therefore adequate as presented. As shown in Table 4.3.J of the Draft EIR, the proposed project would generate approximately 1.2 tons per year of ROG, 5.5 tons per year of NO_x, 1.4 tons per year of CO, less than 0.1 ton per year of SO_x, 1.4 tons per year of PM₁₀, and 0.4 ton per year of PM_{2.5} emissions. When converted to pounds per day, the proposed project would generate approximately 6.6 pounds per day of ROG, 30.1 pounds per day of NO_x, 7.7 pounds per day of CO, 0.5 pound per day of SO_x, 7.7 pounds per day of PM₁₀, and 2.2 pounds per day of PM_{2.5}. As such, the proposed project’s operational emissions would be well below 100 pounds per day for any pollutant. Therefore, an AAQA evaluation would not be required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-5	<p>4) Industrial/Warehouse Emission Reduction Strategies</p> <p>The District recommends the County incorporate emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:</p> <ul style="list-style-type: none"> ● Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 5) ● Require minimization of heavy-duty truck idling (see comment 7) ● Require solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors ● Incorporate signage and “pavement markings” to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel ● Require projects be designed to provide the necessary infrastructure to support use of zero-emissions on-road vehicles and off-road equipment (see comment 8) ● Require all building roofs are solar-ready ● Require all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78 ● Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project ● Require power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods ● Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings ● Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available ● Prohibit the use of non-emergency diesel-powered generators during construction ● Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project 	<p>This comment recommends the inclusion of several industrial/warehouse emission reduction strategies in the Draft EIR. As demonstrated in Table 4.3.J of the Draft EIR, operational impacts associated with implementation of the proposed project would not exceed the SJVAPCD’s significance criteria and would result in a less-than-significant impact; the commenter has not presented evidence to the contrary. Therefore, the Draft EIR properly determined that the proposed project would not result in any significant impacts related to operational air quality. As such, identification and analysis of mitigation measures or the emission reduction strategies suggested in the comment would not be required to reduce emissions to a less-than-significant level.</p>

<p>B3-6</p>	<p>5) Truck Routing</p> <p>Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Per the DEIR, the project consists of a pistachio processing facility which is expected to result in HHD truck trips.</p> <p>The District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.</p>	<p>This comment recommends an evaluation of heavy-duty (HHD) truck routing patterns for the proposed project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions.</p> <p>As discussed on pages 4.3-30 and 4.3-31 of the Draft EIR, project operational emissions of criteria pollutants would be below SJVAPCD significance thresholds. The proposed project would include operational equipment; however, all processing operational equipment would be electric and would not generate exhaust emissions. In addition, as identified in Section 4.13.3.2 (b) of Section 4.13, Transportation, of the Draft EIR, the proposed project would generate approximately 249 average daily trips, including 43 employee trips, 4 vehicle service trips, 190 raw material hauling truck trips, and 12 dry waste hauling truck trips. Tractor and field trucks would be expected to access the project site from the surrounding orchards via unpaved farm roads. As the project site would contain multiple access points, off-site queuing of trucks is not anticipated. Furthermore, the proposed project trip generation evaluates a worst-case scenario for daily trips generated during peak harvesting season. As such, daily truck trips would be lower during off season and emissions resulting from diesel and gasoline exhaust would be minimal. Since the proposed project would be used for typical processing, hulling, and packing services, it is not expected that trucks would be idling at the project site. In addition, idling of trucks would be limited by the CARB’s In-Use Off-Road Diesel Vehicles regulation, which limits idling to 5 minutes or less. With compliance with CARB’s In-Use Off-Road Diesel Vehicles regulation and based on the minimal number of daily truck trips, operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>To determine the increased cancer risk associated with the proposed project, LSA utilized the SJVAPCD’s Prioritization Calculator, which is included in Appendix C of the Draft EIR. The analysis for on-site truck emissions assumes that 5 percent of the project-related mobile sources, which is an estimate of the amount of project-related on-site vehicle and truck travel, would occur on site. Considering the total trip length included in CalEEMod, the 5 percent assumption is conservative. Based on the diesel emissions anticipated for the proposed project and the distance to the nearest sensitive receptor, using the Prioritization Calculator, it is estimated the proposed project would result in a cancer score of 9.65 in 1 million cancer cases, which</p>
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Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		<p>is below the SJVAPCD prioritization screening score of 10 in 1 million. Chronic and acute risk scores would also be well below the SJVAPCD thresholds. The Prioritization Calculator is a conservative assumption of potential health risks. As such, the proposed project would not expose any sensitive receptors significant health risks. Thus, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction and operation. Potential impacts would be less than significant. Therefore, further evaluation of truck routes is not necessary.</p>
B3-7	<p><u>6) Cleanest Available Heavy-Duty Trucks</u></p> <p>The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO_x emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District’s ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.</p> <p>The Project consists of a pistachio processing facility which is expected to result in HHD truck trips. The District recommends that the following measures be considered by the County to reduce Project-related operational emissions:</p> <ul style="list-style-type: none"> ● Recommended Measure: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies. ● Recommended Measure: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies. 	<p>This comment recommends the following measures to reduce project-related operational emissions: fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 grams per brake horsepower-hour [g/bhp-hr] NO_x) technologies; and all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.</p> <p>As identified in Table 4.3.J of the Draft EIR, the proposed project would not exceed the SJVAPCD’s significance criteria for annual ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} emissions. As such, operation of the proposed project would result in a less-than-significant impact related to a cumulatively considerable net increase of any criteria pollutant for which the proposed project region is in non-attainment under an applicable federal or State ambient air quality standard. Additionally, HHD fleets would be required by law to meet the CARB’s Statewide Truck and Bus regulations, as well as the Advanced Clean Truck and forthcoming Advanced Clean Fleets regulations. In addition, as identified in Response B3-2, all off-road equipment (i.e., bobcats, frontend loaders, forklifts) and pre-cleaning special machinery would be all electric; however, industrial dryers would utilize natural gas. As such, identification and analysis of additional measures suggested in the comment would not be required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-8	<p>7) Reduce Idling of Heavy-Duty Trucks</p> <p>The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.</p> <p>Since the Project is expected to result in HDD truck trips, the District recommends the DEIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.</p>	<p>This comment recommends the Draft EIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR §2485 and 13 CCR §2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.</p> <p>As discussed in Response B3-6 above and pages 4.3-30 and 4.3-31 of the Draft EIR, since the proposed project would be used for typical processing, hulling, and packing services, it is not expected that trucks would be idling at the project site. In addition, idling of trucks would be limited by the CARB’s In-Use Off-Road Diesel Vehicles regulation, which limits idling to 5 minutes or less. With compliance with CARB’s In-Use Off-Road Diesel Vehicles regulation and based on the number of daily truck trips, operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Further, to determine the increased cancer risk associated with the proposed project, LSA utilized the SJVAPCD’s Prioritization Calculator, which is included in Appendix C of the Draft EIR. The analysis for on-site truck emissions assumes that 5 percent of the project-related mobile sources, which is an estimate of the amount of project-related on-site vehicle and truck travel, would occur on site. Considering the total trip length included in CalEEMod, the 5 percent assumption is conservative. Based on the diesel emissions anticipated for the proposed project and the distance to the nearest sensitive receptor, using the Prioritization Calculator, it is estimated the proposed project would result in a screening level cancer score of 9.65 in 1 million cancer cases, which is below the SJVAPCD prioritization screening score of 10 in 1 million. Chronic and acute risk scores would also be well below the SJVAPCD thresholds. The Prioritization Calculator is a conservative assumption of potential health risks. As such, the proposed project would not expose any sensitive receptors significant health risks. Thus, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction and operation. Potential impacts would be less than significant. Therefore, further mitigation, such as more stringent idling restrictions, would not be necessary.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-9	<p>8) On-Site Solar Deployment</p> <p>It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider incorporating solar power systems as an emission reduction strategy for the Project.</p>	<p>This comment recommends that the County should consider incorporating solar power systems as an emission reduction strategy for the proposed project. As discussed on pages 4.6-10 and 4.8-20 of the Draft EIR, all buildings would be constructed consistent with the California Green Building Standards Code (CALGreen) building measures and 2022 Title 24 Building Energy Efficiency Standards (Title 24 Standards). In addition, Pacific Gas and Electric (PG&E) is the private utility that would supply the proposed project’s electricity and natural gas services. In 2022, approximately 40 percent of PG&E’s delivered electricity came from renewable sources, including solar, wind, geothermal, small hydroelectric, and various forms of bioenergy. PG&E reached California’s 2020 renewable energy goal in 2017 and is positioned to meet the State’s 60 percent by 2030 renewable energy mandate set forth in Senate Bill (SB) 100. In addition, PG&E plans to continue to provide reliable service to its customers and upgrade its distribution systems as necessary to meet future demand. As shown in Table 4.3.J of the Draft EIR, the proposed project would not exceed the emission thresholds established by the SJVAPCD. In addition, as demonstrated in Section 4.6, Energy, of the Draft EIR, the proposed project would not result in inefficient, wasteful, and unnecessary consumption of energy and would not result in a significant energy impact. Therefore, additional mitigation, such as a solar power system emission reduction strategy, is not required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-10	<p><u>9) Electric Infrastructure</u></p> <p>To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District’s Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the County and project proponents install electric vehicle chargers at project sites, and at strategic locations. Please visit www.valleyair.org/grants/chargeup.htm for more information.</p>	<p>This comment recommends that the County require installation of electric vehicle chargers at project sites and at strategic locations. As discussed on page 4.8-21 of the Draft EIR, in order to meet the CALGreen Tier 2 requirement, the proposed project would need approximately 11 electric vehicle (EV) capable spaces and 6 electric vehicle spaces with service equipment (EVSE), for a total of 17 EV/EVSE parking spaces . As described in Section 3.0, Project Description, of the Draft EIR, a maximum of 14 employees would be on site during hours of operation. Most of the vehicles operating at the project site would include hauling trucks, which would run on diesel fuel. Therefore, based on applicability constraints related to employee numbers and the types of vehicles that would be used by the proposed project, it would not be feasible to implement the 17 EV/EVSE spaces. As such, the proposed project would not meet this design element.</p>
B3-11	<p><u>10) District Rules and Regulations</u></p> <p>The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District’s regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.</p> <p>The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District’s Small Business Assistance (SBA) Office at (559) 230-5888.</p>	<p>This comment provides information on SJVAPCD rules and regulations and states that current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other SJVAPCD rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the Small Business Assistance (SBA) Office. This comment is noted. The proposed project would comply with all applicable SJVAPCD rules and regulations.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-12	<p><u>10a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources</u></p> <p>Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).</p> <p>This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District’s SBA Office at (559) 230-5888.</p>	<p>This comment states that the proposed project would be subject to SJVAPCD Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and would require SJVAPCD permits. This comment also states that prior to construction, the Project Applicant should submit to the SJVAPCD an application for an Authority to Construct (ATC) and Permit to Operate (PTO). This comment is noted. The proposed project would comply with all required SJVAPCD rules and regulations, including submitting an ATC and PTO to the SJVAPCD prior to construction.</p>
B3-13	<p><u>10b) District Rule 9510 - Indirect Source Review (ISR)</u></p> <p>Per District Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.</p>	<p>This comment states that, per SJVAPCD Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to SJVAPCD Rule 2201 or SJVAPCD Rule 2010 are exempt from the requirements of the rule. This comment states that the SJVAPCD has reviewed the information provided and has determined that the primary functions of this project are subject to SJVAPCD Rule 2201 or SJVAPCD Rule 2010 (Permits Required) and therefore 9510 requirements and related fees do not apply to the proposed project. The information provided in this comment is noted.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-14	<p><u>10c) District Rule 9410 (Employer Based Trip Reduction)</u></p> <p>The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.</p> <p>Information about District Rule 9410 can be found online at: https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/.</p> <p>For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org</p>	<p>This comment states that the proposed project may be subject to SJVAPCD Rule 9410 (Employer Based Trip Reduction) if the proposed project would result in employment of 100 or more “eligible” employees. SJVAPCD Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. As discussed on pages 3-7 and 3-8 of the Draft EIR, during the harvest season, it is estimated that up to 14 employees would be on site. As such, the proposed project would not have 100 or more employees and SJVAPCD Rule 9410 would not be applicable.</p>
B3-15	<p><u>10d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)</u></p> <p>In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: https://ww2.valleyair.org/compliance/demolitionrenovation/</p>	<p>This comment states that in the event an existing building would be renovated, partially demolished or removed, the proposed project may be subject to SJVAPCD Rule 4002. The proposed project would not renovate or demolish an existing building; therefore, SJVAPCD Rule 4002 would not be applicable.</p>
B3-16	<p><u>10e) District Rule 4601 (Architectural Coatings)</u></p> <p>The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf</p>	<p>This comment states that the proposed project may be subject to SJVAPCD Rule 4601 (Architectural Coatings) since it may utilize architectural coatings. This comment is noted. The proposed project would comply with all required SJVAPCD rules and regulations.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-17	<p><u>10f) District Regulation VIII (Fugitive PM10 Prohibitions)</u></p> <p>The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5- acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.</p> <p>The application for both the Construction Notification and Dust Control Plan can be found online at: https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx</p> <p>Information about District Regulation VIII can be found online at: https://ww2.valleyair.org/dustcontrol</p>	<p>This comment states that the proposed project may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities, as described in Regulation VIII, specifically Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). This comment is noted. The proposed project would comply with all applicable SJVAPCD rules and regulations. In addition, as indicated in Section 4.3, Air Quality, of the Draft EIR, the proposed project would be required to be consistent with SJVAPCD Regulation VIII.</p>
B3-18	<p><u>10g) Other District Rules and Regulations</u></p> <p>The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).</p>	<p>This comment states that the proposed project may be subject to the following SJVAPCD rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). This comment is noted. The proposed project would comply with all required SJVAPCD rules and regulations.</p>
B3-19	<p><u>11) District Comment Letter</u></p> <p>The District recommends that a copy of the District’s comments be provided to the Project proponent.</p>	<p>This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the Draft EIR. No further response is required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	If you have any questions or require further information, please contact Eric McLaughlin by e-mail at Eric.McLaughlin@valleyair.org or by phone at (559) 230-5808.	
B4 Westlands Water District (December 18, 2023)		
B4-1	Westlands Water District (District) has reviewed Draft EIR No. 8077 to construct a pistachio hulling, processing, and packing facility on 98 acres of Assessor Parcel Number (APN) 019-150-64S. After reviewing the Draft EIR, the District has the following comments about the project and the site.	This introductory comment is noted. No further response is required.
B4-2	The Applicant indicates the proposed water source is the existing groundwater well located in the northeast corner of the proposed site. The existing well is expected to yield sufficient water to serve operational water demands of the project. If the Applicant uses the existing groundwater well as its proposed water source, the applicant will be subject to the District’s Groundwater Allocation Rules & Regulations.	This comment states that as the project proposes to extract groundwater from an existing onsite well to obtain water supply for project operations, the Project Applicant would be subject to the Westlands Water District’s (WWD) Groundwater Allocation Rules & Regulations. As applicable, the Project Applicant would comply with the WWD’s Groundwater Allocation Rules & Regulations for extraction of project water supply. As such, this comment is noted, but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
B4-3	<p>The Applicant is eligible to apply for and receive Municipal and Industrial (M&I) water service. The pistachio processing facility is an agricultural related development. As a M&I water user, the Applicant’s operations are bound by the Regulations, and Terms & Conditions established by the District for M&I use, including but not limited to the following.</p> <p>The District has adopted regulations governing the application for and use of M&I water. The Regulations stipulate up to five (5) acre-feet annually will be made available to a water user from the District’s Central Valley Project (CVP) contract supply for agriculture related developments. If operations require more water, the Applicant is responsible for submitting a supplemental M&I water application to the District and identify the source of water to be made available to meet the incremental increase.</p> <p>The District and the California Department of Public Health (CDPH) entered into a Compliance Agreement that restricts the District’s ability to provide M&I services to non-resident facilities that do not have CDPH approved treatment systems. The Applicant must request and receive an exemption</p>	This comment indicates that the Project Applicant is eligible to apply for and receive Municipal and Industrial (M&I) water service; states that if the Project Applicant becomes a M&I user, they would be subject to the WWD’s M&I Regulations, and Terms & Conditions (included as Attachments #1 and #2 of Letter B4 respectively); and lists Regulations and Terms & Conditions potentially applicable to the proposed project if it were to receive M&I water service. This comment is noted; however, the project proposes to extract groundwater for project operations from the Project Applicant’s existing onsite water well, and would not require connection to the WWD’s M&I water service. As such, the stipulations of this comment are not applicable to the proposed project. Additionally, this comment does not pertain to the analysis or conclusions of the Draft EIR. As such, no further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>from the Compliance Agreement’s requirements that the property be connected to a Public Water System or Domestic Well. Provided the Applicant is not deemed a Public Water System, CDPH may grant an exemption on the conditions that the Applicant posts signs at all outlets where human contact may occur, indicating that the water delivered by the District is non potable. Further, the Applicant will have to agree to provide bottled water for consumption at the project site.</p>	
B4-4	<p>Additionally, based on the Site Location Map provided, the proposed project site is located near the District’s Lateral 4 which has delivery turnouts located in the northeast, northwest, southwest, and southeast corners, and on the north side of APN 019-150-64S. Prior to construction, please contact Underground Service Alert (811).</p> <p>Thank you for the opportunity to comment on this project. If you have any additional questions, please contact Kori Peterson at (559) 241-6231.</p>	<p>This comment states that the project site is located near the WWD’s Lateral 4, which has delivery turnouts located in the northeast, northwest, southwest, and southeast corners, and on the north side of Assessor’s Parcel Number (APN) 019-150-64S (i.e., project APN), and recommends the Project Applicant to contact Underground Service Alert prior to project construction. As applicable, the Project Applicant will coordinate with the project contractor to ensure communication with the Underground Service Alert to ensure that project construction would not conflict with operations of the WWD’s Lateral 4. As such, this comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.</p>
B4-5	<p>ARTICLE 19. REGULATIONS REGARDING THE APPLICATION FOR AND USE OF MUNICIPAL AND INDUSTRIAL WATER WITHIN WESTLANDS WATER DISTRICT</p> <p>19.1 PURPOSE</p> <p>Westlands Water District has a long-term contractual entitlement to receive from the United States an annual supply of 1,150,000 acre-feet (AF) of Central Valley Project (CVP) water. The contracts between Westlands Water District and the United States allow the District to make CVP water available for municipal, industrial and domestic uses. The District may also acquire additional water supplies for these purposes. This Article establishes the rules and procedures for making application for and the use of municipal and industrial (M&I) water.</p> <p>19.2 GLOSSARY OF TERMS AND DEFINITIONS</p>	<p>This comment encompasses Attachment #1 of Letter B4, the Regulations Regarding the Application for and Use of Municipal and Industrial Water Within Westlands Water District (M&I Regulations). As previously discussed, the proposed project would not require connection to the WWD’s M&I water service, and as such, M&I Regulations would not be applicable to the project. No further response is required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>Unless specified below, the terms and definitions contained in Article 2 of these Regulations shall apply.</p> <p>A. "Ag Related M&I Use" – the use of water exclusively for purposes of commerce, trade or industry associated with the production of agricultural crops or livestock, or their related by-products, including human uses, other than housing, that are incidental to the Ag Related M&I Use.</p> <p>B. "Historic Use" – the greatest annual quantity of CVP water delivered for M&I Use to an M&I Water User at a point of delivery during the five-year period immediately preceding June 30, 2001.</p> <p>C. "M&I Use" – the use of water for drinking, cooking, bathing, showering, dish washing, and maintaining oral hygiene or purposes of commerce, trade or industry.</p> <p>D. "M&I Water Application" - an agreement in a form approved by the General Manager or his designee between the District and an M&I Water User, which describes the point of delivery for such water and the estimated quantity of water that will be made available by the District for M&I Use.</p> <p>E. "M&I Water User" - individual or entity who has executed and submitted to the District an M&I Water Application or to whom the District makes water available for M&I Use.</p> <p>19.3 M&I WATER AVAILABILITY</p> <p>A. The General Manager shall set aside from the District’s CVP water supply or other sources deemed appropriate water for M&I Use.</p> <p>B. The General Manager or designee shall assist any M&I Water User in identifying a source of water that can be made available to the District for M&I Use; provided, that this provision shall not impose on the District or its employees an obligation to incur any expense or other obligation on behalf of such M&I Water User.</p> <p>19.4 APPLICATION FOR WATER</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>A. Except for M&I Use initiated before July 1, 2001, to receive water for M&I Use, a proposed M&I Water User must file at the District's Fresno office an M&I Water Application. Upon approval by the District, the M&I Water Application shall constitute a valid agreement for M&I Use until the M&I Water User notifies the District in writing that such M&I Use will be terminated. Every M&I Water Application shall identify the point of delivery and the intended use of the M&I Water.</p> <p>B. An M&I Water Application for use in excess of 5 acre-feet, or 5 acre-feet per 160 acres when such application is for a solar development covering such acreage, per year shall identify a source of water that will, at the applicant's expense, be made available to the District for the proposed M&I Use. Solar development resulting from land participating in the "Continued Benefits to Modified Agricultural Land" are not eligible to submit a M&I Water Application.</p> <p>C. Notwithstanding Section 19.4 B. of this Article, a M&I Water User may annually transfer into the M&I Water User's account a quantity of water, from any source available to the M&I Water User, sufficient to satisfy any Ag Related M&I Use for the water year; provided, the M&I Water User shall acknowledge in writing that the District has no obligation to make available to the M&I Water User, in any year, a quantity of water in excess of the quantity transferred into the M&I Water User's account.</p> <p>D. A supplemental M&I Water Application shall be filed by any M&I Water User before the quantity of water for M&I Use made available to such M&I Water User is increased (i) above Historic Use, for M&I Water Users receiving M&I water before July 1, 2001, or (ii) above the quantity stated in the initial M&I Water Application, for M&I Use initiated after June 30, 2001.</p> <p>19.5 USE OF WATER</p> <p>A. The unauthorized use or taking of water for M&I Use, or the waste or unreasonable use of water, are prohibited. Water made available for M&I Use may only be used at the point of delivery and for the purpose(s) identified in the M&I Water Application. Except as provided in Section 19.5 B. of this Article, the transfer of M&I water is prohibited.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>B. M&I water identified pursuant to Section 19.4 B. of this Article or water transferred by the M&I Water User pursuant to Section 19.4 C. of this Article may be transferred within the District's boundaries. Nothing contained in this Article shall prevent an M&I Water User from changing the place of use of its M&I water within the District's boundaries.</p> <p>C. All M&I Water Users shall implement conservation measures adopted by the Water Policy Committee of the Board of Directors or its successor.</p> <p>D. All M&I Water Users shall cooperate in the District's efforts to comply with the terms of the Compliance Agreement between the California Department of Health Services and Westlands Water District, dated June 1, 2001.</p> <p>E. Every point of delivery for M&I Water shall be equipped with a backflow prevention device of a design approved by the General Manager.</p> <p>F. The General Manager is authorized, after written notice to the M&I Water User, to discontinue water service to any M&I Water User who violates this Article or th Terms and Conditions for Municipal and Industrial Water Service.</p> <p>G. In the event the District's water supply is insufficient to meet all demands for water, including demands for irrigation, the General Manager is authorized to reduce the quantity of water made available for M&I Use or to impose such temporary conservation actions or other measures, as he deems necessary to protect the public health and safety.</p> <p>19.6 COMPLIANCE WITH TERMS AND CONDITIONS</p> <p>Each M&I Water User shall comply with the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board from time to time. Failure to comply with the Terms and Conditions for Municipal and Industrial Water Service may be grounds for termination of M&I Water Use service, and no water shall be furnished to an M&I Water User who fails to make required payments pursuant to the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board, from time to time.</p> <p>19.7 MISCELLANEOUS</p> <p>A. The General Manager may do all things necessary to implement and effectuate these Regulations.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>B. An appeal from any decision made pursuant to these Regulations shall be made to the Finance and Administration Committee of the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Finance and Administration Committee may be appealed to the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Board shall be final.</p> <p>C. The General Manager shall provide notice of any changes or revision to these Regulations to all District landowners and M&I Water Users.</p>	
B4-6	<p>TERMS AND CONDITIONS FOR MUNICIPAL AND INDUSTRIAL WATER SERVICE</p> <p>1. The furnishing of water to and its use by the water user shall be subject to all regulations of the Board of Directors of the District as the same may exist now or hereafter be amended or adopted. In the event of a conflict between the terms and conditions set forth herein and the regulations, the latter shall be controlling.</p> <p>2. All water delivered shall be pursuant to a request by the water user for the delivery of a stated amount to a specific location. The request shall be made within the time and in the manner prescribed by the General Manager.</p> <p>3. Water will be furnished by the District subject to the terms and conditions under which the water is made available to the District and if, in the exclusive judgment of the District, the water and facilities for its delivery are available; provided, that the District will use its best efforts, to the extent that it has water and capacity available and taking into account the requirements of other water users to receive water from its facilities, to provide such water in the manner and at the times requested. The District may temporarily discontinue water service or reduce the amount of water to be furnished for the purpose of such investigation, inspection, maintenance, repair, or replacement as may be reasonably necessary of any of the District 's facilities. Insofar as feasible, the District will give the water user notice in advance of such temporary discontinuance or reduction, except in case of emergency, in which event no notice need be given. No liability shall accrue against the District or any of its officers, directors, or employees for damage, direct or</p>	<p>This comment encompasses Attachment #2 of Letter B4, Terms and Conditions for Municipal and Industrial Water Service (M&I Terms & Conditions). As previously discussed, the proposed project would not require connection to the WWD’s M&I water service, and as such, M&I Terms & Conditions would not be applicable to the project. No further response is required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>indirect, because of the failure to provide water as a result of system malfunctions, interruptions in service necessary to properly operate and maintain the water distribution system, or other causes which are beyond the District's reasonable control.</p> <p>4. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, all damage or claims for damage, which may arise from his furnishing or use of the water after it leaves the District facilities.</p> <p>5. The water furnished by the District is not potable (suitable for drinking, cooking, bathing, or other domestic use) and the District does not warrant the quality or potability of water so furnished. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, damage or claims for damage arising out the non-potability of water furnished by the District. Untreated water must never be used for any type of human consumptive needs. A water user defined and operating as a Public Water Supply (PWS) shall be responsible for any water treatment, including but not limited to filtration and chlorination achieved through central treatment or point-of-entry (POE) treatment devices approved by the California Department of Health Services (DHS), in order to provide water safe for human consumption as required by Federal, State or local law or regulation.</p> <p>According to DHS, the use of POE treatment systems by individual customers of a constructed conveyance system may not provide a continuous safe, potable supply of water due to inadequate operation and maintenance of these systems by the owners, unless they are a regulated PWS. Individual use of POE devices ("Water Treatment Exclusion") may only be used if they are approved by DHS and are regularly maintained by a State-licensed operator or service provider.</p> <p>Facilities in place prior to July 2001, may continue to use bottled water for drinking and cooking ("Alternative Water Exclusion"). After July 2001, the District cannot furnish new municipal and industrial water service if bottled water use is the basis for the potable water supply unless approved by DHS. Bottled water may only be obtained from a State-licensed provider.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>DHS mandates the District conduct periodic surveys of water use as required by the Safe Drinking Water Act and to collect records for Alternative Water and Treatment Exclusions. Records for exclusions include invoices or statements of bottled water delivery from a licensed provider or maintenance and service records for a POE system from a licensed operator. Water users who fail to complete a survey or provide records showing an approved exclusion requested by the District shall have water service discontinued if no response is received after a reasonable attempt has been made to obtain the information.</p> <p>6. All water will be measured by the District with meters installed by it and such measurements shall be final and conclusive.</p> <p>7. Charges for water, hereinafter referred to as "water charges", shall be established by the Board of Directors. The water charges shall include District operation and maintenance costs and any other costs determined by the Board to be payable as part of the water charges. Water charges shall be adjusted retroactively to the extent required and authorized by federal or state law or regulations or District regulations. The General Manager may adjust the water charges as necessary and legally authorized to account for increases or decreases in the estimates used to establish the water charges.</p> <p>8. As a condition of the District continuing to furnish water, the water user shall make payment for the amount billed after the District's billing and by the 25th of the month in which the bill is mailed; provided, that the due date will be not less than 15 calendar days after the billing date. Charges not paid by the due date shall be delinquent; provided, that payments postmarked on or before the due date shall be deemed to have been received by that date. The payment of water charges or related penalties or interest shall be made at the District's Fresno office. When any deadline established herein falls on a Saturday, Sunday, or holiday, it shall be extended to the next working day.</p> <p>9. All claims for overcharges or errors must be made in writing and filed with the District at its Fresno Office within 10 working days after the date the bill is received by the water user. In the event the water user files a timely written protest, the District's Finance & Administration Committee shall consider the protest at its next regular meeting and notify the water user in writing of its</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>decision. The Committee's decision shall be final, unless a written appeal to the Board of Directors is filed with the Secretary of the District within 15 working days after notice of the decision. In the event of an appeal, the decision of the Board shall be final. The filing of a protest or an appeal does not nullify the payment requirement or the District's right to discontinue water service as provided in these terms and conditions. However, in the event the protest or appeal is sustained, the District will refund the amount of the overcharge and penalty, if any.</p> <p>10. On the first day following the due date, a penalty of 10 percent of the water charges which became delinquent on the preceding day shall be added to the water charges and penalties and interest, if any, due and owing to the District, the total of which are hereinafter referred to as "unpaid charges." Prior unpaid charges shall accrue interest at a monthly rate of 1½ percent. The interest shall not, however, accrue after the unpaid charges have been added to, and become a part of, the annual assessment levied on the land by the District. All payments and credits shall be applied to the earliest unpaid charges.</p> <p>11. At the time of filing the District's assessment book with the District Tax Collector, unpaid charges may be added to and become a part of the assessment levied by the District on the land which received the water or for which other water charges were incurred. The District shall notify the landowner of the expected amount prior to its addition to the annual assessment. The amount so added shall be a lien on the land and impart notice thereof to all persons. If the assessment becomes delinquent, penalties and interest will be added as provided by law.</p> <p>12. To supplement the procedure described in paragraph 11, the District may elect to file and record a Certificate of Unpaid Water Charges as provided in California Water Code Section 36729. This Certificate creates a lien in the amount of unpaid charges on any land owned by the delinquent water user, or acquired by the water user before the lien's expiration, within the recording County.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>13. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any parcel of land for which the unpaid charges for such service are a lien on the land or for which the assessment is delinquent.</p> <p>14. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any person who owes the District unpaid charges notwithstanding the fact that the unpaid charges have been added to the assessment(s) on the parcel(s) for which they were incurred.</p> <p>15. Where the District furnishes residential water service to persons other than the water user to whom the service is billed, the District shall make a reasonable, good faith effort to inform the actual users of the services when the account is delinquent. This shall be done by a notice that service will be terminated in 10 days. The notice shall inform the actual users that they have the right to become customers of the District without being required to pay the amount due on the delinquent account.</p> <p>The District is not required to make service available to the actual users unless each actual user agrees to the terms and conditions of service. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means legally available to the District of selectively terminating service to those actual users who have not met the requirements of the District's terms and conditions, the District shall make service available to the actual users who have met those requirements. In making service available to an actual user, the District may require that a deposit be paid to the District prior to establishing an account and furnishing service. If a deposit is required, it shall be based solely upon the creditworthiness of the actual user as determined by the District.</p> <p>The District will give notice of the delinquency and impending termination of residential water service, at least 10 days prior to the proposed termination, by means of a notice mailed postage prepaid or by personal delivery to the water user to whom the service is billed not earlier than 19 days from the date of mailing the District's bill for services, and the 10-day period shall not commence until 5 days after the mailing of the notice. When the day established for the discontinuance of water service falls on a Saturday,</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>Sunday, or District holiday, such water service shall be discontinued on the next working day.</p> <p>The District will make a reasonable, good faith effort to contact an adult person residing at the premises of the water user by telephone or in person at least 48 hours prior to any termination of residential water service.</p> <p>The District will comply with all other applicable provisions of California Government Code Sections 60370-60375.5 regarding termination of residential water service.</p> <p>16. Except as provided in paragraph 15, in the event water service hereunder is discontinued as a result of nonpayment of water charges, all unpaid charges for such service which are due the District from the person in default must be paid before water service can be restored.</p> <p>17. If a water user's delinquent charges are unpaid for 30 days or more, or if a water user's delinquent charges are added to the annual assessments on any lands within the District, or the procedure in paragraph 12 is implemented, the General Manager shall require, as a condition of resumption of water service, that advance payment of all water charges be made for the 12-month period immediately following resumption of service, according to a schedule to be determined by the General Manager. A written guarantee in a form satisfactory to the General Manager from a recognized financial lending institution may be substituted in lieu of advance payment.</p> <p>18. The General Manager, after consultation with and approval by the Finance & Administration Committee, may also require advance payment and/or payment by cashier's check or such other actions as he may deem necessary when a water user's account is determined, based on the payment history or other actions of the water user, to create a financial risk or hardship for the District or its landowners. Circumstances which constitute the basis for such a determination include but are not limited to the following: (1) instances of a water user's checks being returned unpaid or (2) instances where a water user whose account is delinquent has, in violation of District regulations, taken water from a District delivery.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>19. By applying for or taking delivery of municipal and industrial water from the District, the water user agrees to these terms and conditions of service.</p> <p>20. The District may modify or terminate these terms and conditions; provided, that such modifications or terminations are prospective only and notice thereof is given prior to the effective date by mail to the water user.</p>	
Organizations and Interested Parties		
C1 Table Mountain Rancheria (November 21, 2023)		
C1-1	This is in response to your letter dated November 1, 2023, regarding S. Stamoules, Inc. Pistachio Processing Facility Project in Fresno County, California. Thank you for notifying us of the potential development and the request for consultation.	This introductory comment is noted. No further response is required.
C1-2	We decline participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified.	This comment states that the Table Mountain Rancheria declines participation in tribal consultation for the proposed project, but requests notification in the event that tribal cultural resources are identified on the project site. This comment is noted but does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
C2 Picayune Rancheria of the Chukchansi Indians (November 28, 2023)		
C2-1	Thanks for taking my phone call this afternoon Nov. 28, 2023 regarding the subject application. This email is to recap our conversation.	This introductory comment indicates that the contents of this comment letter are a recapitulation of a November 28, 2023, phone call between Ejaz Ahmad, Fresno County Planner and contact person for the proposed project, and Heather Airey, Cultural Resources Director and Tribal Historic Preservation Officer for the Picayune Rancheria of the Chukchansi Indians. This comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
C2-2	During our conversation, I indicated that a Notice of Availability (NOA) for S. Stamoules Inc. Pistachio Processing Facility Project (State Clearing House No. 2022070101) this office mailed to your office was returned to us by post office undelivered. I asked if you (tribe) would need additional time to comment on the project. Or, Dec 18, 2023 comment due date would suffice	This comment states that the Picayune Rancheria of the Chukchansi Indians have indicated that the project is outside of their area of interest and as such, they have no comments on the proposed project. This comment does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	for your comments. You stated the tribe has seen the information on this project earlier. The project is outside the tribe’s area of interest and that you (tribe) have no comments on the project.	the incorporation of additional information relevant to environmental issues. No further response is required.
C3 American Pistachio Growers (December 18, 2023)		
C3-1	On behalf of American Pistachio Growers (APG), a non-profit trade association representing over 860 pistachio growing entities and ten Central California based pistachio processing companies, we wish to provide comment on the S. Stamoules, Inc. Pistachio Processing Facility Project State Clearinghouse No. 2022070101/EIR 8077. American Pistachio Growers, headquartered in Fresno County, is in full support of this facility being approved for construction. APG supports the construction and operation of this facility for multiple reasons expressed in this letter.	This introductory comment is noted. No further response is required.
C3-2	<p>First, California pistachio production is expected to grow at an exponential rate, with production estimates for the California pistachio crop exceeding 2 billion pounds by 2030. This growth will require expansion of existing processing facilities, but also the development and construction of new facilities to meet production demand. The S. Stamoules facility will not only accommodate a sizable portion of the increasing pistachio processing demand, but also meet the growth and needs of the facility owner as well as the surrounding community.</p> <p>As a large pistachio grower, S. Stamoules produces millions of pounds of pistachios which currently have to be trucked large distances to be processed. Some of these shipments could potentially remain in Fresno County, but the greatest likelihood is that they are transported out of Fresno County, thus increasing greenhouse gas emissions and adding to highway degradation. The construction of the S. Stamoules plant would all but eliminate the need for hundreds of truckloads to be transported out of Fresno County for processing. With thousands of acres of pistachios in close proximity to the outlined facility, it makes sense both economically and environmentally to develop this plant to serve the grower and potentially other growers in close proximity.</p> <p>This facility would also mean millions of dollars in additional revenues for Fresno County through increased tax revenues and job creation. A plant of this size would require additional labor for year-round operations, benefiting</p>	This comment outlines reasons why the American Pistachio Growers support the development of the proposed project; these reasons include the project meeting growing pistachio processing demands and needs of the Project Applicant and the surrounding community; creating a processing facility in Fresno County that would shorten the hauling distance required to process the Project Applicant’s and other nearby pistachio growers’ crops; and stimulating the economy in Western Fresno County with additional revenue generated through job creation and tax revenues. This comment is noted but does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. As such, no further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>the city of Mendota and the County of Fresno. APG believes stimulating the economy in these underserved communities in West Fresno County should be a priority, and the development of this facility would create immediate impact for the City of Mendota and Fresno County.</p> <p>The Stephanopoulous and Stamoules families have been leading growers in West Fresno County for generations. Their knowledge of the agriculture community and processing practices across multiple commodities dates back generations. They are respected for the quality of products they grow, process and ship, as well as their philanthropy in Fresno County, especially in the cities of Mendota, Firebaugh and Kerman. APG has no doubt this facility will benefit every resident of Fresno County, and the impacts will be felt in positive ways for generations to come.</p>	
C3-3	In closing, American Pistachio Growers wholeheartedly supports the approval and construction of this facility and looks forward to witnessing the positive impacts this project will create.	This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the Draft EIR. No further response is required.
C4	Richard Matoian (December 18, 2023)	
C4-1	I am providing comments in support of the proposed S. Stamoules, Inc. Pistachio Processing Facility Project. As the recent former President of American Pistachio Growers, and having worked in the California pistachio industry for the last 16 years, I believe I can provide some insight as to why this processing facility is needed, and is a vital component of the ongoing growth of the pistachio industry in the San Joaquin Valley and California.	This introductory comment is noted. No further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
C4-2	<p>The growth of pistachio production in California has been well documented and its future growth will continue long into the next decade. Compared with almonds and walnuts, which have grown at a rate of 4x and 3x respectively since the year 2000, pistachio have grown at a rate of 7x during that same time period. Specifically, bearing acreage has gone from approximately 74,000 bearing acres in 2000, to now more than 464,000 bearing acres, and is anticipated to reach 688,850 acres by the year 2031 according to a recent study completed by American Pistachio Growers. Furthermore, pistachio production, which hit 1 billion pounds in 2020, is anticipated to reach 2 billion pounds by 2031. The reasons for this growth are many, but include: the pistachio tree’s ability to utilize less water than other similar tree nut crops; its ability to grow on lessor quality soils and utilize water that is higher in salinity (water quality that is typically found on the west side of the San Joaquin Valley); better economic returns than other tree nuts; and finally the longevity of the trees compared with other similar tree nut crops.</p>	<p>This comment discusses the exponential growth of the pistachio industry in California since the year 2000, and highlights the reasons for this growth, including pistachio crops’ ability to grow in poor quality soils and with higher-salinity irrigation water, as well as the longevity and good economic returns of the crops. This comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.</p>
C4-3	<p>There are many factors that make the S. Stamoules Pistachio Processing Facility an ideal facility to approve and build. This multi-generational family farming operation has thousands of acres of pistachios already in production, and has many more additional acres that will be coming into production. Unlike other current pistachio processing facilities that require outsidegrowers’ production to supply their plant, the S. Stamoules plant is primarily designed to handle their own production, which will be significant. And, their proposal includes several future phases that will account for additional production growth within their own operation. Additionally, the California pistachio industry needs additional processing capacity to handle these ever larger crops that will be produced. Processing of pistachios, from the orchards to the pistachio processing plants, must be done within 24 hours of harvest, if not sooner, to prevent the hull from drying and adhering onto the shell. This potential drying and adhesion of the hull causes the shell to produce a darkened stain, which cannot be removed, and is considered a grade defect according to the United States Department of Agriculture’s Standards for Grade of Pistachio Nuts in the Shell. S. Stamoules facility will be located within close proximity to their orchards, which makes this ideal for quick and efficient processing.</p>	<p>This comment outlines reasons why the commenter supports the development of the proposed project; these reasons include meeting growing pistachio processing demands and needs of the Project Applicant and the California pistachio industry as a whole; and creating employment opportunities for residents of Western Fresno County communities, including Mendota and Firebaugh. This comment is noted but does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. As such, no further response is required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>Additionally, there is an ongoing need for additional processing capacity within the California pistachio industry. Each year, existing facilities must increase their capacity to keep up with the demand for processing, based on the ever increasing crop size. S. Stamoules facility is an important piece of the need for increased pistachio processing capacity. Based on current projections, processing capacity will need to increase by 126 percent to handle the pistachio production projection, based on 2022 to 2031 production figures. This proposed facility will go a long way in addressing the need for additional pistachio processing capacity.</p> <p>Lastly, the proposed S. Stamoules pistachio processing facility will require a significant number of skilled full time employees to both processing and value add work. This is vital for communities like Mendota and Firebaugh which have typically seen larger than normal unemployment figures, compared to other similar Fresno County cities. The Stefanopoulos and Stamoules family have been significant growers of vegetable and fruit commodities in Western portion of Fresno County, and this pistachio processing facility will enhance their ability to provide good jobs and yearlong employment for local residents.</p>	
C4-4	<p>For these reasons, I would ask for your approval of the S. Stamoules pistachio processing facility.</p>	<p>This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the Draft EIR. No further response is required.</p>

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4.0 DRAFT EIR TEXT REVISIONS

This chapter presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR in response to comments received during the public review period and clarifications that are County-initiated. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Further, the clarifications and corrections provided in the following revisions do not constitute significant new information requiring recirculation of the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with double-underlined text, and deleted text is shown in ~~strikethrough~~ text.

4.1 SECTION 1.0, EXECUTIVE SUMMARY

The following text revision is made to page 1-1 of the Draft EIR:

This Draft EIR has been prepared in accordance with CEQA to evaluate the potential environmental impacts associated with the implementation of the S. Stamoules, Inc. Pistachio Processing Facility Project Tract 6343.

4.2 SECTION 4.1, AESTHETICS

The following text revision is made to pages 4.1-5 and 4.1-6 of the Draft EIR:

The proposed project is located within the Exclusive Agricultural Zoning District (AE-20) of Fresno County. Implementation of the proposed project would introduce a pistachio processing facility onto the project site; however, the proposed project would be a value-added agricultural operation compliant with General Plan Policies LU-A.2 and LU-A.3, which allow the operation of value-added agricultural processing facilities in agriculturally-designated areas, ~~and the County's Zoning Ordinance for the AE-20 zoning district.~~ The proposed project would include the construction of approximately 50-foot-high silos that surpass the maximum permitted height within Fresno County's AE-20 Zoning District, which is 35 feet. However, the Project Applicant has prepared and filed Variance (VA) Application No. 4112 (VA 4112) to the County to request approval of these structures that represent a minor deviation from the AE District's development standards. The Project Applicant has paid applicable filing fees and submitted all required materials to the County with the VA Application. Development of the proposed oversized structures would be subject to approval of VA 4112. Otherwise, project design would be compliant with applicable development standards of the AE-20 Zoning District.

The following text revision is made to page 4.1-7 of the Draft EIR:

Additionally, the project site is zoned within the Exclusive Agricultural District (AE-20). This district is intended to protect the welfare of the agricultural community of Fresno County from encroachment of non-related uses of the land that could be detrimental to the physical and economic well-being of the community. Uses permitted within the AE-20 District include the harvesting, curing, processing, packaging, shipping and selling of

agricultural products, among other activities, subject to applicable limitations stated in Section 816, “AE” Exclusive Agricultural District, of the County zoning ordinance. The proposed project would include the construction of approximately 50-foot-high silos that surpass the maximum permitted height within Fresno County’s AE-20 Zoning District, which is 35 feet. However, the Project Applicant has prepared and filed VA 4112 to the County to request approval of these structures that represent a minor deviation from the AE District’s development standards. Development of the proposed oversized structures would be subject to approval of VA 4112. Otherwise, project design would be compliant with applicable development standards of the AE-20 Zoning District, and the proposed project would not substantially degrade the existing visual character or quality of public views from the project site. As such, the proposed project would not require a change of the project site’s current zoning and would be consistent with the County’s General Plan and Zoning Ordinance, subject to approval of VA 4112. As such, the proposed project would not conflict with any applicable zoning or other regulations governing scenic quality. Therefore, this impact would be less than significant.

4.3 SECTION 4.3, AIR QUALITY

The following text revision is made to page 4.3-31 of the Draft EIR:

Based on the diesel emissions anticipated for the project and the distance to the nearest sensitive receptor, using the Prioritization Calculator, it is estimated the project would result in a cancer score of 9.65 in 1 million cancer cases, which is below the SJVAPCD ~~threshold of significance of 20 in 1 million~~ prioritization screening score of 10 in 1 million.

4.4 SECTION 4.4, BIOLOGICAL RESOURCES

The following text revision is made to page 4.4-19 of the Draft EIR:

Mitigation Measure BIO-1.1 *Nesting Bird Surveys and Active Nest Avoidance.* Any initial ground disturbance or tree pruning, or removal should take place outside of the active nesting bird season (i.e., February 1–September 30), when feasible, to avoid impacts to nesting birds protected under the California Fish and Game Code and Migratory Bird Treaty Act. Should phased construction require tree removal or initial ground disturbance to ruderal areas, a qualified biologist shall conduct a nesting bird survey no more than 1510 days prior to each phase of clearing ground or vegetation disturbing activities. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the nesting bird(s) are allowed to take place until after the nest is no longer active (e.g., the young birds have fledged), or as otherwise determined by the qualified biologist.

4.5 SECTION 4.11, LAND USE PLANNING

The following text revision is made to page 4.11-4 of the Draft EIR:

The proposed project includes the application for Conditional Use Permit No. 3709 for the operation of the proposed pistachio processing facility. Additionally, the proposed project

includes Variance (VA) Application No. 4112 (VA 4112), to request County approval for construction of approximately 50-foot-high silos that surpass the maximum permitted height within Fresno County's AE-20 Zoning District, which is 35 feet. Approval of VA 4112 and compliance with the conditions of approval outlined in the Conditional Use Permit would ensure that the proposed project is compliant with the project site's Exclusive Agricultural District zoning. Therefore, the proposed project would not conflict with the County's zoning ordinance and the impact would be less than significant.

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APPENDIX K

PUBLIC COMMENT LETTERS ON THE DRAFT EIR

From: [Kyle Simpson](#)
To: [Nathaly Granda Bustamante](#)
Subject: FW: EIR #8077 CUP #3709 VA# 4112 Pistachio Processing Facility
Date: Wednesday, November 15, 2023 8:36:58 AM
Attachments: [image001.png](#)

Please save, and a respond accordingly.

Kyle Simpson | Principal
LSA | 2565 Alluvial Avenue, Suite 172
Clovis, CA 93611

559-490-1212 Tel
[Website](#)

From: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Sent: Wednesday, November 15, 2023 8:31 AM
To: Kyle Simpson <Kyle.Simpson@lsa.net>; Dirk Poeschel Land Dev. Services <dirk@dplds.com>
Cc: Randall , David A. <drandall@fresnocountyca.gov>
Subject: EIR #8077 CUP #3709 VA# 4112 Pistachio Processing Facility

Gentlemen,

Please see the email below.



Ejaz Ahmad | Planner
Department of Public Works and Planning | Development Services and Capital Projects Division/Current Planning Section
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4204
[Your input matters! Customer Service Survey](#)

From: Isla, Nicholas@DOT <Nicholas.Isla@dot.ca.gov>
Sent: Tuesday, November 14, 2023 9:33 AM
To: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Cc: Padilla, Dave@DOT <dave.padilla@dot.ca.gov>
Subject: EIR #8077 CUP #3709 VA# 4112 Pistachio Processing Facility

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good morning Ejaz,

We've reviewed the above mentioned project and have no comment.

Thank you,

Nicholas Isla
Associate Transportation Planner

A1-1

Local Development Review and Regional Planning
California Department of Transportation
1352 West Olive Avenue
(559) 981-7373

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 14, 2023

Ejaz Ahmad, Planner
Fresno County, Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th floor
Fresno, California 93721
(559) 600-4204
eahmad@fresnocountyca.gov

**Subject: Draft Environmental Impact Report (EIR) No. 8077, Stamoules, Inc.
Pistachio Processing Facility Project (Project)
SCH No.: 2022070101**

Dear Ejaz Ahmad:

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, the California Department of Fish and Wildlife (CDFW) appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

A2-1

After reviewing the provided CEQA document, CDFW concurs with the biological resources related analysis and measures proposed in the Draft EIR and recommends that all such measures in the Draft EIR be carried forward into the Final EIR. CDFW has determined that most of the biological resource mitigation measures as currently documented in the Draft EIR are sufficient for mitigation of potential project related impacts to listed species. Please note that take of any species listed under the California Endangered Species Act (CESA) would be unauthorized unless an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) is acquired in advance of such actions. It is recommended to consult with CDFW before any ground disturbing activities commence and to obtain an ITP if take of CESA listed species cannot be avoided.

A2-2

Mitigation Measure BIO-1.1 (Nesting Bird Surveys and Active Nest Avoidance) states that a qualified biologist shall conduct a nesting bird survey no more than 15 days prior to each phase of clearing activities. CDFW recommends that this measure be updated in the Final EIR to state that pre-construction surveys for active nests be conducted no

A2-3

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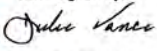
Ejaz Ahmad
Fresno County
December 14, 2023
Page 2

more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected.

CDFW appreciates the opportunity to comment on the Project to assist the County of Fresno in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

↑ A2-3
A2-4



FRESNO COUNTY FIRE

PROTECTION DISTRICT
103

1700 Jensen Ave, Ste

Sanger, California 93657
Telephone: (559) 319-0400
Fax: (559) 272-2410

Date

Ejaz Ahmad, – Development Services Division
County of Fresno
Fresno County Public Works & Development Services
2220 Tulare Street, Suite A
Fresno, CA 93721

Transmitted by Email to: eahmad@fresnocountyca.gov

RE: **Application Reference #: DEIR #8077**
Name of Applicant: S. STAMOULES, INC
Address of Project: SWC W. NORTH AVE & S. NEWCOMB AV
City, State & Zip of Project:

Fresno County Fire Protection District (FCFPD) has received notice of the project and will continue to review the project for its potential impacts on the FCFPD.

B1-1

Application Types

- | | |
|---|--|
| Site Plan Review (SPR) | Initial Study Application (ISA) |
| Director Review Application (DRA) | Variance Application (VA) |
| Conditional Use Permit (CUP) | General Plan Application (GPA) |
| Tentative Parcel Map (TPM, TPMW) | Tentative Tract Map (TTM) |
| Pre-Application for Certificate of Compliance (PCOC) | |

B1-2

All application types stated above **SHALL** comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving your FCFPD conditions of approval for your project, you must submit construction plans to the County of Fresno Public Works and Planning and FCFPD for review. It is the **Applicants Responsibility** to deliver a minimum of **two (2)** sets of plans to the FCFPD.

EEIR#8077
Page 2 of 2

Your Project/Development may be required to annex into the into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Developments included: Single Family Residential (SFR), SFR Properties subdivided into three (3) or more housing units, Multi-Family Residential (MFR) Property, Commercial Property, Industrial Property, and/or Office Property.

B1-3

Project/Developments will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

B1-4

Before plans are submitted to the Fresno County Fire Protection District, please visit our website at www.fresnocountyfire.org and complete the Fire Permit Application to submit with your plans.

B1-5

Please Note – requirements for your project may include but are not limited to:

Water Flow Requirements
Water Storage Requirements
Fire Pumps
Road Access

Fire Hydrants
Fire Sprinklers Systems
Fire Alarm Systems
Premises Identification

B1-6

Please contact the FCFPD at **(559) 319-0400** to schedule an over the counter meeting to receive specific requirements for your project. Failure to schedule an appointment with the FCFPD will affect your ability to obtain final approval for your project.

B1-7

Sincerely,

DUSTIN HAIL
District Fire Chief

By

Larry Brown

LARRY BROWN, SENIOR FIRE INSPECTOR

From: [Kyle Simpson](#)
To: [Nathaly Granda Bustamante](#)
Subject: FW: Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing facility Project (EIR 8077)
Date: Thursday, December 14, 2023 3:41:53 PM
Attachments: [image001.png](#)

Please save and list accordingly. On Tuesday morning we should have a full list of the comment letters that we have received that we can then send to Ejaz for confirmation.

Kyle Simpson | Principal
LSA | 2565 Alluvial Avenue, Suite 172
Clovis, CA 93611

559-490-1212 Tel
[Website](#)

From: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Sent: Thursday, December 14, 2023 3:40 PM
To: Kyle Simpson <Kyle.Simpson@lsa.net>; Dirk Poeschel Land Dev. Services <dirk@dplds.com>
Subject: Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing facility Project (EIR 8077)

FYI

From: Navos, Leonardo <lnavos@fresnocountyca.gov>
Sent: Thursday, December 14, 2023 2:17 PM
To: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Subject: RE: Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing facility Project (EIR 8077)

After browsing all the attachments, Development Engineering Section has no comment.

B2-1



Leonardo T. Navos, PE | **Engineer III**
Department of Public Works and Planning
Development Services and Capital Projects Division
Development Engineering Section
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4022 Direct: (559) 600-4257
[Your input matters! Customer Service Survey](#)

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From: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Sent: Wednesday, November 01, 2023 11:42 AM
To: CALFIRE FKU Prevention-Planning <FKU.Prevention-Planning@fire.ca.gov>; rfreeman@wwd.ca.gov;
Shana Powers <SPowers@tachi-yokut-nsn.gov>; Bob Pennell <rpennell@TMR.ORG>; Heather Airey

<hairey@chukchansi-nsn.gov>; ledgerrobert@ymail.com; Chris Acree <cacree@hotmail.com>; mcunha@niseifarmersleague.com; kathy.norton@usace.army.mil; 'CEQA E-mail' <CEQA@valleyair.org>; Kevin.Faulkenberry@water.ca.gov; Reyes, Cinthia@Waterboards <Cinthia.Reyes@Waterboards.ca.gov>; Wildlife R4 CEQA Program <R4CEQA@wildlife.ca.gov>; Dave Padilla <dave.padilla@dot.ca.gov>; Xiong, Christopher@DOT <Christopher.Xiong@dot.ca.gov>; Isla, Nicholas@DOT <Nicholas.Isla@dot.ca.gov>; Dale Harvey (dharvey@waterboards.ca.gov) <dharvey@waterboards.ca.gov>; Scroggins, Matt@Waterboards <Matt.Scroggins@waterboards.ca.gov>; Alexander.Mushegan@waterboards.ca.gov; david.durham@ca.usda.gov; Cregan, Melissa <mcregan@fresnocountyca.gov>; Tsuda, Kevin <ktsuda@fresnocountyca.gov>; Sidhu, Sukhdeep <ssidhu@fresnocountyca.gov>; Ramirez, Augustine <auramirez@fresnocountyca.gov>; Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Alimi, Mohammad <malimi@fresnocountyca.gov>; Luna, Hector <HLuna@fresnocountyca.gov>; Nakagawa, Wendy <WNakagawa@fresnocountyca.gov>; Mohamed, Mohamoud <momohamed@fresnocountyca.gov>; Kennedy, Laurie <kennedy@fresnocountyca.gov>; Valdivia, Arnulfo (Arnold) <avaldivia@fresnocountyca.gov>; Granat, Michael <mgranat@fresnocountyca.gov>; Mtunga, Tawanda <tmtunga@fresnocountyca.gov>; Mendez, Daniel E. <dmendez@fresnocountyca.gov>; Gutierrez, Daniel <dangutierrez@fresnocountyca.gov>; Anders, James <janders@fresnocountyca.gov>; Khorsand, Mohammad <mkhorsand@fresnocountyca.gov>; Jim.Vang@wildlife.ca.gov; jgutierrez@wwd.ca.gov; kcampbell@wwd.ca.gov; hydrobuffalo@sbcglobal.net; creis@fresnowestmosquito.com; ORG-SSJVIC <ssjvic@csub.edu>; Navos, Leonardo <lnavos@fresnocountyca.gov>; Cameron.Velva@nahc.ca.gov; Aguilar, Albert <ATAguilar@fresnocountyca.gov>

Cc: Randall , David A. <drandall@fresnocountyca.gov>

Subject: Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing facility Project (EIR 8077)

Good Afternoon,

The County is notifying interested agencies, organizations, and individuals of the release of the Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing Facility Project - EIR 8077. These documents are available for a 45-day Public Comment Period starting November 1, 2023 and ending December 18, 2023, and may be viewed/downloaded at:

<https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/environmental-impact-reports/eir-8077-s-stamoules-inc-pistachio-processing-facility-project>

Please send your written comments to the Lead Agency/Contact:

Ejaz Ahmad, Project Planner
County of Fresno, Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, California 93721
Email. eahmad@fresnocountyca.gov

Thank you for your interest in this project.



December 18, 2023

Ejaz Ahmad
County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA, 93721

Project: Draft Environmental Impact Report for S. Stamoules Inc., Pistachio Processing Facility

District CEQA Reference No: 20231065

Dear Mr. Ahmad:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the County of Fresno (County) for the Pistachio Processing Facility. The project consists of the construction and operation of a pistachio hulling, processing and packing facility to be constructed in the following four phases (Project):

- Phase 1: construction of a 16,893 square foot huller building, approximately 5,608 square foot drive-over dumping pit area, approximately 3,900 square foot pre-cleaning area, ten 8x29 foot dryers, and eighteen 52x52 foot galvanized steel silos
- Phase 2: construction of a 155,169 square foot processing building for pistachios
- Phase 3: installation of a processing, sorting, and packing equipment in the pistachio processing building. Including twelve additional silos and the installation of ten additional dryer units
- Phase 4: construction of a second 16,893 square foot huller building, and additional drive-over dumping pit area and pre-cleaning area, and the construction and installation of 30 additional silos and 20 dryer units

B3-1

The Project is located on the northwest corner of South Newcomb Avenue and West Muscat Avenue, in Firebaugh, CA.

Samir Sheikh
Executive Director/Air Pollution Control Officer

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

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

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

The District offers the following comments at this time regarding the Project:

1) Stationary Source Operational Emission

The District recommends the County ensure the quantification of criteria pollutant emissions from stationary sources be included in the DEIR (i.e. dryers, silos, etc.). More specifically, Table 4.3.J (Project Operation Emissions) of the DEIR should be revised to include criteria pollutant emissions from stationary sources.

B3-2

2) Health Risk Screening/Assessment

The District reviewed the Health Risk Assessment (HRA) for the Project and has the following comments:

- The DEIR states the diesel PM10 exhaust emissions to be 16.7 pounds per year. However, the District has reviewed the California Emission Estimator Model (CalEEMod) output files which identifies emissions from diesel exhaust as 180 pounds per year. The District recommends including the 180 pounds of diesel PM10 from the construction in addition to 16.7 pounds per year of diesel PM10 exhaust emissions project related mobile sources. Additionally, the District recommends including documentation on how the 16.7 pounds per year of diesel PM10 exhaust emissions were derived.
- The DEIR HRA does not include emissions from Project operation from sources such as, but not limited to, nut processing (dust), combustion from dryers, and fumigation. The District recommends calculating the aforementioned operational toxic emissions and updating the prioritization analysis.
- The DEIR states that the project prioritization score is 9.65 in 1 million, and compares that value to the District cancer risk threshold of 20 in a million. It should be noted, the District's prioritization threshold is 10 for each category (acute, chronic, and cancer), and should include emissions from both construction and operation of the Project. Should the revised Prioritization score exceed 10 for any category, a health risk assessment (HRA) should be completed to ensure the Project will not exceed the District's thresholds.

B3-3

Modifications to the Prioritization/HRA based on the deficiencies listed above have the potential to cause the Project to exceed District health risk thresholds. Therefore, the District recommends the Prioritization/HRA be revised to ensure the analysis is representative and adequately reflects the Project's potential air quality impacts.

3) Ambient Air Quality Analysis

If the air quality modeling results are revised based on comment 1 above, the District recommends that an Ambient Air Quality Analysis (AAQA) be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:
<https://ww2.valleyair.org/permitting/ceqa/>.

B3-4

4) Industrial/Warehouse Emission Reduction Strategies

The District recommends the County incorporate emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:

- Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 5)
- Require minimization of heavy-duty truck idling (see comment 7)
- Require solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Incorporate signage and "pavement markings" to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Require projects be designed to provide the necessary infrastructure to support use of zero-emissions on-road vehicles and off-road equipment (see comment 8)
- Require all building roofs are solar-ready
- Require all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Require power sources at loading docks for all refrigerated trucks have "plugin" capacity, which will eliminate prolonged idling while loading and unloading goods
- Require the use of low volatile organic compounds (VOC) architectural and

B3-5

- industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project

B3-5

5) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Per the DEIR, the project consists of a pistachio processing facility which is expected to result in HHD truck trips.

The District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

B3-6

6) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The Project consists of a pistachio processing facility which is expected to result in HHD truck trips. The District recommends that the following measures be considered by the County to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

B3-7

7) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

B3-8

Since the Project is expected to result in HHD truck trips, the District recommends the DEIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.

8) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider incorporating solar power systems as an emission reduction strategy for the Project.

B3-9

9) Electric Infrastructure

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the County and project proponents install electric vehicle chargers at project sites, and at strategic locations.

B3-10

Please visit www.valleyair.org/grants/chargeup.htm for more information.

10) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and

B3-11

processes.

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

B3-11

10a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

B3-12

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District’s SBA Office at (559) 230-5888.

10b) District Rule 9510 - Indirect Source Review (ISR)

Per District Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

B3-13

10c) District Rule 9410 (Employer Based Trip Reduction)

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the

B3-14

options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:
<https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/>.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

B3-14

10d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolition-renovation/>

B3-15

10e) District Rule 4601 (Architectural Coatings)

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

B3-16

10f) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction,

B3-17

Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at: <https://ww2.valleyair.org/dustcontrol>

10g) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

11) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Eric McLaughlin by e-mail at Eric.McLaughlin@valleyair.org or by phone at (559) 230-5808.

Sincerely,

Brian Clements
Director of Permit Services

Mark Montelongo
Program Manager



B3-17

B3-18

B3-19



December 18, 2023

Mr. Ejaz Ahmad, Planner
Fresno County Public Works and Planning
Development Services & Capital Projects Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

SUBJECT: Comments Regarding Draft Environmental Impact Report (EIR) No. 8077 for S. Stamoules, Inc, Pistachio Processing Facility

Dear Mr. Ahmad,

Westlands Water District (District) has reviewed Draft EIR No. 8077 to construct a pistachio hulling, processing, and packing facility on 98 acres of Assessor Parcel Number (APN) 019-150-64S. After reviewing the Draft EIR, the District has the following comments about the project and the site.

B4-1

The Applicant indicates the proposed water source is the existing groundwater well located in the northeast corner of the proposed site. The existing well is expected to yield sufficient water to serve operational water demands of the project. If the Applicant uses the existing groundwater well as its proposed water source, the applicant will be subject to the District's Groundwater Allocation Rules & Regulations.

B4-2

The Applicant is eligible to apply for and receive Municipal and Industrial (M&I) water service. The pistachio processing facility is an agricultural related development. As a M&I water user, the Applicant's operations are bound by the Regulations, and Terms & Conditions established by the District for M&I use, including but not limited to the following.

1. The District has adopted regulations governing the application for and use of M&I water. The Regulations stipulate up to five (5) acre-feet annually will be made available to a water user from the District's Central Valley Project (CVP) contract supply for agriculture related developments. If operations require more water, the Applicant is responsible for submitting a supplemental M&I water application to the District and identify the source of water to be made available to meet the incremental increase.
2. The District and the California Department of Public Health (CDPH) entered into a Compliance Agreement that restricts the District's ability to provide M&I services to non-resident facilities that do not have CDPH approved treatment systems. The Applicant must request and receive an exemption from the Compliance Agreement's requirements that the property be connected to a Public Water System or Domestic Well. Provided the Applicant is not deemed a Public Water System, CDPH may grant an exemption on the conditions that the Applicant posts signs at all outlets where human contact may occur, indicating that the water delivered by the District is non-

B4-3



B4-3

potable. Further, the Applicant will have to agree to provide bottled water for consumption at the project site.

Additionally, based on the Site Location Map provided, the proposed project site is located near the District's Lateral 4 which has delivery turnouts located in the northeast, northwest, southwest, and southeast corners, and on the north side of APN 019-150-64S. Prior to construction, please contact Underground Service Alert (811).

B4-4

Thank you for the opportunity to comment on this project. If you have any additional questions, please contact Kori Peterson at (559) 241-6231.

Sincerely,

Russ Freeman, P.E.
Deputy General Manager of Resources

Enclosures (2)

1. Regulations for Application and Use of Municipal and Industrial Water
2. Terms and Conditions for Municipal and Industrial Water Service

Adopted: 1/14/02

Revised:09/19/2023

ARTICLE 19. REGULATIONS REGARDING THE APPLICATION FOR AND USE OF MUNICIPAL AND INDUSTRIAL WATER WITHIN WESTLANDS WATER DISTRICT

19.1 PURPOSE

Westlands Water District has a long-term contractual entitlement to receive from the United States an annual supply of 1,150,000 acre-feet (AF) of Central Valley Project (CVP) water. The contracts between Westlands Water District and the United States allow the District to make CVP water available for municipal, industrial and domestic uses. The District may also acquire additional water supplies for these purposes. This Article establishes the rules and procedures for making application for and the use of municipal and industrial (M&I) water.

19.2 GLOSSARY OF TERMS AND DEFINITIONS

Unless specified below, the terms and definitions contained in Article 2 of these Regulations shall apply.

- A. "Ag Related M&I Use" – the use of water exclusively for purposes of commerce, trade or industry associated with the production of agricultural crops or livestock, or their related by-products, including human uses, other than housing, that are incidental to the Ag Related M&I Use.
- B. "Historic Use" – the greatest annual quantity of CVP water delivered for M&I Use to an M&I Water User at a point of delivery during the five-year period immediately preceding June 30, 2001.
- C. "M&I Use" – the use of water for drinking, cooking, bathing, showering, dish washing, and maintaining oral hygiene or purposes of commerce, trade or industry.
- D. "M&I Water Application" - an agreement in a form approved by the General Manager or his designee between the District and an M&I Water User, which describes the point of delivery for such water and the estimated quantity of water that will be made available by the District for M&I Use.

B4-5



- E. "M&I Water User" - individual or entity who has executed and submitted to the District an M&I Water Application or to whom the District makes water available for M&I Use.

19.3 M&I WATER AVAILABILITY

- A. The General Manager shall set aside from the District's CVP water supply or other sources deemed appropriate water for M&I Use.
- B. The General Manager or designee shall assist any M&I Water User in identifying a source of water that can be made available to the District for M&I Use; provided, that this provision shall not impose on the District or its employees an obligation to incur any expense or other obligation on behalf of such M&I Water User.

19.4 APPLICATION FOR WATER

- A. Except for M&I Use initiated before July 1, 2001, to receive water for M&I Use, a proposed M&I Water User must file at the District's Fresno office an M&I Water Application. Upon approval by the District, the M&I Water Application shall constitute a valid agreement for M&I Use until the M&I Water User notifies the District in writing that such M&I Use will be terminated. Every M&I Water Application shall identify the point of delivery and the intended use of the M&I Water.
- B. An M&I Water Application for use in excess of 5 acre-feet, or 5 acre-feet per 160 acres when such application is for a solar development covering such acreage, per year shall identify a source of water that will, at the applicant's expense, be made available to the District for the proposed M&I Use. Solar development resulting from land participating in the "Continued Benefits to Modified Agricultural Land" are not eligible to submit a M&I Water Application.
- C. Notwithstanding Section 19.4 B. of this Article, a M&I Water User may annually transfer into the M&I Water User's account a quantity of water, from any source available to the M&I Water User, sufficient to satisfy any Ag Related M&I Use for the water year; provided, the M&I Water User shall acknowledge in writing that the



B4-5

District has no obligation to make available to the M&I Water User, in any year, a quantity of water in excess of the quantity transferred into the M&I Water User's account.

- D. A supplemental M&I Water Application shall be filed by any M&I Water User before the quantity of water for M&I Use made available to such M&I Water User is increased (i) above Historic Use, for M&I Water Users receiving M&I water before July 1, 2001, or (ii) above the quantity stated in the initial M&I Water Application, for M&I Use initiated after June 30, 2001.

19.5 USE OF WATER

- A. The unauthorized use or taking of water for M&I Use, or the waste or unreasonable use of water, are prohibited. Water made available for M&I Use may only be used at the point of delivery and for the purpose(s) identified in the M&I Water Application. Except as provided in Section 19.5 B. of this Article, the transfer of M&I water is prohibited.
- B. M&I water identified pursuant to Section 19.4 B. of this Article or water transferred by the M&I Water User pursuant to Section 19.4 C. of this Article may be transferred within the District's boundaries. Nothing contained in this Article shall prevent an M&I Water User from changing the place of use of its M&I water within the District's boundaries.
- C. All M&I Water Users shall implement conservation measures adopted by the Water Policy Committee of the Board of Directors or its successor.
- D. All M&I Water Users shall cooperate in the District's efforts to comply with the terms of the Compliance Agreement between the California Department of Health Services and Westlands Water District, dated June 1, 2001.
- E. Every point of delivery for M&I Water shall be equipped with a backflow prevention device of a design approved by the General Manager.
- F. The General Manager is authorized, after written notice to the M&I Water User, to discontinue water service to any M&I Water User who violates this Article or the Terms and Conditions for Municipal and Industrial Water Service.



B4-5

- G. In the event the District's water supply is insufficient to meet all demands for water, including demands for irrigation, the General Manager is authorized to reduce the quantity of water made available for M&I Use or to impose such temporary conservation actions or other measures, as he deems necessary to protect the public health and safety.

19.6 COMPLIANCE WITH TERMS AND CONDITIONS

Each M&I Water User shall comply with the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board from time to time. Failure to comply with the Terms and Conditions for Municipal and Industrial Water Service may be grounds for termination of M&I Water Use service, and no water shall be furnished to an M&I Water User who fails to make required payments pursuant to the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board, from time to time.

B4-5

19.7 MISCELLANEOUS

- A. The General Manager may do all things necessary to implement and effectuate these Regulations.
- B. An appeal from any decision made pursuant to these Regulations shall be made to the Finance and Administration Committee of the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Finance and Administration Committee may be appealed to the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Board shall be final.
- C. The General Manager shall provide notice of any changes or revision to these Regulations to all District landowners and M&I Water Users.

WESTLANDS WATER DISTRICT

OFFICE--3130 N. FRESNO STREET/MAILING--P. O. BOX 6056, FRESNO, CA 93703
TELEPHONE: WATER DEPT. (559) 241-6250/OTHER (559) 224-1523/FAX (559) 241-6276

TERMS AND CONDITIONS FOR MUNICIPAL AND INDUSTRIAL WATER SERVICE

1. The furnishing of water to and its use by the water user shall be subject to all regulations of the Board of Directors of the District as the same may exist now or hereafter be amended or adopted. In the event of a conflict between the terms and conditions set forth herein and the regulations, the latter shall be controlling.

2. All water delivered shall be pursuant to a request by the water user for the delivery of a stated amount to a specific location. The request shall be made within the time and in the manner prescribed by the General Manager.

3. Water will be furnished by the District subject to the terms and conditions under which the water is made available to the District and if, in the exclusive judgment of the District, the water and facilities for its delivery are available; provided, that the District will use its best efforts, to the extent that it has water and capacity available and taking into account the requirements of other water users to receive water from its facilities, to provide such water in the manner and at the times requested. The District may temporarily discontinue water service or reduce the amount of water to be furnished for the purpose of such investigation, inspection, maintenance, repair, or replacement as may be reasonably necessary of any of the District 's facilities. Insofar as feasible, the District will give the water user notice in advance of such temporary discontinuance or reduction, except in case of emergency, in which event no notice need be given. No liability shall accrue against the District or any of its officers, directors, or employees for damage, direct or indirect, because of the failure to provide water as a result of system malfunctions, interruptions in service necessary to properly operate and maintain the water distribution system, or other causes which are beyond the District's reasonable control.

4. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, all damage or claims for damage, which may arise from his furnishing or use of the water after it leaves the District facilities.

5. The water furnished by the District is not potable (suitable for drinking, cooking, bathing, or other domestic use) and the District does not warrant the quality or potability of water so furnished. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, damage or claims for damage arising out the non-potability of water furnished by the District. Untreated water must never be used for any type of human consumptive needs. A water user defined and operating as a Public Water Supply (PWS) shall be responsible for any water treatment, including but not limited to filtration and chlorination achieved through central treatment or point-of-entry (POE) treatment devices approved by the California Department of Health Services (DHS), in order to provide water safe for human consumption as required by Federal, State or local law or regulation.

According to DHS, the use of POE treatment systems by individual customers of a constructed conveyance system may not provide a continuous safe, potable supply of water due to inadequate operation and maintenance of these systems by the owners, unless they are a regulated PWS. Individual use of POE devices ("Water Treatment Exclusion") may only be used if they are approved by DHS and are regularly maintained by a State-licensed operator or service provider.

Facilities in place prior to July 2001, may continue to use bottled water for drinking and cooking ("Alternative Water Exclusion"). After July 2001, the District cannot furnish new municipal and industrial water service if bottled water use is the basis for the potable water supply unless approved by DHS. Bottled water may only be obtained from a State-licensed provider.

B4-6





DHS mandates the District conduct periodic surveys of water use as required by the Safe Drinking Water Act and to collect records for Alternative Water and Treatment Exclusions. Records for exclusions include invoices or statements of bottled water delivery from a licensed provider or maintenance and service records for a POE system from a licensed operator. Water users who fail to complete a survey or provide records showing an approved exclusion requested by the District shall have water service discontinued if no response is received after a reasonable attempt has been made to obtain the information.

6. All water will be measured by the District with meters installed by it and such measurements shall be final and conclusive.

7. Charges for water, hereinafter referred to as "water charges", shall be established by the Board of Directors. The water charges shall include District operation and maintenance costs and any other costs determined by the Board to be payable as part of the water charges. Water charges shall be adjusted retroactively to the extent required and authorized by federal or state law or regulations or District regulations. The General Manager may adjust the water charges as necessary and legally authorized to account for increases or decreases in the estimates used to establish the water charges.

8. As a condition of the District continuing to furnish water, the water user shall make payment for the amount billed after the District's billing and by the 25th of the month in which the bill is mailed; provided, that the due date will be not less than 15 calendar days after the billing date. Charges not paid by the due date shall be delinquent; provided, that payments postmarked on or before the due date shall be deemed to have been received by that date. The payment of water charges or related penalties or interest shall be made at the District's Fresno office. When any deadline established herein falls on a Saturday, Sunday, or holiday, it shall be extended to the next working day.

9. All claims for overcharges or errors must be made in writing and filed with the District at its Fresno Office within 10 working days after the date the bill is received by the water user. In the event the water user files a timely written protest, the District's Finance & Administration Committee shall consider the protest at its next regular meeting and notify the water user in writing of its decision. The Committee's decision shall be final, unless a written appeal to the Board of Directors is filed with the Secretary of the District within 15 working days after notice of the decision. In the event of an appeal, the decision of the Board shall be final. The filing of a protest or an appeal does not nullify the payment requirement or the District's right to discontinue water service as provided in these terms and conditions. However, in the event the protest or appeal is sustained, the District will refund the amount of the overcharge and penalty, if any.

B4-6

10. On the first day following the due date, a penalty of 10 percent of the water charges which became delinquent on the preceding day shall be added to the water charges and penalties and interest, if any, due and owing to the District, the total of which are hereinafter referred to as "unpaid charges." Prior unpaid charges shall accrue interest at a monthly rate of 1½ percent. The interest shall not, however, accrue after the unpaid charges have been added to, and become a part of, the annual assessment levied on the land by the District. All payments and credits shall be applied to the earliest unpaid charges.

11. At the time of filing the District's assessment book with the District Tax Collector, unpaid charges may be added to and become a part of the assessment levied by the District on the land which received the water or for which other water charges were incurred. The District shall notify the landowner of the expected amount prior to its addition to the annual assessment. The amount so added shall be a lien on the land and impart notice thereof to all persons. If the assessment becomes delinquent, penalties and interest will be added as provided by law.

12. To supplement the procedure described in paragraph 11, the District may elect to file and record a Certificate of Unpaid Water Charges as provided in California Water Code Section 36729. This

Certificate creates a lien in the amount of unpaid charges on any land owned by the delinquent water user, or acquired by the water user before the lien's expiration, within the recording County.

13. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any parcel of land for which the unpaid charges for such service are a lien on the land or for which the assessment is delinquent.

14. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any person who owes the District unpaid charges notwithstanding the fact that the unpaid charges have been added to the assessment(s) on the parcel(s) for which they were incurred.

15. Where the District furnishes residential water service to persons other than the water user to whom the service is billed, the District shall make a reasonable, good faith effort to inform the actual users of the services when the account is delinquent. This shall be done by a notice that service will be terminated in 10 days. The notice shall inform the actual users that they have the right to become customers of the District without being required to pay the amount due on the delinquent account.

The District is not required to make service available to the actual users unless each actual user agrees to the terms and conditions of service. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means legally available to the District of selectively terminating service to those actual users who have not met the requirements of the District's terms and conditions, the District shall make service available to the actual users who have met those requirements. In making service available to an actual user, the District may require that a deposit be paid to the District prior to establishing an account and furnishing service. If a deposit is required, it shall be based solely upon the creditworthiness of the actual user as determined by the District.

The District will give notice of the delinquency and impending termination of residential water service, at least 10 days prior to the proposed termination, by means of a notice mailed postage prepaid or by personal delivery to the water user to whom the service is billed not earlier than 19 days from the date of mailing the District's bill for services, and the 10-day period shall not commence until 5 days after the mailing of the notice. When the day established for the discontinuance of water service falls on a Saturday, Sunday, or District holiday, such water service shall be discontinued on the next working day.

B4-6

The District will make a reasonable, good faith effort to contact an adult person residing at the premises of the water user by telephone or in person at least 48 hours prior to any termination of residential water service.

The District will comply with all other applicable provisions of California Government Code Sections 60370-60375.5 regarding termination of residential water service.

16. Except as provided in paragraph 15, in the event water service hereunder is discontinued as a result of nonpayment of water charges, all unpaid charges for such service which are due the District from the person in default must be paid before water service can be restored.

17. If a water user's delinquent charges are unpaid for 30 days or more, or if a water user's delinquent charges are added to the annual assessments on any lands within the District, or the procedure in paragraph 12 is implemented, the General Manager shall require, as a condition of resumption of water service, that advance payment of all water charges be made for the 12-month period immediately following resumption of service, according to a schedule to be determined by the General Manager. A written guarantee in a form satisfactory to the General Manager from a recognized financial lending institution may be substituted in lieu of advance payment.



18. The General Manager, after consultation with and approval by the Finance & Administration Committee, may also require advance payment and/or payment by cashier's check or such other actions as he may deem necessary when a water user's account is determined, based on the payment history or other actions of the water user, to create a financial risk or hardship for the District or its landowners. Circumstances which constitute the basis for such a determination include but are not limited to the following: (1) instances of a water user's checks being returned unpaid or (2) instances where a water user whose account is delinquent has, in violation of District regulations, taken water from a District delivery.

19. By applying for or taking delivery of municipal and industrial water from the District, the water user agrees to these terms and conditions of service.

20. The District may modify or terminate these terms and conditions; provided, that such modifications or terminations are prospective only and notice thereof is given prior to the effective date by mail to the water user.



B4-6



TABLE MOUNTAIN RANCHERIA

TRIBAL GOVERNMENT OFFICE

CERTIFIED 4066 1771

November 21, 2023

Ejaz Ahmad, Planner
County of Fresno
Department of Public Works and Planning
2220 Tulare Street,
6th Floor
Fresno, California 96721

Michelle Heredia-Cordova
Tribal Chairperson

Richard L. Jones
Tribal Vice-Chairperson

Jenna Gosselaar
Tribal Secretary/Treasurer

Marlene Jones Ray
Tribal Member-At-Large

Samantha Toles-Rodriguez
Tribal Member-At-Large

RE: S. Stamoules, Inc. Pistachio Processing Facility Project

Dear: Ejaz Ahmad

This is in response to your letter dated November 1, 2023, regarding S. Stamoules, Inc. Pistachio Processing Facility Project in Fresno County, California. Thank you for notifying us of the potential development and the request for consultation.

C1-1

We decline participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified.

C1-2

Sincerely,

A handwritten signature in black ink, appearing to be "R Pennell", written over a horizontal line.

Robert Pennell
Tribal Cultural Resources Director
rpennell@tmr.org
559.325.0351

23736
Sky Harbour Road
Post Office
Box 410
Friant
California
93626
(559) 822-2587
Fax
(559) 822-2693

From: [Ahmad, Ejaz](#)
To: [Heather Airey](#)
Cc: [Tanya williamson](#); [Randall L. David A.; Kyle Simpson](#)
Subject: CUP 3709/EIR 8077 - Notice of Availability (NOA) for S. Stamoules Inc. Pistachio Processing Facility Project (State Clearing House No. 2022070101)
Date: Tuesday, November 28, 2023 1:28:00 PM
Attachments: [image001.png](#)
[sahmad_231128-125007-7358.pdf](#)

Good Afternoon Ms. Haider,

Thanks for taking my phone call this afternoon Nov. 28, 2023 regarding the subject application. This email is to recap our conversation.

C2-1

During our conversation, I indicated that a Notice of Availability (NOA) for S. Stamoules Inc. Pistachio Processing Facility Project (State Clearing House No. 2022070101) this office mailed to your office was returned to us by post office undelivered. I asked if you (tribe) would need additional time to comment on the project. Or, Dec 18, 2023 comment due date would suffice for your comments. You stated the tribe has seen the information on this project earlier. The project is outside the tribe's area of interest and that you (tribe) have no comments on the project.

C2-2

Regards!



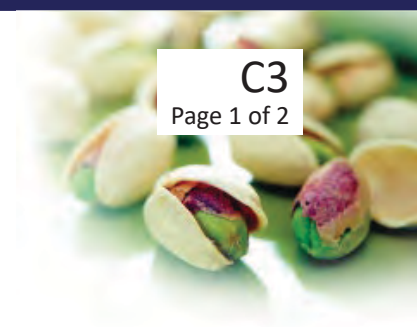
Ejaz Ahmad | **Planner**

**Department of Public Works and Planning | Development Services and
Capital Projects Division/Current Planning Section**

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4497 Direct: (559) 600-4204

[Your input matters! Customer Service Survey](#)



December 18, 2023

Ejaz Ahmad
Fresno County Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 96721
Eahmad@fresnocountyca.gov

Re: EIR 8077 S. Stamoules, Inc. Pistachio Processing Facility Project

Dear Ejaz,

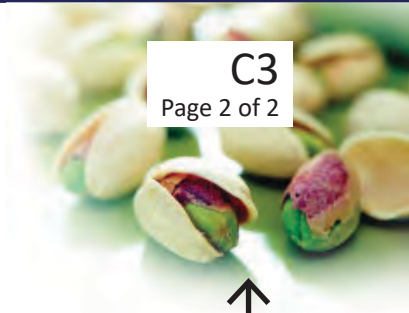
On behalf of American Pistachio Growers (APG), a non-profit trade association representing over 860 pistachio growing entities and ten Central California based pistachio processing companies, we wish to provide comment on the S. Stamoules, Inc. Pistachio Processing Facility Project State Clearinghouse No. 2022070101/EIR 8077. American Pistachio Growers, headquartered in Fresno County, is in full support of this facility being approved for construction. APG supports the construction and operation of this facility for multiple reasons expressed in this letter.

C3-1

First, California pistachio production is expected to grow at an exponential rate, with production estimates for the California pistachio crop exceeding 2 billion pounds by 2030. This growth will require expansion of existing processing facilities, but also the development and construction of new facilities to meet production demand. The S. Stamoules facility will not only accommodate a sizable portion of the increasing pistachio processing demand, but also meet the growth and needs of the facility owner as well as the surrounding community.

As a large pistachio grower, S. Stamoules produces millions of pounds of pistachios which currently have to be trucked large distances to be processed. Some of these shipments could potentially remain in Fresno County, but the greatest likelihood is that they are transported out of Fresno County, thus increasing greenhouse gas emissions and adding to highway degradation. The construction of the S. Stamoules plant would all but eliminate the need for hundreds of truckloads to be transported out of Fresno County for processing. With thousands of acres of pistachios in close proximity to the outlined facility, it makes sense both economically

C3-2



and environmentally to develop this plant to serve the grower and potentially other growers in close proximity.

This facility would also mean millions of dollars in additional revenues for Fresno County through increased tax revenues and job creation. A plant of this size would require additional labor for year-round operations, benefiting the city of Mendota and the County of Fresno. APG believes stimulating the economy in these underserved communities in West Fresno County should be a priority, and the development of this facility would create immediate impact for the City of Mendota and Fresno County.

C3-2

The Stephanopoulous and Stamoules families have been leading growers in West Fresno County for generations. Their knowledge of the agriculture community and processing practices across multiple commodities dates back generations. They are respected for the quality of products they grow, process and ship, as well as their philanthropy in Fresno County, especially in the cities of Mendota, Firebaugh and Kerman. APG has no doubt this facility will benefit every resident of Fresno County, and the impacts will be felt in positive ways for generations to come.

In closing, American Pistachio Growers wholeheartedly supports the approval and construction of this facility and looks forward to witnessing the positive impacts this project will create.

C3-3

Respectfully,

Wesley Wilson
Director, Member Services & Communications
American Pistachio Growers
9 River Park Place East, Suite 410
Fresno, CA 93720

December 18, 2023

County of Fresno
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

RE: S. Stamoules, Inc. Pistachio Processing Facility Project
State Clearinghouse No. 2022070101
EIR 8077

I am providing comments in support of the proposed S. Stamoules, Inc. Pistachio Processing Facility Project. As the recent former President of American Pistachio Growers, and having worked in the California pistachio industry for the last 16 years, I believe I can provide some insight as to why this processing facility is needed, and is a vital component of the ongoing growth of the pistachio industry in the San Joaquin Valley and California.

C4-1

The growth of pistachio production in California has been well documented and its future growth will continue long into the next decade. Compared with almonds and walnuts, which have grown at a rate of 4x and 3x respectively since the year 2000, pistachio have grown at a rate of 7x during that same time period. Specifically, bearing acreage has gone from approximately 74,000 bearing acres in 2000, to now more than 464,000 bearing acres, and is anticipated to reach 688,850 acres by the year 2031 according to a recent study completed by American Pistachio Growers. Furthermore, pistachio production, which hit 1 billion pounds in 2020, is anticipated to reach 2 billion pounds by 2031. The reasons for this growth are many, but include: the pistachio tree's ability to utilize less water than other similar tree nut crops; its ability to grow on lesser quality soils and utilize water that is higher in salinity (water quality that is typically found on the west side of the San Joaquin Valley); better economic returns than other tree nuts; and finally the longevity of the trees compared with other similar tree nut crops.

C4-2

There are many factors that make the S. Stamoules Pistachio Processing Facility an ideal facility to approve and build. This multi-generational family farming operation has thousands of acres of pistachios already in production, and has many more additional acres that will be coming into production. Unlike other current pistachio processing facilities that require outside

C4-3



growers' production to supply their plant, the S. Stamoules plant is primarily designed to handle their own production, which will be significant. And, their proposal includes several future phases that will account for additional production growth within their own operation. Additionally, the California pistachio industry needs additional processing capacity to handle these ever larger crops that will be produced. Processing of pistachios, from the orchards to the pistachio processing plants, must be done within 24 hours of harvest, if not sooner, to prevent the hull from drying and adhering onto the shell. This potential drying and adhesion of the hull causes the shell to produce a darkened stain, which cannot be removed, and is considered a grade defect according to the *United States Department of Agriculture's Standards for Grade of Pistachio Nuts in the Shell*. S. Stamoules facility will be located within close proximity to their orchards, which makes this ideal for quick and efficient processing.

Additionally, there is an ongoing need for additional processing capacity within the California pistachio industry. Each year, existing facilities must increase their capacity to keep up with the demand for processing, based on the ever increasing crop size. S. Stamoules facility is an important piece of the need for increased pistachio processing capacity. Based on current projections, processing capacity will need to increase by 126 percent to handle the pistachio production projection, based on 2022 to 2031 production figures. This proposed facility will go a long way in addressing the need for additional pistachio processing capacity.

Lastly, the proposed S. Stamoules pistachio processing facility will require a significant number of skilled full time employees to both processing and value add work. This is vital for communities like Mendota and Firebaugh which have typically seen larger than normal unemployment figures, compared to other similar Fresno County cities. The Stefanopoulos and Stamoules family have been significant growers of vegetable and fruit commodities in Western portion of Fresno County, and this pistachio processing facility will enhance their ability to provide good jobs and yearlong employment for local residents.

For these reasons, I would ask for your approval of the S. Stamoules pistachio processing facility.

Sincerely,

Richard Matoian
Former President, American Pistachio Growers

C4-3

C4-4

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MEMORANDUM

DATE: January 17, 2024

To: Ejaz Ahmad, Planner

FROM: Kyle Simpson, Principal

SUBJECT: S. Stamoules, Inc. Pistachio Processing Facility - Response to Comment Letter Received after the close of the Public Comment Period

On January 11, 2024, Fresno County (County) received a comment letter from Advocates for the Environment on the Stamoules Pistachio Project (attached). Although this comment letter was received after the close of the public comment period for this project (the public comment period was between November 1, 2023 and December 18, 2023), responses to specific comments provided in the comment letter are provided below.

This memorandum reproduces the content of the comment letter, and divides the comment letter into specific comments. Following each comment, LSA has provided a response. The comment letter, in its entirety, is attached to this memorandum.

Responses to the comments included below were prepared with the assistance of Cara Cunningham, an Associate/Senior Environmental Planner at LSA that specializes in air quality, energy, and greenhouse gas (GHG) technical analysis. Ms. Cunningham has over 8 years of experience, and she provides project management and technical assistance on a variety of planning and environmental documents including Environmental Assessments, Initial Studies, and Environmental Impact Reports (EIR). Ms. Cunningham has a strong foundation in land use planning and is well versed in addressing impacts to air quality, GHG emissions, and energy. Ms. Cunningham is proficient in air quality models, including the California Emissions Estimator Model (CalEEMod) and the Roadway Emissions Estimator Model (RoadMod).

Comment 1: Dear Mr. Ahmad:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (DEIR) for the S. Stamoules, Inc. Pistachio Processing Facility Project (Project). The Project Site is located on the southwest corner of W. North Ave. and West Panoche Road in the County of Fresno (County). The Project proposes to develop a pistachio hulling, processing, and packing facility including a 155,169 square-foot industrial processing building on the 98-acre Project Site. The Project anticipates having fourteen employees. (DEIR, p. 3-7.) We have reviewed the DEIR and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (GHG) analysis under the California Environmental Quality Act (CEQA).

Response 1: This comment provides an introduction to the comment letter and describes the proposed Project, and provides a general comment about the adequacy of the analysis associated with Greenhouse Gas (GHG) emissions. No further response is necessary.

Comment 2: The County Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be netzero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the County to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that “achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: “it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed ... in order to meet our GHG and air quality targets.” (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.)

Moving this Project forward as a net-zero project would not only be the right thing for the County to do, but also would also help protect the County and the Applicant from CEQA GHG litigation.

Response 2: The County, as the lead agency for the environmental review of the proposed project, has the discretion to select and develop appropriate thresholds of significance to analyze a project's environmental impacts, or rely on thresholds developed by other agencies that it deems applies to the project. In addition, the State's CEQA Guidelines leaves the determination of the significance of GHG emissions up to the lead agency and authorizes the lead agency to consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence (State CEQA Guidelines Sections 15064.4(a) and 15064.7(c)). The State CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate methodologies and thresholds of significance consistent with the manner in which other impact areas are handled in CEQA.¹

As discussed on pages 4.8-15 through 4.8-17 of the Draft EIR, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has not developed or adopted numeric GHG significance thresholds. Therefore, this analysis evaluates the GHG emissions based on the project's consistency with State GHG reduction goals. The California Air Resources Board (CARB) 2022 Scoping Plan includes key project attributes that reduce operational GHG emissions in Appendix D, Local Actions², of the 2022 Scoping Plan. As discussed in Appendix D of the 2022 Scoping Plan, absent consistency with an adequate, geographically specific GHG reduction plan such as a CEQA-qualified Climate Action Plan, the first approach the State recommends for determining whether a project would align with the State's climate goals is to examine whether the project includes key project attributes that reduce operational GHG emissions while simultaneously advancing fair housing. However, these recommendations are only applicable to residential or mixed-use residential development. As the proposed project would construct a pistachio processing facility, the Scoping Plan key project attribute tables for reducing GHG emissions would not be applicable to the proposed project.

In April 2022, the Bay Area Air Quality Managing District (BAAQMD) adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans³ (Justification Report) document, which identifies applicable GHG significance thresholds. These thresholds establish whether a project would be consistent with California's efforts to meet long-term climate goals of achieving carbon neutrality by 2045. If a project is designed and built to incorporate design elements related to natural gas, energy, vehicle miles

¹ California Natural Resources Agency. 2009. California Environmental Quality Act (CEQA) Guidelines Update.

² California Air Resources Board (CARB). 2022. *2022 Scoping Plan Appendix D Local Actions*. November. Website: <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf> (accessed October 2023).

³ Bay Area Air Quality Management District (BAAQMD). 2022. *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*. April.

traveled (VMT), and electric vehicles, then it would contribute its portion of what is necessary to achieve California’s long-term climate goals—its “fair share”—and an agency reviewing the project under CEQA can conclude that the project would not make a cumulatively considerable contribution to global climate change.

The Justification Report provides substantial evidence supporting the use of their thresholds for projects throughout California as the thresholds are applicable to meeting the States goal. In the absence of any County or SJVAPCD specific guidelines or thresholds, this analysis evaluates the proposed project for consistency with the identified project design elements as the applicable thresholds of significance to establish if the proposed project is achieving its “fair share” of emission reductions to support long term State goals for GHG emissions and carbon neutrality.

Further, as demonstrated in Appendix D of the 2022 Scoping Plan, the 2022 Scoping Plan has identified three priority areas that address the State’s largest sources of emissions that local governments have authority or influence over: 1) transportation electrification; 2) VMT reduction; and 3) building decarbonization. As such, the project design elements identified in the Justification Report are consistent with the priority areas identified in the 2022 Scoping Plan.

In addition, as discussed in Appendix D of the 2022 Scoping Plan, it is important to design targets in ways that support overall State goals, recognizing that each region has distinctive sources and systems. For instance, energy and transportation systems that serve Californians do not stop at jurisdictional boundaries, and some decisions can have ramifications for other communities (e.g., by inadvertently exporting emissions from a jurisdiction with a net-zero target to another jurisdiction with less stringent or no target). Appendix D of the 2022 Scoping Plan states that jurisdictions considering a net-zero target should carefully consider the implications it may have on emissions in neighboring communities and beyond. Jurisdictions should also avoid creating targets that are impossible to meet as a basis to determine significance. For example, a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be considered potentially significant. This may lead to undue burdens and frustrate project approval processes, which may be particularly problematic some projects in climate-smart areas. In addition, some jurisdictions have more land capacity to remove and store carbon, while others host GHG-emitting facilities that serve necessary functions and will take time to transition to new technology (e.g., municipal wastewater treatment plants, landfills, energy generation facilities). In those cases, jurisdictions that work together on a regional framework to rapidly decarbonize together may have better success in maximizing both emission reductions and other cobenefits. Appendix D of the 2022 Scoping Plan states that ultimately, a net-zero target that makes it more difficult to achieve Statewide goals by prohibiting or complicating projects that are needed to support the State’s climate goals, like infill development or solar arrays, is not consistent with the State’s goals. The scale of

GHG reductions needed across all communities will be substantial. Therefore, the commenter is incorrect that the 2022 Scoping Plan requires a net zero threshold.

Additionally, as discussed in Appendix D of the 2022 Scoping Plan, local governments have the discretion to adopt targets that apply to their jurisdictions and may utilize the streamlining functions afforded in CEQA so long as those targets are supported by substantial evidence. Therefore, the County, as the lead agency for the proposed project, has selected the thresholds of significance identified in the Justification Report to evaluate the project's potential GHG emissions impact.

Comment 3: GHG Mitigation is Insufficient under CEQA

The calculated project-related emissions amount to 7,235.4 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year (DEIR, p. 4.8-19). The lead agency adopted a GHG significance thresholds based off a dual threshold derived from CEQA guidelines Appendix G. (DEIR, p. 4.8-15.) Based on this threshold, the County concluded the Project would have significant GHG emissions. In particular, the County noted that the Project would be potentially inconsistent with the 2022 Scoping Plan GHG emission thresholds by being out of compliance with vehicle design criteria. The County did not suggest any mitigation measures to reduce this significant GHG impact, instead claiming that “no feasible mitigation measures are available. (DEIR, p. 1-15 – 1-16.)

Despite the availability of feasible GHG mitigation measures, the DEIR declared that not a single mitigation measure would be feasible, without analyzing or rejecting particular measures, and that the Project's mitigated emissions were unavoidable for this reason. However, because this conclusion is not supported by substantial evidence, the DEIR should have included more mitigation to reduce the Project's GHG emissions to the extent required by CEQA.

Infeasibility Finding Lacks Substantial Evidence

The conclusion that the Project will not be able to achieve any mitigation beyond which was incorporated in the identified mitigation measures is not supported with substantial evidence. The DEIR does not identify a single mitigation measure, nor explain why any mitigation would be feasible.

It Is Feasible to Adopt Mitigation Measures

CEQA requires that the lead agency identifies specific reasons for infeasibility of further mitigation when concluding significant and unavoidable impact. The County did not attempt to specify any mitigation measures, not even ones that it deemed infeasible, when concluding there were no available mitigation measures. This not only fails to analyze and disclose adequate reasoning, to the detriment of the public and decision-makers, but also does not amount to

substantial evidence to support the conclusion that the Project's impact would be significant and unavoidable.

Response 3: As discussed in Response 2, the County has selected the thresholds of significance identified in the Justification Report to evaluate the project's potential GHG emissions impact. The Justification Report identifies applicable GHG significance thresholds and provides substantial evidence supporting the use of their thresholds for projects throughout California as the thresholds are applicable to meeting the States goal. These thresholds establish whether a project would be consistent with California's efforts to meet long-term climate goals of achieving carbon neutrality by 2045. If a project is designed and built to incorporate design elements related to natural gas, energy, VMT, and electric vehicles, then it would contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project would not make a cumulatively considerable contribution to global climate change. As discussed in the Justification Report, if a project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change.

The Justification Report provides substantial evidence supporting the use of their thresholds for projects throughout California as the thresholds are applicable to meeting the States goal. In the absence of any County- or SJVAPCD-specific guidelines or thresholds, this analysis evaluates the proposed project for consistency with the identified project design elements as the applicable thresholds of significance to establish if the proposed project is achieving its "fair share" of emission reductions to support long term State goals for GHG emissions and carbon neutrality.

As discussed on pages 4.8-20 and 4.8-21 of the Draft EIR, to ensure that the proposed project is achieving its "fair share" of GHG emission reductions, it should achieve compliance with off-street electric vehicle requirements in the most recently adopted version of the California Green Buildings Standards Code (CALGreen) Tier 2 measures. In order to meet the CALGreen Tier 2 requirement, the proposed project would need approximately 11 electric vehicle (EV) capable spaces and 6 electric vehicle spaces with service equipment (EVSE), for a total of 17 EV/EVSE parking spaces⁴. As described in Section 3.0, Project Description, of the Draft EIR, a maximum of 14 employees would be on site during hours of operation. Most of the vehicles operating at the site would include hauling trucks, which would run on diesel fuel. Therefore, based on applicability constraints related to employee numbers and the types of vehicles that would be used by the project, it would not be feasible to implement the 17 EV/EVSE spaces. As such, the proposed project

⁴ CalGreen Energy Services Inc. *2022 CalGreen Tier 1 and 2 EV Requirements*. August. Website: <https://calgreenenergyservices.com/2022/08/24/2022-calgreen-tier-1-and-2-ev-requirements/#:~:text=If%20your%20project%20has%20,the%2035%25%20EV%20Ready%20spaces> (accessed October 2023).

would not meet this design element. Based on the Justification Report, if a project does not incorporate all four design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change. As discussed on pages 4.8-20 and 4.8-21 of the Draft EIR, there are no further mitigation measures or project design elements that are feasible for implementation. Therefore, even with the implementation of best performance standards (BPS) for stationary sources and compliance with all applicable regulations, operation of the proposed project would have the potential to generate significant GHG emissions that would have a significant effect on the environment. The commenter is incorrect that the Draft EIR does not include substantial evidence to support the conclusion that the project would not be able to achieve any mitigation, nor explain why any mitigation would be feasible.

Comment 4: The Project's GHG Impacts Must be Fully Mitigated

The County's explanation did not account for heightened cumulative impact standard for GHG emissions. CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project's GHG impacts. The DEIR claims that no other mitigation measures are feasible, beyond the identified mitigation measures. But that conclusion is incorrect, and not supported by substantial evidence.

The amount of GHG emissions that comprises the Project's fair share is clear. The Project's mitigated annual emissions were estimated at 7,235.4 MTCO₂e, and the reasonable lifespan this Project is approximately 30 years, as indicated by the amortization of construction emissions. (DEIR, p. 4.8-17; 4.8-19.) Therefore, the Project would likely contribute to approximately 217,062 MTCO₂e during its entire lifespan.¹ This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases.

Operational Emissions Reductions are Feasible

There are several other mitigation measures that are feasible, including renewable energy systems and batteries to power the commercial buildings during non-peak hours, solar water heaters, automatic light switches, among many other mitigation strategies that can be incorporated in the project as design features or as mitigation measures. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (LEED).

Even after implementing on-site emissions reductions to the maximum-feasible extent, the County could also require the Applicant to enter into an agreement to buy clean power for the remaining warehouse's electricity usage. Overall, there are more options available to mitigate emissions to the full extent of

project emissions and the County provided no support for why such measures would be infeasible.

Offsets Are Feasible

The DEIR did not mention offsets as an available mitigation measure when it concluded that further mitigation is not feasible, nor did it provide any explanation of why offsets would be infeasible. And offsets are acceptable mitigation measures under CEQA (See CEQA Guidelines § 15126.4(c)(3).) Because the County has provided no reason why offsets are infeasible, the EIR's conclusion that it is not feasible to fully mitigate the Project's GHG emissions is not supported by substantial evidence. The County should require the Applicant to purchase offsets to the extent necessary to mitigate the Project's emissions.

Response 4: As discussed in Responses 2 and 3 above, the County has selected the thresholds of significance identified in the Justification Report to evaluate the project's potential GHG emissions impact. The Justification Report identifies applicable GHG significance thresholds and provides substantial evidence supporting the use of their thresholds for projects throughout California as the thresholds are applicable to meeting the States goal. As discussed in the Justification Report, if a project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change.

It must be noted that the threshold is based on design criteria that must be met to make a less-than-significant finding and any operational emissions mitigation reductions would not be related to the project's significance related to meeting the design criteria. As discussed on pages 4.8-19 through 4.8-22 of the Draft EIR, the proposed project would not meet the natural gas or electric vehicle design criteria. For natural gas usage, as discussed in the Draft EIR, per the project applicant, for effective operation of the proposed equipment and due to the high-power demand required to effectively operate the types of equipment needed to process and dry the product, there are currently no industrial all-electric units on the market for the product drying process and natural gas equipment would be necessary. Although the project will implement best available technology, consistent with SJVAPCD permitting requirements; because it would not be technologically feasible at this time to implement all-electric equipment, the proposed project would not meet this design element. In addition, as described in Response 3 above, based on applicability constraints related to employee numbers and the types of vehicles that would be used by the project, it would not be feasible to implement the 17 EV/EVSE spaces. As such, the proposed project would not meet this design element. Based on the Justification Report, if a project does not incorporate all four design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change. As discussed on pages 4.8-20 and 4.8-21 of the Draft EIR, there are no further mitigation measures or project design elements that are feasible for implementation based on the Justification Report.

Additionally, as a result of the speculative nature of quantifying potential GHG emissions reductions that would be achievable by the proposed project, the cap placed on the use of reduction credits and/or carbon offsets (no more than 50 percent of total GHG reductions), and that the Justification Report states that if a project does not incorporate these design elements, then it should be found to make a significant climate impact, it is not possible to demonstrate that purchasing offsets could feasibly reduce the proposed project's emissions to a less than significant level. Therefore, the proposed project's impact from GHG emissions would remain significant and unavoidable.

Comment 5: Conclusion

For the foregoing reasons, the DEIR violates CEQA. In particular, the DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation to the fair-share extent, including offsets.

Please put me on the interest list to receive updates about the progress of this Project.

Sincerely,
Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

Response 5: This comment provides a conclusion to the arguments raised in the comment letter and summarizes Comment 2 through Comment 4. No further response is required.

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ATTACHMENT

PUBLIC COMMENT LETTER

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January 11, 2024

Advocates for the Environment

Ejaz Ahmad
Planner III
Fresno County
2220 Tulare Street, Suite A, Street Level
Fresno, CA 93721

A non-profit public-interest law firm
and environmental advocacy organization



Via U.S. Mail and email to eahmad@fresnocountyca.gov

re: Comments on Draft Environmental Impact Report for the S. Stamoules Inc. Pistachio Processing Facility Project, SCH No. 2022070101

Dear Mr. Ahmad:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (DEIR) for the S. Stamoules, Inc. Pistachio Processing Facility Project (Project). The Project Site is located on the southwest corner of W. North Ave. and West Panoche Road in the County of Fresno (County). The Project proposes to develop a pistachio hulling, processing, and packing facility including a 155,169 square-foot industrial processing building on the 98-acre Project Site. The Project anticipates having fourteen employees. (DEIR, p. 3-7.) We have reviewed the DEIR and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (GHG) analysis under the California Environmental Quality Act (CEQA).

1

The County Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

2

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects

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to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the County to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that “achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: “it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed ... in order to meet our GHG and air quality targets.” (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.)

Moving this Project forward as a net-zero project would not only be the right thing for the County to do, but also would also help protect the County and the Applicant from CEQA GHG litigation.

GHG Mitigation is Insufficient under CEQA

The calculated project-related emissions amount to 7,235.4 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year (DEIR, p. 4.8-19). The lead agency adopted a GHG significance thresholds based off a dual threshold derived from CEQA guidelines Appendix G. (DEIR, p. 4.8-15.) Based on this threshold, the County concluded the Project would have significant GHG emissions. In particular, the County noted that the Project would be potentially inconsistent with the 2022 Scoping Plan GHG emission thresholds by being out of compliance with vehicle design criteria. The County did not suggest any mitigation measures to reduce this significant GHG impact, instead claiming that “no feasible mitigation measures are available. (DEIR, p. 1-15 – 1-16.)

Despite the availability of feasible GHG mitigation measures, the DEIR declared that not a single mitigation measure would be feasible, without analyzing or rejecting particular measures, and that the Project’s mitigated emissions were unavoidable for this reason. However, because this conclusion is not supported by substantial evidence, the DEIR should have included more mitigation to reduce the Project’s GHG emissions to the extent required by CEQA.

Infeasibility Finding Lacks Substantial Evidence

The conclusion that the Project will not be able to achieve any mitigation beyond which was incorporated in the identified mitigation measures is not supported with substantial evidence. The DEIR does not identify a single mitigation measure, nor explain why any mitigation would be feasible.



It Is Feasible to Adopt Mitigation Measures

CEQA requires that the lead agency identifies specific reasons for infeasibility of further mitigation when concluding significant and unavoidable impact. The County did not attempt to specify any mitigation measures, not even ones that it deemed infeasible, when concluding there were no available mitigation measures. This not only fails to analyze and disclose adequate reasoning, to the detriment of the public and decision-makers, but also does not amount to substantial evidence to support the conclusion that the Project’s impact would be significant and unavoidable.

3

The Project’s GHG Impacts Must be Fully Mitigated

The County’s explanation did not account for heightened cumulative impact standard for GHG emissions. CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov’t v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project’s GHG impacts. The DEIR claims that no other mitigation measures are feasible, beyond the identified mitigation measures. But that conclusion is incorrect, and not supported by substantial evidence.

The amount of GHG emissions that comprises the Project’s fair share is clear. The Project’s mitigated annual emissions were estimated at 7,235.4 MTCO_{2e}, and the reasonable lifespan this Project is approximately 30 years, as indicated by the amortization of construction emissions. (DEIR, p. 4.8-17; 4.8-19.) Therefore, the Project would likely contribute to approximately 217,062 MTCO_{2e} during its entire lifespan.¹ This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases.

Operational Emissions Reductions are Feasible

There are several other mitigation measures that are feasible, including renewable energy systems and batteries to power the commercial buildings during non-peak hours, solar water heaters, automatic light switches, among many other mitigation strategies that can be incorporated in the project as design features or as mitigation measures. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (LEED).

4

Even after implementing on-site emissions reductions to the maximum-feasible extent, the County could also require the Applicant to enter into an agreement to buy clean power for the remaining warehouse’s electricity usage. Overall, there are more options available to mitigate emissions to the full extent of project emissions and the County provided no support for why such measures would be infeasible.

¹ (7,235.4 MTCO_{2e}) x (30 years) = 217,062 MTCO_{2e}

County of Fresno
CEQA Comments on S. Stamoules, Inc. Pistachio Processing Facility Project

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January 11, 2024



Offsets Are Feasible

The DEIR did not mention offsets as an available mitigation measure when it concluded that further mitigation is not feasible, nor did it provide any explanation of why offsets would be infeasible. And offsets are acceptable mitigation measures under CEQA (See CEQA Guidelines § 15126.4 (c)(3).) Because the County has provided no reason why offsets are infeasible, the EIR’s conclusion that it is not feasible to fully mitigate the Project’s GHG emissions is not supported by substantial evidence. The County should require the Applicant to purchase offsets to the extent necessary to mitigate the Project’s emissions.

4

Conclusion

For the foregoing reasons, the DEIR violates CEQA. In particular, the DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation to the fair-share extent, including offsets.

Please put me on the interest list to receive updates about the progress of this Project.

5

Sincerely,

Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

January 16, 2024

Mr. Ejaz Ahmad, Planner
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

SUBJECT: Stamoules Draft Environmental Impact Report (DEIR) SCH. No. 2022070101
Reduced Project Alternative

Dear Mr. Ahmad:

I am submitting this letter in connection with the County of Fresno's consideration of the Stamoules, Inc. Pistachio Processing Facility Project (the "Project") proposed by Stamoules, Inc. ("Stamoules") and the County's environmental review of the Project under the California Environmental Quality Act ("CEQA").

The DEIR for the Project includes discussion of several alternatives to the Project. Alternative 2 is the *Reduced Project Alternative*, under which only Phase I of the proposed pistachio processing facility would be constructed. Because the Reduced Project Alternative is infeasible, would not satisfy the Project Objectives, and would result in greater environmental effects than the Project, the County should decline to consider the Reduced Project Alternative, and should instead approve the Project.

A. The Reduced Project Alternative Places Unreasonable Burdens on Stamoules' Operations

Stamoules grows pistachios on approximately 7,500 acres located in a relatively compact area between Mendota, California and Interstate 5. As illustrated on the enclosed aerial map, Stamoules' transports its product to an existing processing facility located at 5970 Road 13, Firebaugh, California which is 25+/- one-way miles measured from the approximate center of the Stamoules pistachio fields. As the pistachio trees mature, the use of the existing facility has become increasingly untenable, resulting in hundreds of additional employee hours due to travel by truck; wear and burden on Stamoules' vehicle fleet; and numerous other inefficiencies.

To substantially reduce travel time by truck, among other advantages, Stamoules has proposed the Project, which seeks to conveniently locate the proposed processing facility within ½-mile of the epicenter of the existing Stamoules pistachio fields. Because the Project was screened out of performing a VMT analysis, (see DEIR at 4.13-10), the benefits of the Project with respect to these issues has not been formally calculated. However, through the transition of the 7,500 acres to the new facility alone, Stamoules estimates it will save thousands of hours of

employee travel time, reduce truck miles traveled by thousands of miles, and allow Stamoules the capability of continuing to process its pistachios in Fresno County.

Specifically, the Operational Statement for the Project estimates an average of 64.5 truck trip ends per day during the harvest season, which includes raw material delivery, the transport of green waste recycling, the transport of marketable livestock supplemental waste, and material shipped to wholesalers or retailers. Assuming a 50-mile reduction in average trip length (to account for 25-mile incoming and outgoing trips), the Project would reduce truck miles traveled by approximately 3,225 miles per day during the harvest season. Across an entire year, Stamoules estimates truck trips would be reduced by as many as 372,000 truck miles traveled annually. If the Project is denied, or the Reduced Project Alternative is selected, none of these benefits will be achieved.

Moreover, the Reduced Project Alternative would require construction of a second processing facility at an unspecified location while requiring the continued transport of the Stamoules pistachios to the current Firebaugh processing facility. Construction of a second pistachio facility to process the applicant's own crop would create new significant and unreasonable operational diseconomies. Construction of a second facility would also essentially require the applicant to restart the multiyear endeavor to find, design and permit a processing facility which is an unreasonable waste of money and resources. In the meantime, the Stamoules pistachio trees continue to produce a crop annually which needs to be processed.

As a result of these burdens, the County should not consider the Reduced Project Alternative, but should instead approve the Project.

B. The Project Would Have Several Environmental Benefits Compared to the Reduced Project Alternative

As noted on page 5-23 of the DEIR and Table 5.A [Comparison of the Environmental Impacts of the Proposed Project], the Reduced Project Alternative was identified as the environmentally superior alternative. The DEIR found the impacts would either be "Similar" or "Fewer" than the Project itself.

Because the Project was screened out of a VMT analysis, numerous potential benefits of the Project were not fully discussed. However, these positive environmental effects should be considered by the County in connection with its decision of whether to approve the Project.

Reduced Greenhouse Gases

The Reduced Project Alternative would ultimately require the construction of a second facility to accommodate production of 100% of the Stamoules pistachio crop. Generally, for similar projects, greenhouse gases are predominantly generated in direct correlation to VMT. The second processing facility would result in its own emissions including Reactive Organic Compounds (ROG), Carbon Monoxide (CO), Nitrous Oxides (NOx), Particulate Matter less than 10 microns (PM10), Particulate Matter less than 2.5 microns, and Sulphur Dioxide (SO2). Constructing the proposed project would avoid the additional emissions as it would accommodate 100% of the processing needs.

According to the DEIR, none of the Stamoules project emissions would exceed the San Joaquin Valley Air Pollution Control District thresholds. However, practically the proposed Project would substantially reduce the number of vehicle miles driven to the existing processing facility in Firebaugh by approximately 66% and thereby reduce project-related emissions.

Damage to Roadways

A substantial volume of literature exists detailing the damaging impacts of truck haul trips on roadways. As detailed previously, the increase in truck haul trips, though only occurring for a short period during the harvest season, would unnecessarily generate roadway deterioration and increase the need for county repairs. In contrast, the proposed project would reduce the pistachios haul distance by approximately 66% with corresponding reduced impacts to roadways.

Potential for Accidents

A substantial volume of literature also exists detailing the correlation between VMT and vehicular accidents. Requiring a second Stamoules processing facility would *increase* vehicle trip lengths. Although only occurring for a short period during the harvest season, those increased vehicle trip lengths could create the potential for increase accidents. In contrast, the proposed project would *reduce* the current haul distance by approximately 66% with a corresponding reduction for potential accidents.

C. The Reduced Project Alternative Does Not Meet the Project Objectives

The County should also approve the Project, and decline to consider the Reduced Project Alternative, because the Reduced Project Alternative does not meet the objectives for the Project. Page 3-2 of the project DEIR identified the Project Objectives as follows:

- 1) Construct a pistachio hulling, processing, and packing facility on the proposed project site that can process pistachio crops harvested in the 7,500 acres of orchards owned by Stamoules Produce Company and, at full buildout, be able to process approximately 13,000 acres of the Project Applicant's additional pistachio orchards.
- 2) Reduce public and private development and operational costs of the pistachio processing facility through the selection of a Project Applicant-owned project site.
- 3) Allow the Project Applicant the uninterrupted operation of a privately-owned pistachio processing facility.

The Reduced Project Alternative would not fully meet these objectives. The Reduced Project Alternative does not meet Project Objective No. 1 because it does not contemplate the capability of processing 13,000 acres of pistachios. It likewise does not fully meet that project objective because the location of the existing facility is so much further away from Stamoules' orchards than the Project, resulting in numerous operational inefficiencies.

Mr. Ejaz Ahmad
January 16, 2024
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The Reduced Project Alternative also does not meet Project Objective No. 2 because it does not reduce public and private development and operational costs of the pistachio processing facility. Rather, the Reduced Project Alternative *increases* operational costs and undermines public and private development by maintaining all processing facilities at an inconvenient location 25+/- miles away from the orchards.

Finally, the Reduced Project Alternative would not meet Project Objective No. 3 because, to serve demand (13,000 acres) at full built-out, Stamoules would be required to construct a new facility at an entirely different location. To the extent this is not feasible from a timing perspective (due to, *inter alia*, the time associated with the CEQA process), Stamoules' operations would be unnecessarily disrupted.

Because the Reduced Project Alternative does not satisfy core project objectives, it should not be selected. Instead, the County should approve the Project as proposed.

D. Conclusion

In conclusion, the Reduced Project Alternative is impractical because it would require the construction of a second processing facility to meet the full 13,000 acres of projected demand. As a result, the Reduced Project Alternative would place *unreasonable* burden on the applicant and undermine the ultimate success of the Project. In addition, the Reduced Project Alternative would increase the length of truck tips for the portion of the crops that could not be accommodated at the reduced intensity project site and result in the need for the construction of an entirely new facility at a location, time and cost unknown. Further, the proposed Project would have numerous environmental benefits compared to the Reduced Project Alternative with respect to air quality, greenhouse gas, traffic and other impacts. The Reduced Project Alternative would also not fully meet the Project Objectives.

As a result, the County should decline to consider the Reduced Project Alternative and should instead approve the Project as contemplated in the DEIR.

Thank you for your consideration of these comments. If you have any questions, please feel free to contact me.

Sincerely,



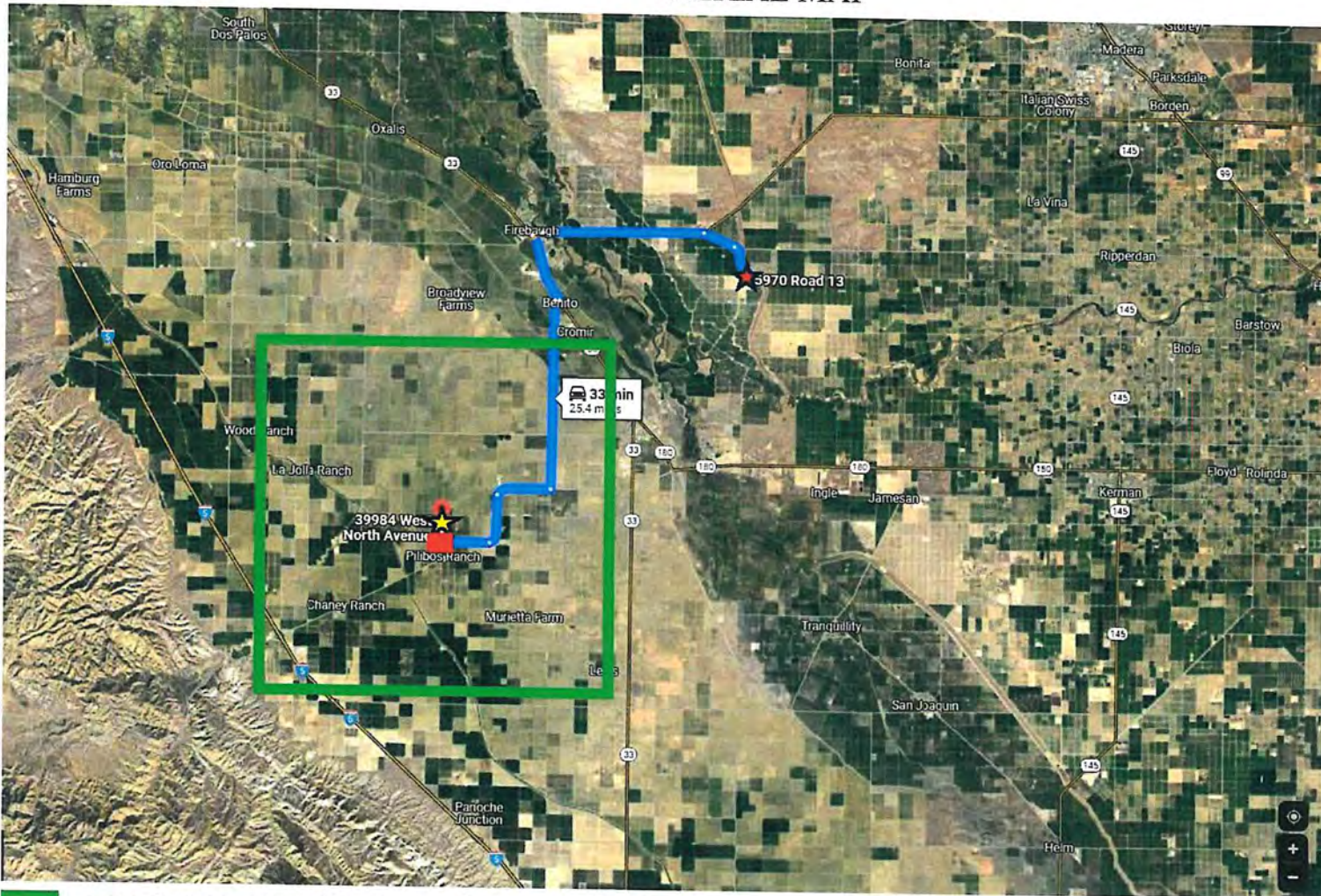
Dirk Poeschel, AICP






Attachment

cc: Mr. Dio Stephanopoulos
Mr. Spero Stephanopoulos
Mr. Adam Ross
Mr. Sergio Moreno

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ATTACHMENT AERIAL MAP



-  Approximate Boundary of 13,000 acres of *Stamoules pistachios*
-  Approximate center of 13,000 acres
-  Proposed Site of Processing Facility
-  Existing Processing Facility, Firebaugh
-  Existing Truck Route