



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 October 24, 2019

SUBJECT: Initial Study Application No. 7649 and Unclassified Conditional Use Permit Application No. 3653

Allow three exploratory petroleum oil and natural gas wells with the potential for an oil production facility on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel (160 acres gross) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of Mount Whitney Avenue, approximately 2,620 feet west of its intersection with Lassen Avenue (State Route 269) and one half-mile west of the unincorporated community of Five Points (SUP. DIST. 4) (APN 050-130-75S).

OWNER: DLM Partners
APPLICANT: The Termo Company

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

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7649; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3653 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Floor Plan/Elevations
6. Applicant’s Submitted Operational Statement
7. Summary of Initial Study Application No. 7649
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	156.2 acres	No change
Project Site	Uncultivated Farmland	Up to three exploratory petroleum oil and natural gas wells with the possibility of related oil production facility on a 1.79-acre portion of a 156.2-acre parcel
Related Structural Improvements	None	<p>Drilling and Testing Phase:</p> <ul style="list-style-type: none"> • 158-foot-tall drilling rig, catwalk, pipe baskets, pipe rack, mud pumps, fluid tank system, portable water tanks, wash tanks, fuel tanks, portable toilets, generator, doghouse, and temporary travel trailers <p>Production Phase:</p> <ul style="list-style-type: none"> • 29.3-foot-tall pumping unit, 20- to 25-foot-tall oil and water storage tanks, pumping unit, wellhead,

Criteria	Existing	Proposed
		crude oil storage tank, wash tank, water tank, electric-powered compressor, miscellaneous valves and pipelines, emergency flare
Nearest Residence	Approximately 3,600 feet east of the proposed drill site	No change
Surrounding Development	Farming and agricultural operations	No change
Operational Features	N/A	<ul style="list-style-type: none"> • Site Preparation Phase: Requires five days for the construction of the earthen drilling pad to establish a solid foundation for drilling rig. • Drilling Phase: Requires 25 days per well, 24 hours each day, for well drilling activities. • Completion and Testing Phase: Requires 10 days, 10 hours each day, for the production testing and completion. • Production Phase: Requires 45 to 60 days for the construction phase of the production facility. <p>If no oil and gas discovered in economically viable amounts, the site will be restored to farmland by plugging and abandoning all wells in accordance of California Code of Regulations</p>
Employees	N/A	<ul style="list-style-type: none"> • 7 to 15 during drilling and testing phase • 1 to 2 during production phase
Customers or Visitors	N/A	3 to 5 visitors per week
Traffic Trips	N/A	During the pre-drilling phase:

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> • 18 one-way (9 round trips) passenger car/truck trips <p>During the site preparation phase</p> <ul style="list-style-type: none"> • 10 one-way (5 round trips) passenger car/truck/heavy truck/semi trips <p>During the drilling phase</p> <ul style="list-style-type: none"> • 90 one-way (45 round trips) passenger car/heavy duty truck trips <p>During the completion/testing and production phase:</p> <ul style="list-style-type: none"> • 54 one-way (27 round trips) pick-up truck/heavy truck/semi trips
Lighting	N/A	Lighting of the 1.79-acre drill pad during nightly operations
Hours of Operation	N/A	24 hours per day for the life of the project

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: September 20, 2019

PUBLIC NOTICE:

Notices were sent to four (4) property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

The decision of the Planning Commission on an unclassified CUP application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

This proposal entails drilling of three exploratory petroleum oil and natural gas wells on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel. Through initial testing, if the initial well is determined to have economic production potential, a permanent oil production facility will be established on the property. Part of this establishment involves installation of a 29.3-foot-tall pumping unit, 20- to 25-foot-tall oil and water storage tanks and transporting the oil off site via tanker trucks. If natural gas is found in commercial quantities, a separate Use Permit will be required to allow for the transport of the gas to an offsite location via an underground pipeline system.

If exploratory drilling is unsuccessful, all wells will be plugged and abandoned in compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources regulations.

Amenities to be used during drilling operation include a 158-foot-tall drilling rig, catwalk, pipe baskets, pipe rack, mud pumps, fluid tank system, portable water tanks, wash tanks, fuel tanks, portable toilets, generator, doghouse, and temporary travel trailers. Likewise, amenities to be used during oil production include a pumping unit, wellhead, crude oil storage tank, wash tank, water tank, electric-powered compressor, miscellaneous valves and pipelines, and an emergency flare.

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	Drill Pad: Front (south property line): over 35 feet Side (east property line): 20 feet Side (west property line): over 20 feet Rear (north property line): over 20 feet	Yes
Parking	No requirement	Onsite employee parking within the drilling pad area	N/A
Lot Coverage	No Requirement	N/A	N/A
Separation Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent for existing system	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A	N/A

Zoning Section of the Fresno County Department of Public Works and Planning: The subject proposal satisfies the building setback requirements of the AE-20 Zone District.

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

Analysis:

Staff review of the Site Plan indicates that the proposed facilities meet the minimum building setback requirement of the AE-20 Zone District. All improvements will be set back over 35 feet from the south boundary, 20 feet from the east boundary, and over 20 feet from the west boundary and north boundary of the site. Staff finds that adequate area is available on the 156.2-acre project site to accommodate the 1.79-acre drill pad with apparatus required of the drilling operation and production facility.

Based on the above information, staff believes the project site is adequate in size and shape to accommodate the proposal.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 can be made.

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
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Fresno-Coalinga Road (State Route 145); good condition	No change
Direct Access to Public Road	Yes	Fresno-Coalinga Road (State Route 145); good condition	No change
Road ADT (Average Daily Traffic)		Unknown (State Route 145)	No change

		Existing Conditions	Proposed Operation
Road Classification		Unknown (State Route 145)	No change
Road Width		Unknown	No change
Road Surface		Asphalt concrete paved	No change
Traffic Trips		N/A	<p>During the pre-drilling phase:</p> <ul style="list-style-type: none"> • 18 one-way (9 round trips) passenger car/truck trips <p>During the site preparation phase</p> <ul style="list-style-type: none"> • 10 one-way (5 round trips) passenger car/truck/heavy truck/semi trips <p>During the drilling phase</p> <ul style="list-style-type: none"> • 90 one-way (45 round trips) passenger car/heavy duty truck trips <p>During the completion/testing and production phase:</p> <ul style="list-style-type: none"> • 54 one-way (27 round trips) pick-up truck/heavy truck/semi trips
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required by the Design Division of the Fresno County Department of Public Works and Planning or the California Department of Transportation
Road Improvements Required		Mount Whitney Avenue; good condition	Not required

Reviewing Agency/Department Comments:

California Department of Transportation: The following shall be required as Conditions of Approval: a Transportation Management Plan (TMP), as the trips for drilling activity may impact the peak hours; an encroachment permit if a TMP is needed; repair and replacement of any damaged pavement at the site access; and cleaning of roadways from construction activities. Further, construction of shoulder backing at the site access shall require an encroachment permit.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Analysis:

Located in the southeast corner of the 156.2-acre project site, the drill pad will gain access via an existing access point off Fresno-Coalinga Road (State Route 145).

The California Department of Transportation (Caltrans) reviewed the proposal and requires a Transportation Management Plan (TMP) if traffic trips generated by the drilling activities impact the peak hours. Caltrans also requires an encroachment permit if a TMP is needed, repair and replacement of any damaged pavement at the site access, cleaning of roadways from construction activities, and construction of shoulders backing at the site access, all of which have been included as Conditions of Approval for the project.

Based on the above discussion and adherence to the Conditions of Approval, staff believes Fresno-Coalinga Road (State Route 145) will remain adequate to accommodate the proposal.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

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				
	Size:	Use:	Zoning:	Nearest Residence:
North	156.2 acres	Farmland	AE-20	None
South	156.2 acres	Farmland	AE-20	None
East	277.9 acres	Farmland	AE-20	3,600 feet
West	417 acres	Farmland	AE-20	None

Reviewing Agency/Department Comments:

Fresno County Agricultural Commissioner Office: 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.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: All unpaved parking and circulation areas shall be treated with dust palliative at all times to prevent the creation of dust by vehicles.

The aforementioned requirements have been included as Conditions of Approval.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall consult with the Air District for any Air District rules that may apply to the project.

The Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. An Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction, and the "oily water" removed from the well shall be handled in accordance with federal, state and local government requirements. These requirements will be included as Project Notes.

California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR): Physical access to all onsite oil and gas wells shall be maintained and all oil and gas wells shall be abandoned in compliance with DOGGR regulations. DOGGR shall immediately be consulted prior to the commencement of any work to uncover a known abandoned well and/or upon finding any unrecorded well. Soil testing and reverification of any contamination found for the one known abandoned oil and gas well located within the project boundary shall be conducted (the well may have had a mud pit/drilling sump associated with drilling operation). Any soil containing significant amounts of hydrocarbons shall be disposed in accordance with local, state and federal laws. No well work shall be performed without written approval/appropriate permit from the Division of Oil, Gas, and Geothermal Resources.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2850J, portions of the subject parcel are located in Zone A and are subject to flooding from the 100-year storm. Any development within the area identified as Zone A must comply with the County Flood Hazard Ordinance (Title 15.48). Onsite turnarounds shall be provided for vehicles leaving the site to enter State Route 145 in a forward motion. An Engineered Grading and Drainage Plan and a grading permit may be required for any grading proposed with this application.

Westlands Water District: Provide a hazardous material spill prevention and response plan in the event a spillage occurs during or after the production phase. Contact Underground Service Alert prior to construction.

Zoning Section of the Fresno County Department of Public Works and Planning: A building permit shall be required for the use of temporary mobile office on the property.

The aforementioned requirements have been included as Project Notes.

Design, Road Maintenance and Operations, and Water and Natural Resources Divisions of the Fresno County Department of Public Works and Planning; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; Picayune Rancheria of the Chukchansi Indians; Central Valley Regional Water Quality Control Board; Fresno County Fire

Protection District; State Water Resources Control Board, Division of Drinking Water: No concerns with the proposal.

Analysis:

This proposal entails drilling of up to three exploratory petroleum oil and natural gas wells on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel. If exploratory drilling is not successful, the wells will be plugged and abandoned in compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) regulations. If oil is discovered in economically viable amounts, a permanent oil production facility will be established on the subject 1.79-acre drill pad.

With regard to the drilling and testing phase of the proposal, a 158-foot-tall drilling rig will operate 24 hours per day for 25 days to drill the first exploratory well. If oil or gas is not discovered in commercial quantities, the well will be plugged and abandoned in compliance with DOGGR regulations, and the Applicant will drill two more exploratory wells. Each of these two subsequent exploratory wells would utilize the same 158-foot-tall drilling rig that was used to drill the first exploratory well. As with the first exploratory well, the drilling rig would be operated 24 hours per day for up to 25 days for each of the two subsequent exploratory wells. If oil or gas is not discovered in economically viable amounts, the subsequent exploratory wells would be plugged and abandoned in compliance with DOGGR regulations.

Each of the three exploratory wells would have a wellhead, a driller's house, draw-works, and catwalk. Support facilities shared among all three exploratory wells include a catwalk, pipe baskets, pipe rack, mud pumps, fluid tank system, portable water tanks, wash tanks, fuel tanks, portable toilets, generator, doghouse, temporary travel trailers and employee parking.

Depending upon the amounts of oil discovered, the Applicant might utilize one or more of the three exploratory wells for production. The production phase will require all wells to have 29.3-foot-tall pumping units and onsite piping to connect the pumping units to production facilities. The production facilities also include construction of oil and water storage tanks.

The subject parcel is located in an agricultural area marked by relatively large parcel size with sparse residential development. The unincorporated community of Five Points is located approximately one half-mile east of the drill site. The nearest single-family residence in Five Points is approximately 3,600 feet and the other non-residential developments in the area are approximately 2,654 feet to 3,000 feet from the drill site.

The subject parcel fronts on Mount Whitney and Trinity Avenues. Fresno-Coalinga Road (State Route 145) runs in a northeast and southwest direction near the drill site. These roadways are not designated as scenic roads or highways in the County General Plan and no scenic vistas or scenic resources were identified in the analysis. Given the project area consists of large agricultural fields (156 acres and over) with limited development, the 29.3-foot-tall pumping unit and 20- to 25-foot-tall oil and water storage tanks will not significantly change the visual characteristics of the area.

The Initial Study prepared for this project identified potential impacts related to aesthetics, agricultural and forestry resources, cultural resources, and energy. Regarding aesthetics, all lighting will be hooded and directed downward toward the base of the rig to minimize potential glare, and the drilling tower will be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands. Regarding agricultural and forestry resources, upon cessation of the

drilling or production phase, the 1.79 acres will be returned to the original agricultural condition. Any cultural resources unearthed during ground-disturbing activities will require all work to be halted and an archeologist be called to evaluate the findings. Regarding energy, the idling of onsite vehicles and equipment will be avoided to reduce consumption of energy during well drilling or production operations. These requirements have been included as Mitigation Measures.

Potential Impacts related to air quality, geology and soils, hazards and hazardous materials, and hydrology and water quality will be less than significant. The project will comply with the Air District’s applicable rules, obtain grading permits or vouchers for any grading activities; handle all hazardous material according to the state and local requirements; abandon all onsite oil and gas wells in accordance with Division of Oil, Gas, and Geothermal Resources (DOGGR) regulations; perform all well work with written approval from DOGGR; and destroy all abandoned agricultural wells on the property according to the federal, state and local government requirements. These requirements have been included as Project Notes.

The project site is not located within any area designated to be highly or moderately sensitive for archeological resources. Per Assembly Bill 52 (AB52), participating Native American Tribes were provided the opportunity to review and enter consultation with the County regarding the project proposal. A response received from the Santa Rosa Rancheria Tachi Yokut Tribe expressed concerns with the project’s impact on tribal cultural resources and requested that their suggested Mitigation Measures regarding Tribal Monitoring be included in the project. Although no documents or evidence were provided by the Tribe that would suggest the presence of tribal cultural resources on the project site, Mitigation Measures noted in Section V. CULTURAL RESOURCES and TRIBAL CULTURAL RESOURCES of the Initial Study prepared for the project (Exhibit 7) are included in the project. Mitigation Measures will mitigate any impact on the tribal cultural resources.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval, and Project Notes for mandatory requirements, staff believes the project will not have an adverse effect upon the surrounding neighborhood.

Recommended Conditions of Approval:

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

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy OS-C.13: The County shall require a special permit for oil and gas activities and facilities due to their potential adverse effects on surrounding land or land uses.	The extraction of petroleum oil and natural gas is permitted on agricultural land in Fresno County with the approval of an Unclassified Conditional Use Permit. The subject Use Application, if approved, will satisfy that requirement. The project is consistent with the subject policy.

Relevant Policies:	Consistency/Considerations:
General Plan Policy OS-C.17: County shall require timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the project site to its primary land use as designated by the General Plan.	A mitigation Measure included in the project would require that upon terminating activities related to reclamation of oil and gas development, the project site shall be converted to its primary land use as designated by the General Plan. The project is consist with this policy.
General Plan Policy OS-C.20: County shall not allow any building intended for human occupancy to be located near any active petroleum well unless suitable safety and fire protection measures and setbacks are approved by the local Fire District.	The nearest urban development in the town of Five Points is approximately one half-mile east of the drill site. Given the distance, the project poses no significant and immediate fire hazard to the public. No concerns related to fire hazard were express by the Fire Department.
General Plan Policy HS-B.1: County shall review project proposals to identify potential fire Hazards and to evaluate the effectiveness of preventative measures to reduce the risk to life and property	This proposal was routed to the Fresno County Fire Protection District which identified no potential fire hazard related to the project.
General Plan Policy HS-F.1 County shall require that facilities that handle hazardous materials or hazardous waste be designed, constructed and operated in accordance with applicable hazardous material and waste management laws and regulations.	The project will adhere to the federal and state requirements relating to the handling and management of hazardous materials as noted in Finding 3 of this report.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is designated Agriculture in the General Plan. Policy OS-C.13 requires a special permit for exploratory oil and gas drilling due to the potential for adverse effects on surrounding land uses. Policy OS-C.17 requires timely reclamation of oil and gas development sites and timely conversion of the project site to its primary land use upon termination of the use. Policy OS-C.20 and HS-B.1 requires evaluation of fire hazards related to the project for human occupancy by the local Fire District. Policy HS-F.1 requires hazardous materials or hazardous waste be designed, constructed and operated in accordance with applicable hazardous material and waste management laws and regulations. The subject parcel is enrolled in the Williamson Act (Contract No. 561).

Analysis:

The subject property is designated Agriculture in the County General Plan and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Ordinance. This proposal is consistent with the General Plan Policies as discussed above.

Concerning consistency with Policy OS-C.13, the Applicant has requested approval of the proposed use through the subject discretionary land use application and associated environmental

analysis (Initial Study). Concerning consistency with Policy OS-C.17, a Mitigation Measure requires that all drilling equipment be removed and the project site returned to its primary land use designation in the General Plan within 90 days of termination of the drilling operations. Concerning consistency with Policy OS-C.20 and Policy HS-B.1, the nearest urban development in the community of Five Points is approximately 3,600 feet east of the drill site. The Fresno County Fire Protection District expressed no concerns related to fire hazard. Concerning consistency with Policy HS-F.1, all hazardous materials generated by the project will be handled according to federal, state, and local laws.

The subject property is enrolled in the Williamson Act (Contract No. 561) program. The proposed drilling operation is considered a compatible use on land enrolled in the Williamson Act program as noted by the Policy Planning Section of the Fresno County Department of Public Works and Planning.

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

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit (CUP) can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit No. 3653, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7649; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3653, subject to the Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3653; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3653\SR\CUP 3653 SR.docx

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7649/Unclassified Conditional Use Permit Application No. 3653
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During drilling and production phase
2.	Aesthetics	All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.	Applicant	Applicant/PW&P	Drilling phase
3.	Aesthetics	All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands.	Applicant	Applicant/PW&P	Drilling phase
4.	Agricultural and Forestry Resources	When drilling operations are complete, the Applicant shall return the project site (as much as practical) to its original condition and all drilling equipment shall be removed within 90 days of termination of the drilling operations.	Applicant	Applicant/PW&P	Drilling phase
5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
6.	Energy	The idling of onsite vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during well drilling or production operations.	Applicant	Applicant	During drilling and production phase

7.	Tribal Cultural Resources	Forty-eight (48) hours prior to any ground-disturbing activities within the Area of Potential Effect (APE), such as digging, trenching, or grading, the Applicant shall notify all tribes that participated in consultation of the opportunity to have a certified Native American Monitor inspect the site prior to and be present during all ground-disturbing activities, both during construction and decommissioning. The certified Native American Monitor may provide pre-construction briefings to supervisory personnel and any excavation contractor, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found. The notification shall be by email to the following person: Shana Powers, Santa Rosa Rancheria Tachi Yokut Tribe, at spowers@tachi-yokut-nsn.gov . The tribal monitors shall be independently insured in order to enter the construction zone.	Applicant	Applicant/all tribes	As noted
8.	Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted within 100 feet of the find. A qualified Archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. The County of Fresno, along with other relevant or Tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines. Any findings shall be submitted by the archaeologist in a professional report to the project Applicant, the County of Fresno and the California Historical Resources Information System, Southern San Joaquin Valley Information Center.	Applicant	Applicant/PW&P	As noted
9.	Tribal Cultural Resources	If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours. The Commission shall identify the person believed to be the Most Likely Descendant (MLD), who shall have at least 48 hours from notification of the find to comment. The human remains and associated or unassociated funerary objects shall be treated per CEQA Guidelines Sec. 15064.5(d). If the MLD and	Applicant	Applicant/PW&P	As noted

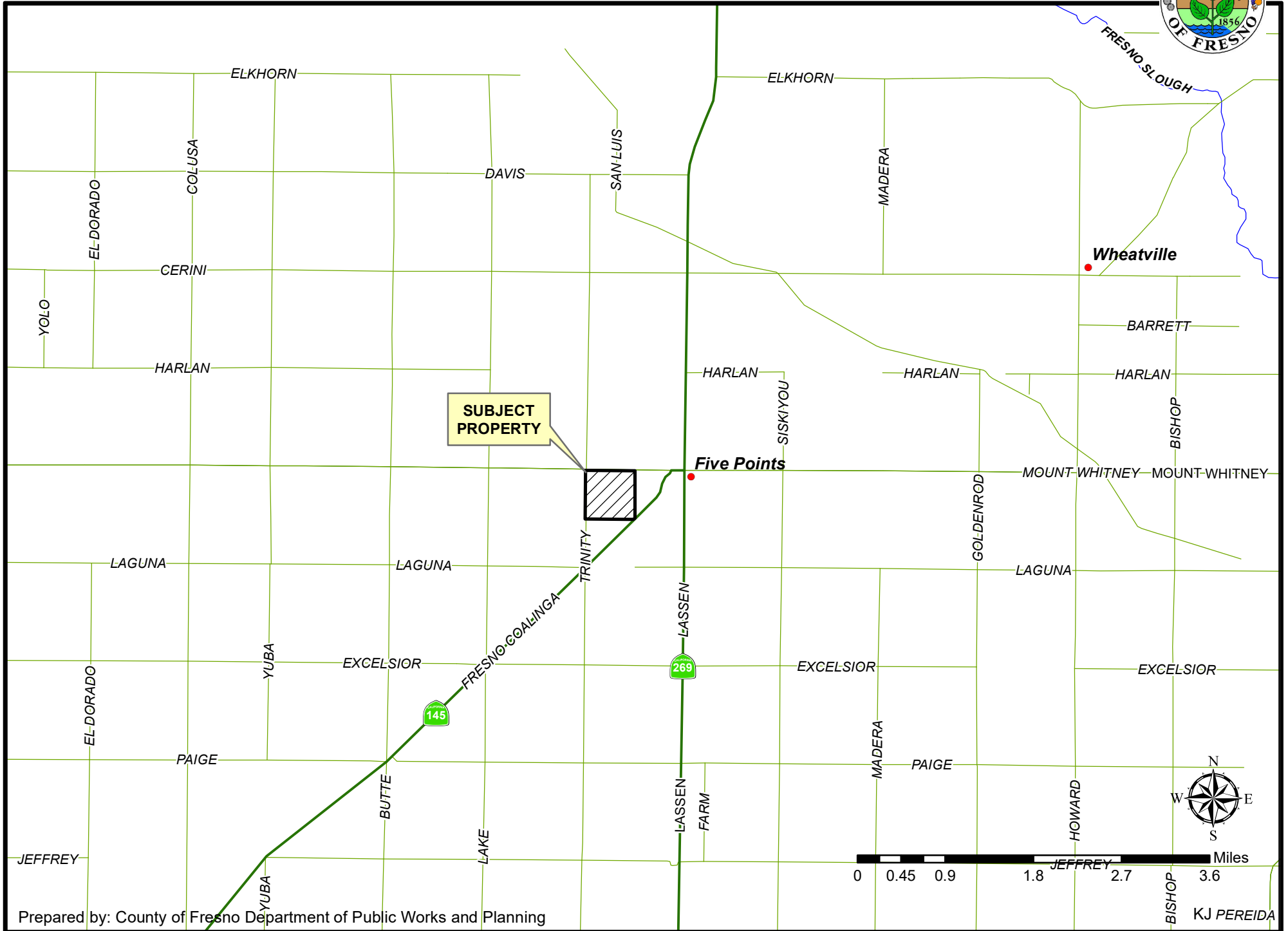
		the other parties do not agree on the reburial method, the Project shall follow PRC Section 5097.98(e).			
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission.				
2.	Plans, permits and inspections are required for onsite improvements, including the temporary mobile office. Contact the Building and Safety Section of the Development Services Division at (559) 600-4560 for detail.				
3.	<p>Prior to the issuance of building permits, the Applicant shall comply with the following requirements from the California Department of Transportation (Caltrans):</p> <ul style="list-style-type: none"> • Provide a Transportation Management Plan (TMP), as the traffic trips for drilling activity may impact the peak hours. • Obtain an encroachment permit if a TMP is needed. • Repair and replace any damaged pavement at the site access off State Route 145. • Clean roadways from construction activities. • Construct shoulder backing at the site access with an encroachment permit. 				
4.	Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the “Right-to-Farm” Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development.				
5	All unpaved parking and circulation areas shall be treated with dust palliative at all times to prevent the creation of dust by vehicles.				

*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.

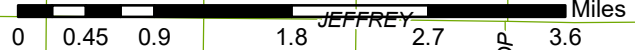
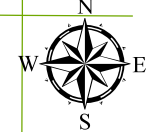
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The Applicant shall consult with the San Joaquin Valley Air Pollution Control District for Air District rules that may apply to the project.
2.	<p>To address potential health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

Notes	
	<ul style="list-style-type: none"> • An Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank. • Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil, any lubricating oil found in the well shall be removed from the well prior to placement of fill material for destruction, and the “oily water” removed from the well shall be handled in accordance with federal, state and local government requirements.
3.	<p>To address potential health impacts resulting from the project, the Division of Oil, Gas, and Geothermal Resources (DOGGR) requires the following:</p> <ul style="list-style-type: none"> • Physical access to all onsite oil and gas wells shall be maintained, and all oil and gas wells shall be abandoned in compliance with DOGGR regulations. • DOGGR shall immediately be consulted prior to the commencement of any work to uncover a known abandoned well and/or discovery of any unrecorded well. • Soil testing and reverification of any contamination found for the one known abandoned oil and gas well located within the project boundary shall be conducted (the well may have had a mud pit/drilling sump associated with drilling operation). • Any soil containing significant amounts of hydrocarbons shall be disposed in accordance with local, state and federal laws. • No well work shall be performed without written approval/appropriate permit from the Division of Oil, Gas, and Geothermal Resources.
4.	<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"> • According to FEMA, FIRM Panel 2850J, portions of the subject parcel are located in Zone A and are subject to flooding from the 100-year storm. Any development within the area identified as Zone A must comply with the County Flood Hazard Ordinance (Title 15.48). • Onsite turnarounds are required for vehicles leaving the site to enter the highway in a forward motion. • An Engineered Grading and Drainage Plan and a grading permit may be required for any grading proposed with this application.
5.	<p>A hazardous material spill prevention and response plan shall be provided to Westlands Water District in the event a spillage such as the diesel fuel stored onsite, chemicals such as biocide, and oil goods produced during or after the production phase. Contact Underground Service Alert prior to construction.</p>
6.	<p>All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</p>

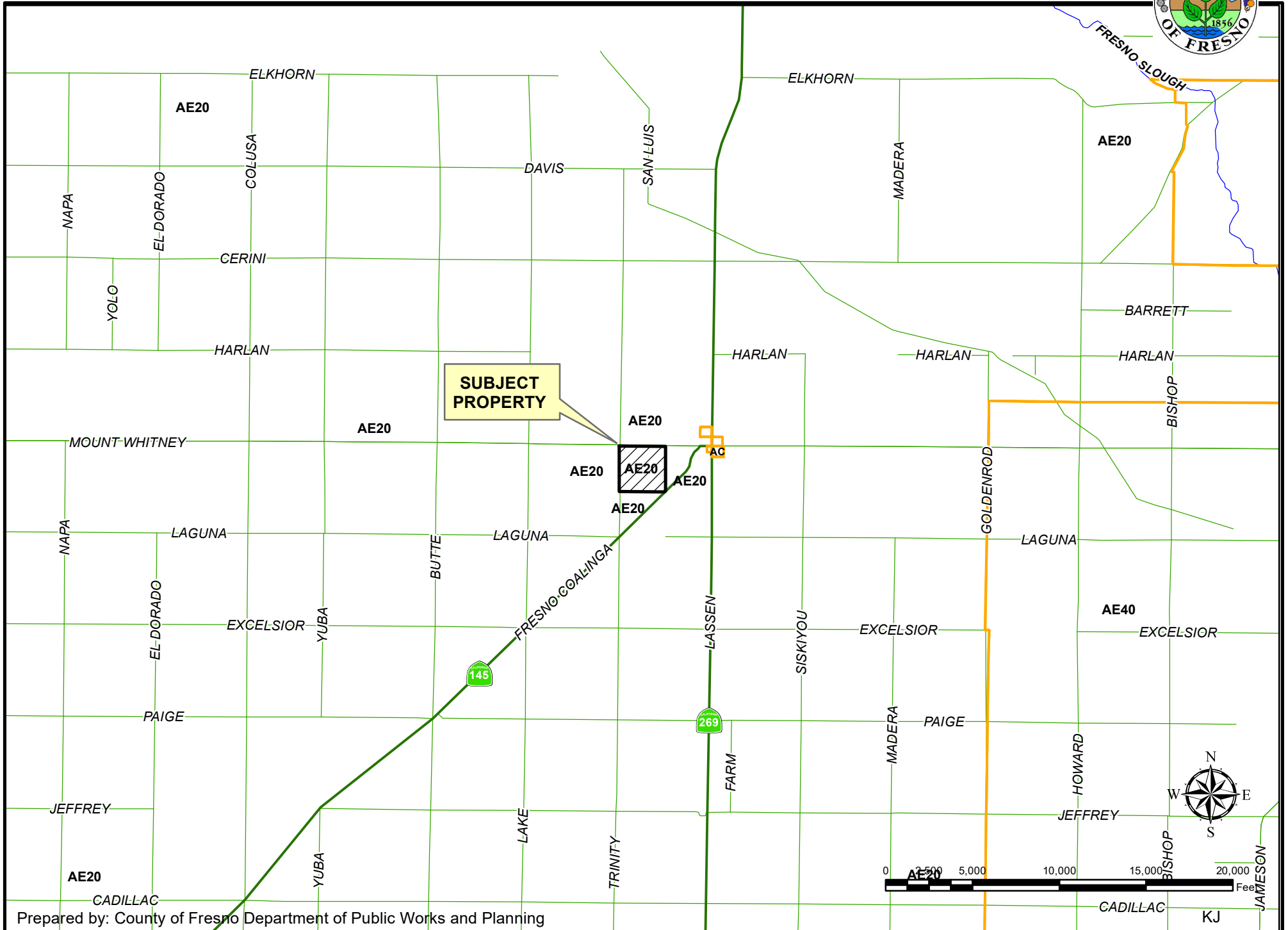
LOCATION MAP



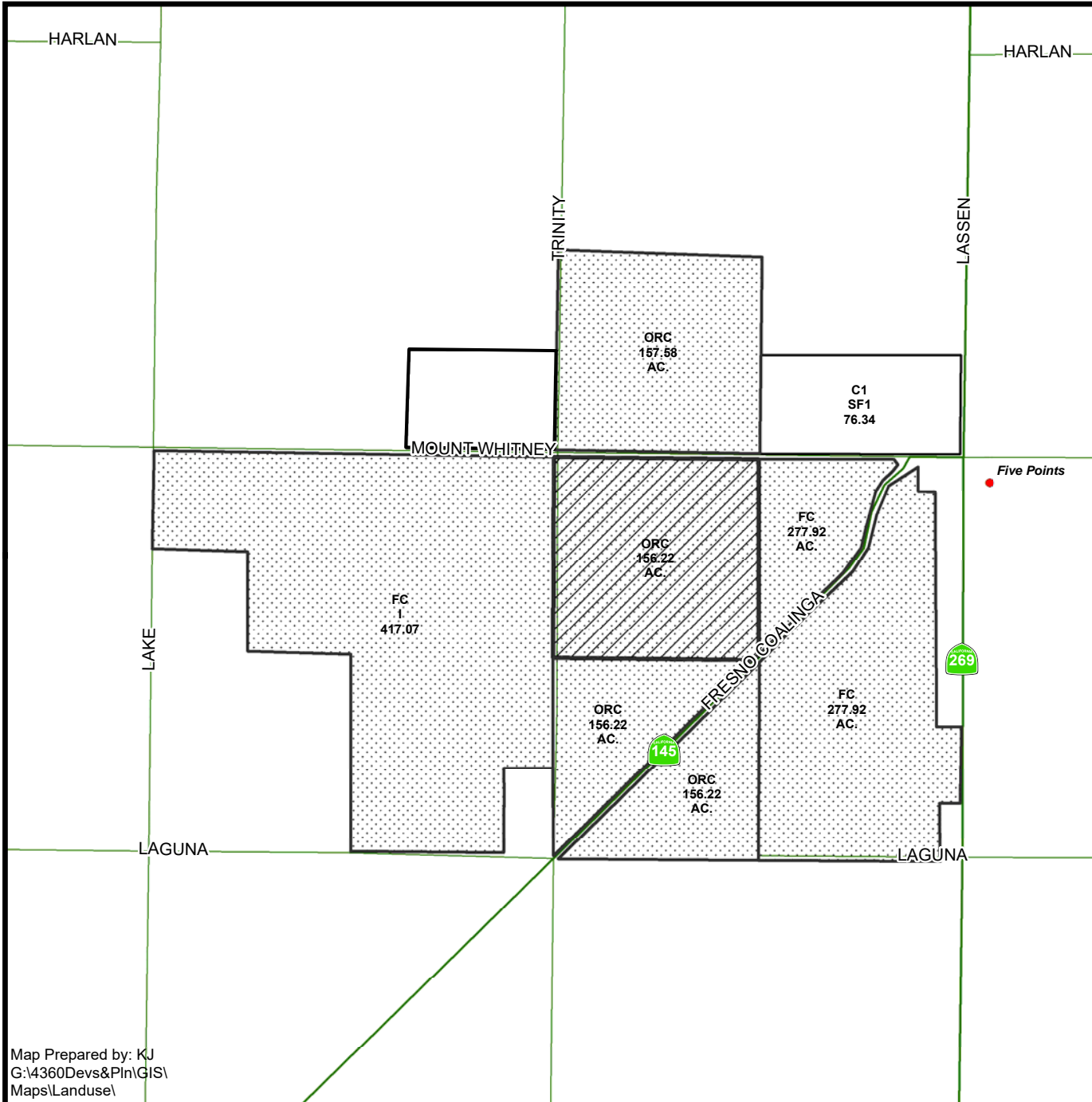
Prepared by: County of Fresno Department of Public Works and Planning



EXISTING ZONING MAP



EXISTING LAND USE MAP

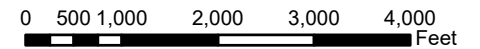
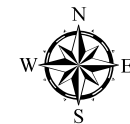


LEGEND	
C#	- COMMERCIAL
FC	- FIELD CROP
ORC	- ORCHARD
I	- INDUSTRIAL
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

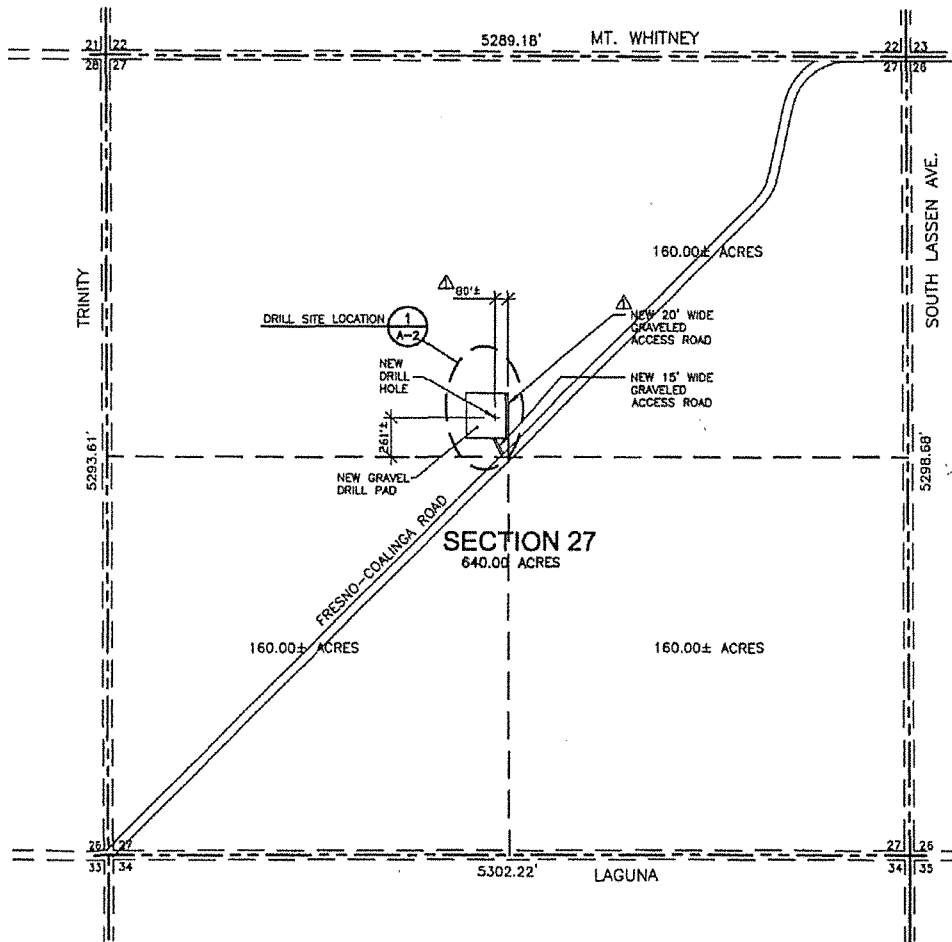
-  Subject Property
-  Ag Contract Land

Five Points

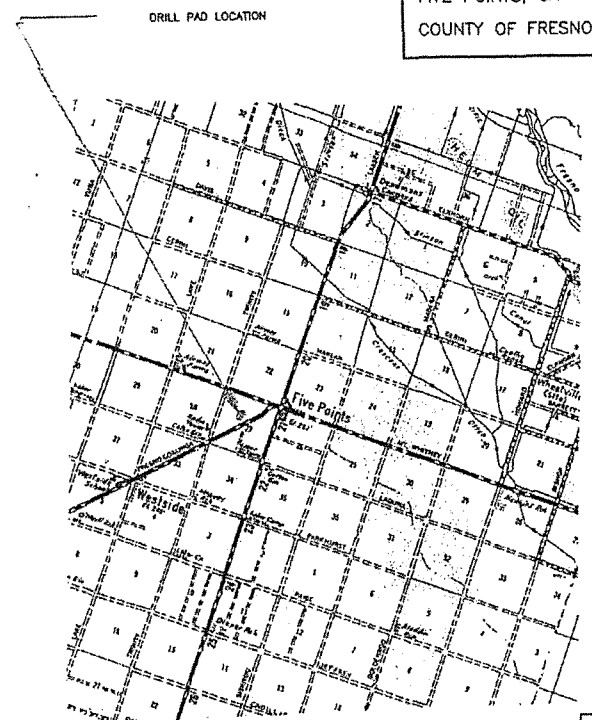


Department of Public Works and Planning
Development Services Division

Map Prepared by: KJ
G:\4360Devs&Pln\GIS\Maps\Landuse\



LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-755
 FIVE POINTS, CA
 COUNTY OF FRESNO



CUP 3653
RECEIVED
 COUNTY OF FRESNO
OCT 10 2019
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION

 **SITE PLAN**
 SCALE: 1"=800'

 **VICINITY MAP**
 SCALE: NONE

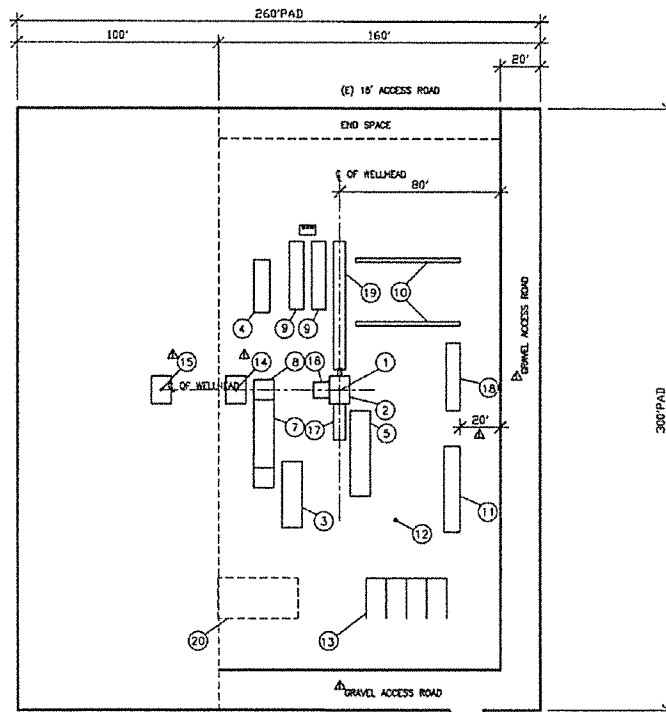
DRAWING SCHEDULE	
A-1	SECTION SITE PLAN
A-2	PAD SITE PLAN
A-3	EXPLORATORY OIL WELL ELEVATIONS
A-4	PROPOSED PRODUCTION OIL WELLS
A-5	PRODUCTION OIL WELL ELEVATIONS

THE DRAWING CENTER
 156 CLOVIS AVE, SUITE 1
 CLOVIS, CA 95612
 TEL: (559) 529-7155
 FAX: (559) 529-7196
 E-mail: drawing@dbcglobal.net

SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA

job no. D.C. #1971 90-051.dwg	date 05-24-2019	dr. by J. JOHNSON
REVISIONS 10-08-2019. PLAN CHECK		

sheet no.
A-1
 of _____



LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-755
 FIVE POINTS, CA
 COUNTY OF FRESNO

LEGEND
 (E) EXISTING
 (N) NEW

- KEY**
- ① PROPOSED OIL WELLHEAD LOCATION
 - ② CELLAR 10'-0" SQUARE X 6' DEEP WITH GUARD RAIL SURROUND ABOVE GROUND
 - ③ MAIN MUD PUMP, 10' WIDE X 33'-6" LONG
 - ④ STANDBY PUMP, 8' WIDE X 26'-2" LONG
 - ⑤ GENERATOR, 10' WIDE X 42'-9" LONG
 - ⑥ NEW 15' GRAVELED ACCESS ROAD TO FRESNO-COALINGA ROAD
 - ⑦ MUD TANK, 9'-4" WIDE X 40' LONG
 - ⑧ MUD DOCK, 8' WIDE X 33'-3" LONG
 - ⑨ PIPE BIN, 7' WIDE X 33'-8" LONG
 - ⑩ PIPE RACK
 - ⑪ FLUIDS TANK SYSTEM, 8' X 43', QTY-2
 - ⑫ (E) CLEARED, LEVEL SITE WITH DIRT BASE
 - ⑬ EMPLOYEE PARKING SPACE, 10' X 20', QTY (4).
 - △⑭ PROPOSED OIL WELLHEAD #2
 - △⑮ PROPOSED OIL WELLHEAD #3
 - ⑯ DRILLER'S HOUSE
 - ⑰ DRAWWORKS
 - ⑱ DOGHOUSE
 - ⑲ CATWALK
 - ⑳ SHORT TERM ACCOMMODATION TRAVEL TRAILERS PARKING

CUP 3653
RECEIVED
 COUNTY OF FRESNO
OCT 10 2019
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION



SITE PLAN DETAIL "A"
 SCALE: 1"=80'
PROPOSED EXPLORATORY KENAI OIL WELL

THE DRAWING CENTER
 156 CLOVIS AVE, SUITE 1
 CLOVIS, CA 95611
 TEL: (959) 925-7195
 FAX: (959) 229-7196
 E-mail: drawing@tdcglobal.net

SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA.

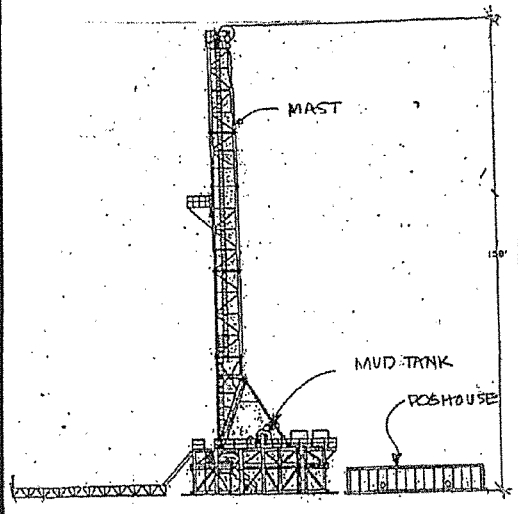
job no. 90-032.dwg
 date 05-24-2019
 dr. by J. JOHNSON
 revisions
 10-09-2019 PLAN CHECK

sheet no.
A-2
 of _____

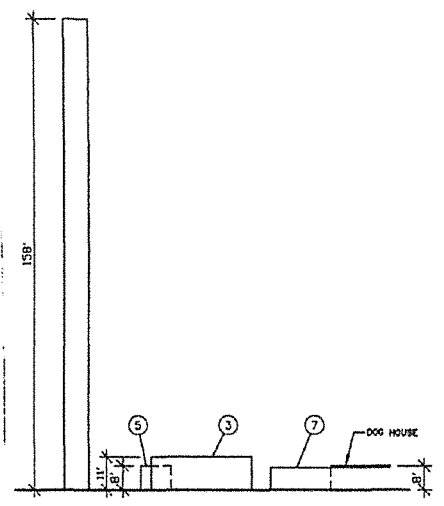
LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-75S
 FIVE POINTS, CA
 COUNTY OF FRESNO

LEGEND
 (E) EXISTING
 (H) NEW

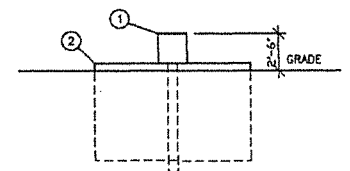
KEY
 ① OIL WELLHEAD
 ② CELLAR 10'-0" SQUARE X 8" DEEP WITH GUARD RAIL SURROUND ABOVE GROUND
 ③ MAIN MUD PUMP, 10' WIDE X 33'-6" LONG
 ④
 ⑤ GENERATOR, 10' WIDE X 42'-9" LONG
 ⑥
 ⑦ MUD TANK, 9'-4" WIDE X 40' LONG
 ⑧
 ⑨
 ⑩
 ⑪
 ⑫ (E) CLEARED, LEVEL SITE WITH DIRT BASE



**FRONT VIEW
 RIG ELEVATION**
 SCALE: 1"=40'
EXPLORATORY OIL WELL



**SIDE VIEW
 RIG ELEVATION**
 SCALE: 1"=40'
EXPLORATORY OIL WELL



**EXPLORATORY OR PRODUCTION
 WELLHEAD ELEVATION**
 SCALE: 1/8"=1'-0"

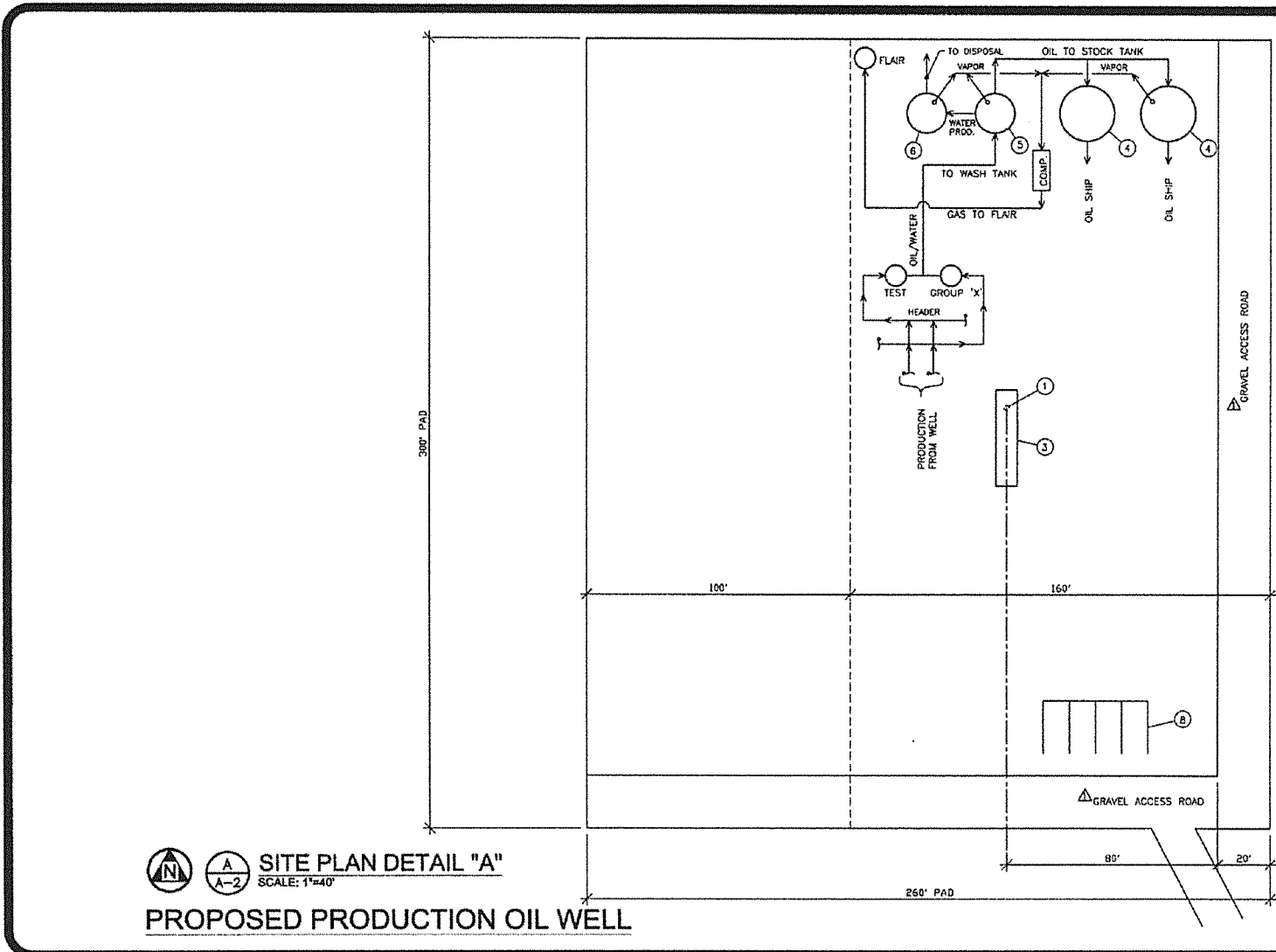
THE DRAWING CENTER

456 CLOVIS AVE, SUITE 1
 CLOVIS, CA 93612
 TEL: (559) 923-7199
 FAX: (559) 923-7196
 E-mail: www@thedrawingcenter.com

SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA

job no. 90-cs1.dwg
 date 03-24-2019
 dr. by J. JOHNSON
 revisions

sheet no.
A-3
 of



LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-75S
 FIVE POINTS, CA
 COUNTY OF FRESNO

LEGEND
 (E) EXISTING
 (N) NEW

KEY
 ① PRODUCTION OIL WELL LOCATION
 ② THIS NUMBER NOT BEING USED
 ③ (N) PUMPING UNIT
 ④ (N) 400 BBL OIL TANK, 12' X 20' HIGH
 ⑤ (N) 500 BBL WASH TANK, 12' X 25' HIGH
 ⑥ (N) 500 BBL WATER TANK, 12' X 25' HIGH
 ⑦ THIS NUMBER NOT BEING USED
 ⑧ EMPLOYEE PARKING SPACE, 10' X 20', QTY (4).

CUP3653
 RECEIVED
 COUNTY OF FRESNO
 OCT 10 2019
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION



SITE PLAN DETAIL "A"
 SCALE: 1"=40'

PROPOSED PRODUCTION OIL WELL

THE DRAWING CENTER
 156 CLOVIS AVE, SUITE 1
 CLOVIS, CA 93612
 TEL: (559) 525-7155
 FAX: (559) 525-7156
 E-mail: drawing@tdcglobal.net

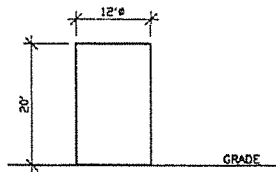
SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA

job no. 90-054.4ng
 date 05-24-2019
 dr. by J. JOHNSON
 revisions
 10-08-2019, PLAN CHECK

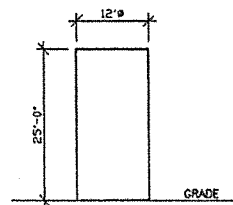
sheet no.
A-4
 of _____

LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-75S
 FIVE POINTS, CA
 COUNTY OF FRESNO

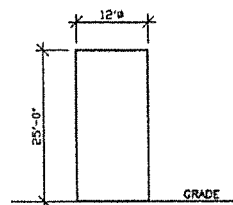
LEGEND
 (E) EXISTING
 (N) NEW



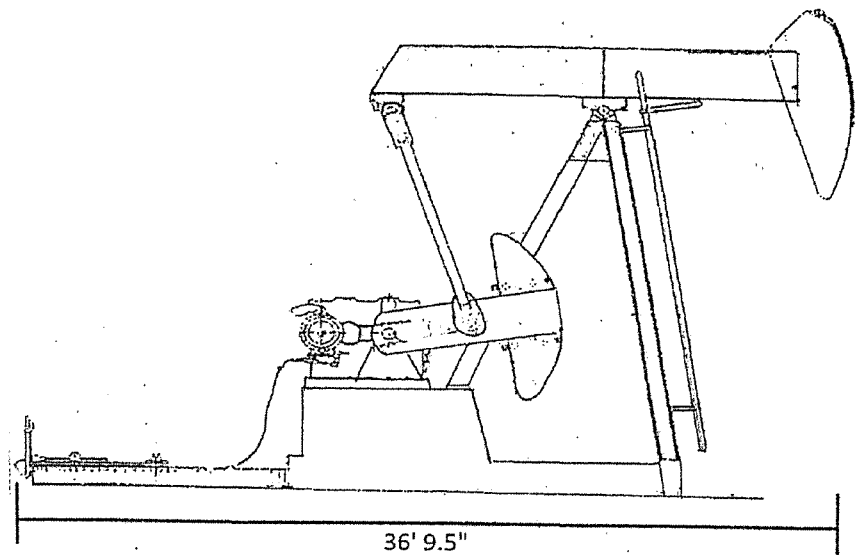
PRODUCTION OIL TANK ELEVATION
 SCALE: 1"=20'



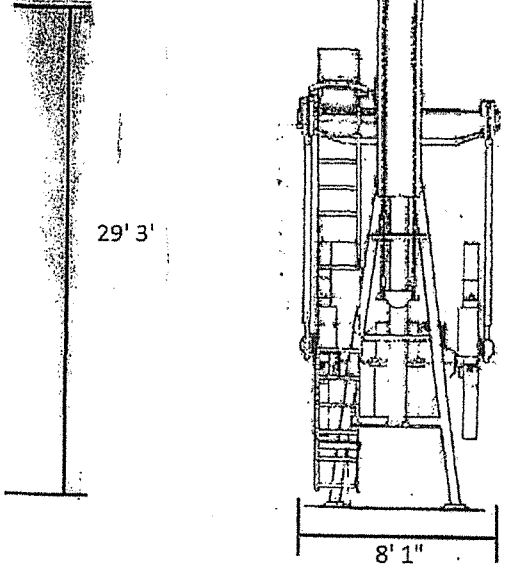
PRODUCTION WASH TANK ELEVATION
 SCALE: 1"=20'



PRODUCTION WATER TANK ELEVATION
 SCALE: 1"=20'



PRODUCTION SIDE VIEW PUMPING UNIT
 SCALE: NONE



PRODUCTION FRONT VIEW PUMPING UNIT
 SCALE: NONE

THE DRAWING CENTER
 456 CLOVIS AVE, SUITE 1
 CLOVIS, CA 95612
 TEL: (559) 529-7155
 FAX: (559) 529-7156
 E-mail: drawing@the-drawing-center.com

SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA

job no. DC-1871 90-055.dwg	date 05-24-2019	dr. by J. JOHNSON
revisions		

sheet no.
A-5
 of _____

Operational Statement

Pre-Application Review No. 39681

RECEIVED
COUNTY OF FRESNO

OCT 10 2019

(Revised)

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

1. Project Description.

The Termo Company (“Termo” or “Applicant”) is proposing the construction of a new earthen well pad of up to 78,000 square feet (1.79 acres) and the drilling of up to three (3) exploratory oil and gas wells from that well pad. The first exploratory well is the Mt. Whitney #1-27 (test well), which will be drilled to a depth not to exceed 9,500 feet TVD. This Project description addresses the various steps to drilling the test well and the subsequent activity if the well is successful.

The proposed Project includes the following phases which will be completed during 2019 and early 2020: site preparation, drilling, testing; and, if deemed productive, completion, installation of production equipment, and production phase. Plugging and abandonment will take place if the initial well is found to be unproductive prior to completion or during testing. The estimated life of a successful well is 30 years.

Applicant plans to develop the site in phases. The Project and initial ground disturbance (Site Preparation Phase) is designed to disturb only the area of the site necessary to drill the first exploratory well (Drilling Phase). If this first exploratory well is successful, after the Completion and Testing Phase the Applicant will move to Production Phase which will require additional (but not the complete site) surface disturbance for the construction of the production facility.

Prior to any ground disturbing activities, Termo will conduct various tasks including on site meetings with the property owners, well and site surveying and staking, and general site assessment.

Site Preparation Phase

During site preparation activities the proposed Project site will be graded, watered and compacted to establish a level and solid foundation for the drilling rig. Grading activity and topsoil stabilization will be consistent with SJVAPCD Rule 8021. If possible, topsoil will be covered and stockpiled on site for later reuse as part of the site restoration.

Drilling Phase

The Drilling Phase for the proposed Project will last a total of approximately twenty-five (25) days. The drilling phase will consist of two days for mobilization and demobilization of the drilling rig and 20 days for drilling and various tasks associated with the drilling phase including installation of blowout prevention equipment, cementing, mud-logging, etc. During the two to four days when various other drilling related tasks take place the drill rig motors will be idle or not running.

The Project will use either a “triple” drilling rig 86 feet in total height or an “extended double” drilling rig 146 feet in total height (dependent on availability) and the drilling rig will be registered in the California Portable Emission Registration Program (PERP). Temporary facilities, equipment and materials necessary for the drilling operation will be set up and stored on site (i.e., drilling mud supplies, water, drilling materials and casing, crew support trailers, pumps and piping, portable generators, fuels and lubricants, etc.).

Completion and Testing Phase

Once target depth is reached, the well will be tested and evaluated to determine whether it will be put on production or plugged and abandoned. Initially, a production rig would be moved on site to prepare the well for production testing and completion. The completion rig would operate 10 hours per day for

approximately ten days. During this period the wellbore will be cleaned and perforated for well bore production testing. Approximately six personnel will be on site when the completion rig is operating.

Production Phase

If the initial well is determined to have economic production potential, the Applicant will submit and complete the building permit requirements and production equipment including a well head, pumping unit with engine, and a separator will be installed on the proposed Project site. A new above ground storage tank facility will be built at the site to accommodate the crude oil and waste water. A natural gas line will be constructed from the compressor site to the northwest outer edge of the drill pad site terminating in a flare. Said flare will be approved by the San Joaquin Air Pollution Control District. Facility construction will be permitted with Fresno County Department of Public Works, Development Services and will comply with all applicable California Building Codes.

Greenhouse Gas Emissions

The equipment used in Site Preparation Phase, Drilling Phase, Production Phase and Plugging and Abandoning Phase will all contribute to the production of greenhouse gas emissions. The sources are trucks and dirt moving equipment in the Site Preparation Phase. During the Drilling Phase, the drilling rig motors and pumps plus trucks servicing the well will cause greenhouse gas emissions. The Production Phase will also emit greenhouse gases but will be dependent on the length of time the well produces to determine quantifiable measures. At the end of the well's life the Plugging and Abandoning Phase will also cause greenhouse gas emissions but at a much-reduced rate. The tons per year for each phase have been calculated and are demonstrated here as attachments Table 1 and Table 1a, attached hereto.

Plugging and Abandonment Phase

If the exploratory well is deemed unable to become a producing well, or once the well stops producing, it will be plugged and abandoned in accordance with California Code of Regulations, Chapter 4, Subchapter 1, Sections 1723–1723.7.

During a typical well abandonment, recoverable casing would be salvaged from the well and the hole would be plugged with cement. The wellhead (and any other equipment) would be removed, the casing cut off 6 feet below ground surface, capped with a welded plate and the cellar backfilled. This process would be completed in 8 days. The land contours of the site will be re-established to near grade conditions as present at the time of Project initiation. After all equipment is removed, the site will be restored to its condition and use (agricultural) prior to construction of the well pad.

2. Operational Time Limits:

The construction of the earthen drilling pad will take approximately 5 days and work will be during daylight hours. The Drilling Phase of the Project will be 24 hours per day, seven days a week for an anticipated period of 25 days per well. The completion phase of the well will take approximately 10 days and work will be during daylight hours. The construction phase of the production facility will take approximately 45 to 60 days, with work occurring Monday – Saturday during daylight hours.

If production is established, then one person will visit the well twice daily with a time limit between 30 minutes and one hour. Additionally, and dependent on production, a tanker truck will enter the site to haul away produced oil and/or waste water on a twice weekly basis. These visits will last up to two hours each.

3. Number of customers or visitors:

This is not a commercial enterprise and is not open to customers. Visitors may include Agency staff, consultants, or other technical specialists and would expect to average 3 to 5 visitors per week.

4. Number of employees:

Between 7 and 15 personnel will be on site at any given time during drilling and testing operations. They will be working 24 hours, 7 days a week during the drilling and testing phase. If production is obtained, then one or two people will visit the site per day. No one will live on the site.

5. Services and delivery vehicles:

The Drilling Phase of the Project will require approximately 30 to 35 truck trips to mobilize the drilling rig and associated equipment to the drill site.

An additional 10 to 20 trucks will be required to transport supplies and service contractor equipment to the site.

Approximately 5 to 8 truck trips per day will be required to support drilling operations.

Please see additional Transportation details and estimated daily traffic volumes in #19 of the Environmental Information checklist.

6. Access to the site:

Access to the site will be from the Fresno-Coalinga Road (Highway 145) on an existing ingress – egress. Please see the site map for the exact location.

7. Number of parking spaces for employees, customers, and service/delivery vehicles.

The drill site, which is a prepared gravel area, will provide up to four parking spaces for the use of employees and service/delivery vehicles. There will be no customers.

8. Goods sold on site.

Should the exploration result in a producing well, then the oil and natural gas produced from the site will be sold. The oil will be stored in a tank on the site and once full, will be emptied by an oil field tanker and driven to a refinery for sale. The natural gas will be shipped by pipeline from the site and sold to the marketplace at the nearest buy point.

9. What equipment is used?

The proposed project includes three phases: (1) a Site Preparation Phase; (2) a Drilling and Testing

Phase; and, (3) a Production Phase. A description of each phase of the operation is provided below. An additional phase (4), a subsequent well drilling and testing phase would occur if the second and/or third well is drilled.

Site Preparation

The drill site boundaries will be clearly delineated to ensure all activities are confined to the project site. The proposed drill site will be cleared of young trees, and the drill pad will be graded to a level area not greater than 81,000 square feet (1.85 acres) in size. Gravel or a soil binder may be used to improve the surface of the access road to the drill site and on the drill site work areas.

Construction related equipment operated onsite during this Phase will include a dozer, front end loader, grader/scrapper, roller, and water truck.

Drilling Phase

The Drilling Phase will use the following equipment:

1. Exploratory drilling rig consisting of temporary pipe rack, mud pumps, and diesel powered generators.
2. Support equipment includes a backhoe, forklift, crane, water truck, and heavy and light duty service trucks.

It is anticipated, but may not be required, that not more than 2 hydraulic cranes will also be transported to the site to set up the drilling rig, raise the drilling mast and set the associated drilling equipment and supplies.

All drilling and production testing equipment (i.e., drilling rig, mud pumps, mud system equipment, portable water tanks, waste tanks, fuel tanks, portable toilets, pipe racks, and pipe baskets, etc.) will be temporarily installed and contained within the proposed drill site. Drilling equipment is identified on the Drilling Site Plan included with this application.

An above ground portable fluids tank system will be used for drilling and completion operations. All drilling fluids will be contained within the tank system and earthen cuttings will be contained onsite in half-round bins awaiting disposal.

Five short term accommodation travel trailers will be set up on the site during drilling and completion operations.

After a well is drilled, and the well is either completed or abandoned, the drilling rig is promptly disassembled and removed from the drill site.

Completion and Testing Phase

If Applicant decides to continue to the Completion and Testing phase, a smaller portable completion rig and wireline truck will be utilized to prepare the well-bore for the testing process. Once the completion work is done (approximately 5 to 7 days), the rig and truck will leave the site. At that point, two portable 21,000 gallon horizontal tanks will be set on location along with a fluid separator and temporary flare for the testing phase.

Once the Testing Phase is complete (approximately 30 to 60 days, but no more than 180 days), the

portable equipment will be cleaned and removed and the applicant will await building permit approval to move into the Production Phase of the Project.

Production Phase

The Production Phase may use a combination of the following: pumping unit, oil and gas dehydrator, heater-treater, separation tank(s), water tank(s), crude oil storage tank(s), electric powered compressor, miscellaneous valves and pipelines, and an emergency flare. Applicant expects the site to contain no more than five tanks which will be in a containment area.

10. What supplies or materials are used and how are they stored.

The site preparation phase will utilize water for dust control and compaction which will be stored onsite in a metal or poly storage tank for access. Diesel may also be stored onsite for the fueling of construction equipment. If a soil binder is used for dust control, it will be brought in by the vendor and applied. No storage onsite would be expected.

For the Drilling Phase of the well, the supplies and materials used are comprised of diesel fuel, drilling mud, fresh water and various lubricants. These supplies and materials are brought to the site by truck. Each material is stored in its own container, which can be metal storage cans for the liquids and lubricants. Storage bags are used for the dry supplies of mud. Storage is outdoors on racks or the gravel drill site surface.

The Production Phase may utilize common oil field chemicals such as a biocide to prevent bacteria in the produced water or lubricants for mechanical integrity. Any chemicals used are stored in 120 gallon containers within a spill containment system.

11. Does the use cause an unsightly appearance?

The proposed use is characteristic of the area where oil and gas operations already exist alongside agricultural and other industrial activities. The Applicant would prevent an unsightly appearance from occurring by maintaining the site in a weed free state, preventing or painting over any graffiti that may occur, and maintaining equipment to prevent rust.

Drilling equipment will be removed from the site within 15 days of well drilling activity. Signage will be limited to what is necessary for safety and agency requirements.

Additionally, permanent production equipment will be painted in an earthen tone to blend in with the surrounding environment.

Glare

Site preparation activities will be conducted during daylight hours and will not produce glare.

Well drilling, testing, and completion activities are not anticipated to produce glare.

Production processes and equipment will not produce glare.

Temporary directional lighting will be used during drilling and completion operations but lighting is not

required for the production facility. Directional lighting is used to minimize impacts of lighting to nocturnal animals.

12. List any solid or liquid wastes to be produced.

The estimated volume of earthen cuttings and drilling mud (solid waste) generated per day of drilling is approximately 1,500 lbs. Drilling mud and excess water is recycled during the drilling process to the greatest extent possible. Liquid waste would be excess water separated from the drilling mud during the drilling process and that volume of waste is expected to be approximately 1,200 to 1,900 gallons per day. All earthen cuttings will be separated from the mud system, de-watered and stored on the location in half round bins. All liquid waste is stored in covered, leak proof tanks. The cuttings will then be hauled to a licensed waste disposal facility that handles non-hazardous waste. Liquid waste will be transported to a licensed disposal facility at the end of the Drilling Phase. Excess cement from the cementing of pipe in the hole will be diverted to a licensed facility. The volume of this cement waste is expected to be no more than 900 gallons or 12,600 lbs.

Solid and liquid waste produced during the drilling, testing, and completion program is tested for hazardous criteria prior to shipping and disposal. Any waste exhibiting the characteristics of a hazardous waste, will be handled (stored, transported, and disposed of) according to CCR Title 22, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste.

Chemical toilets will be used onsite during the Drilling and Testing Phase and all sewage will be transported off site to an appropriate licensed disposal facility.

13. Estimated volume of water to be used (gallons per day).

Site preparation (grading and dust control) will require approximately 30,000 gallons. Between 8,000 and 11,000 gallons of water per day will be required during drilling operations, depending on that day's work program. Water will be purchased from a private commercial supplier and trucked to the site and stored in a temporary portable tank until used. Bottled water will be purchased and transported onsite for human consumption.

14. Describe any proposed advertising including size, appearance and placement.

There will be no advertising. Signage will be limited to that necessary for safety notices, agency required postings, and directions.

15. Will existing buildings be used or will new buildings be constructed.

There will be no construction of any buildings. No new buildings will be built. All features in the drilling process will be trucked in pre-assembled and then removed when the drilling process is completed. If the well is successful, a tank farm and a short segment of gas pipeline will be constructed. Please see the proposed Production Site Plan for details.

16. Explain which buildings or what portion of buildings will be used in the operation.

There will be no permanent buildings used or constructed. Five or six temporary trailers will be used during the Drilling Phase.

17. Will any outdoor lighting or an outdoor sound amplification system be used?

The lighting used will be only in the Drilling Phase. During that phase lighting on the drilling rig mast and surrounding platforms will be used to provide adequate safety lighting to the drillers. The lights will be directed in downward fashion to prevent unwanted glare to the surrounding area. Additionally, all safety lighting will be used as required by law.

There will be no sound amplification system used.

18. Landscaping or fencing proposed.

There will be no landscaping or fencing during the drilling phase. If the well is successful and a production facility is constructed, the Applicant may erect security fencing as required under California Code of Regulations, Chapter 4, Subchapter 2, Section 1778 to ensure the safety of the public and operational equipment.

Applicant may work with the surface owner to install some basic landscaping.

19. Other information that will provide a clear understanding of the project or operation.

20. Identify all Owners, Officers and/or Board Members.

The Project Applicant, Developer and Responsible Party is The Termo Company, a private corporation located in Long Beach, California with operations in Fresno County. CEQA does not require the disclosure of Owners, Officers, and/or Board Members of companies proposing projects undergoing CEQA analysis.

If County of Fresno Department of Public Works and Planning requires more information, please contact the Applicant.

Table 1

Summary of Short-Term Emissions Associated with the Mt. Whitney
1-27 Initial Well and Facility Project

Project Phase	ROG (tons/year)	NOx (tons/year)	PM-10 (tons/year)	PM-2.5 (tons/year)
Pre-Activity Surveys	0.0000	0.0001	0.0000	0.0000
Site Preparation (includes PM-10 and PM-2.5 fugitive dust emissions from Roadway Model)	0.0006	0.0073	0.0153	0.0034
Drilling Phase	0.1425	2.4130	0.0627	0.0502
Completion and Testing Phase	0.0445	0.0488	0.1510	0.1208
Production Equipment Installation Phase – Option 1	0.0019	0.0169	0.0008	0.0006
Production Phase	0.0598	0.2462	0.0204	0.0163
Plugging and Abandonment Phase	0.0020	0.0219	0.0008	0.0006
Totals	0.2513	2.7542	0.2510	0.1919
Note: Annual Emissions below 0.00005 tons/year appear as 0.0000 tons/year. Equipment would use ultra-low sulfur gasoline and diesel fuel. As a result, SOx emissions would be negligible.				

ATTACHMENT

Initial Study Application

Pre-Application Review No. 39681

19. Transportation Details.

The following tables layout the anticipated trips for the Site Preparation and Drilling Phases of the Project.

<i>Trips for Pre-Drilling Activity</i>					
Description	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Passenger Car/Truck Roundtrips (Termo)	6	TBD	1	TBD	Staff visits from construction thru drilling and completion
Passenger Car/Truck Roundtrips (Survey - well staking)	2	TBD	1	TBD	Site survey / Well staking - Landmark
Passenger Car/Truck Roundtrips (Survey - construction staking)	1	TBD	1	TBD	Construction staking - Landmark
<i>Trips for Site Preparation Activity</i>					
Description	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Water Truck	1	TBD	3	TBD	
Passenger Car/Truck Roundtrips	2	TBD	5	TBD	Crew
Heavy Truck/Semi	1	TBD	2	TBD	Haul equipment to / from contractors' yard
Heavy Truck/Semi	1	TBD	2	TBD	Haul equipment to / from contractors' yard
<i>Trips for Drilling Activity</i>					
Description	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Water Truck (Heavy Duty)	2	TBD	20	TBD	
Water Truck (Dust Control)	1	TBD	20	TBD	
Passenger Car/Pickup Trucks (Light Duty)	8	TBD	20	TBD	
Heavy Duty Trucks (Normal Operations)	4	TBD	10	TBD	Kenai or Ensign
Heavy Duty Trucks (Mobilization and Demobilization of Equipment)	18	TBD	2	TBD	Kenai or Ensign
Heavy Duty Trucks (Diesel Fuel Delivery for Drill Rig)	2	TBD	4	TBD	
Heavy Duty Trucks (Casing Cementing)	3	TBD	2	TBD	
Heavy Duty Trucks (Other)	2	TBD	1	TBD	
Heavy Duty Trucks (Services and Delivery)	4	TBD	3	TBD	

The following tables layout the anticipated maximum trips for the Completion / Testing and Production Phases of the Project, should this portion of the Project occur.

<i>Trips for Testing and Completion Activity</i>					
Description	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Pick-up Truck	3	TBD	10	TBD	
Downhole Pump Install	2	TBD	1	TBD	
Other Completion Work	3	TBD	1	TBD	
Heavy Duty Truck (Oil Transport)	1	TBD	TBD	TBD	

<i>Trips for Building Production Facility and Pipeline</i>					
Mobile Sources	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Water Truck	1	TBD	5	TBD	
Pickup Truck - Dirt Work	2	TBD	15	TBD	Crew
Pickup Truck - Construction	3	TBD	30	TBD	Crew
Heavy Truck/Semi	3	TBD	8	TBD	Haul tanks and equipment
Heavy Truck/Semi	1	TBD	2	TBD	Haul equipment to /from contractor yard
Heavy Truck/Semi	1	TBD	2	TBD	Haul equipment to /from contractor yard

<i>Trips for Daily Production</i>					
Mobile Sources	Number	Round Trip Distance (miles)	Duration (days)/yr	Total Miles Driven	Notes
Passenger Pick-up Truck	1	TBD	365	TBD	
Other Heavy Work Truck	5	TBD	15	TBD	
Heavy Duty Truck (Oil Transport)	1	TBD	TBD	TBD	Dependent on well success

The Project proposes to use existing access roads and ingress / egress from Highway 145. No additional roads, driveways, or other alterations are expected to be necessary.

20. Describe sources of noise from the project that may affect the surrounding area.

Construction and drilling are the two activities that will create noise during the Project development.

Noise - Construction

Operation of construction related equipment will generate noise. The United States Environmental Protection Agency has found that the noisiest equipment types operating at construction sites typically range from 88 dBA to 101 dBA at a distance of 50 feet. The following table lists noise levels typically generated by construction equipment that may be used during the Site Preparation Phase.

Type of Equipment	Typical Sound Level (dBA at 50 feet)
Generator	76
Air Compressor	81
Pneumatic Tools	85
Backhoe	85
Excavator	86
Dozer	87
Front-End Loader	88
Dump Truck	88
Scraper	88

Based on sound levels presented in the above table, equipment associated with the construction of the drilling site could produce noise levels in excess of 88 dBA at a distance of 50 feet from the site. However, the nearest residence is located approximately 3,600 feet northeast from the proposed project site. Using an attenuation algorithm of 6 dBA per doubling of distance (accepted technical standard), maximum outdoor noise levels are expected to be approximately 50.85 dBA at the nearest residence.

Noise - Drilling

Operation of the drilling rig will produce noise. Termo has conducted noise studies using one of the drilling rigs proposed for this project. The following table gives the results of this noise study:

Distance	Direction from Unit			
	North	East (Next to the generators)	South (Next to Pumps)	West
50 feet	101	102	98	99
100 feet	91	90	89	89
200 feet	88	86	84.5	85.5
400 feet	81.3	83.5	77	81
800 feet	71.2	72	70.2	71.2
1,000 feet	67.5	68	68	69.3
1,400 feet	63.5	62.5	63.4	62.2

Sound survey measurements presented in dBA

Based on sound levels presented in the above table, equipment associated with the drilling of the well could produce noise levels in excess of 102 dBA at a distance of 50 feet and 63.5 dBA at a distance of

1,400 feet from the site. The nearest residence is located approximately 3,600 feet northeast from the proposed project site. Using the accepted attenuation algorithm of 6 dBA per doubling of distance, the noise level at the residence located in Five Points could be approximately 55.3 dBA.

It is worth noting that the project is adjacent to Highway 145 and the closest possible sensitive receptor is in Five Points near the intersection of Highways 145 and 269. No background noise studies have been conducted in the area, but due to the proximity to the highway and the industrial activity in Five Points, background noise could be expected to be higher than in other rural areas.

Noise from daily production activities will be consistent with background noise in the area and would include personal vehicles, equipment operations, and mechanical or plumbing type work.

22. Describe the probable source(s) of air pollution from the Project.

Aspects of site construction, drilling, and oil production can produce pollution. However, the polluting aspects of these activities are regulated by both the California Air Resources Board (CARB) and the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Emissions

Site construction and drilling utilize diesel powered heavy equipment. All on-road heavy duty trucks will be compliant with CARBs Level 3 or greater emissions controls or other applicable diesel retro-fit regulations. The diesel generators and power sources for the drilling rig are PERP registered.

Production emissions are prevented through regular inspections and the use of a Leak Detection and Repair Program (LDAR). Production tanks will be outfitted with vapor recovery to prevent fugitive emissions.

Dust

Site preparation activities and truck traffic during the drilling phase may produce dust. The applicant proposes the following to mitigate this possibility:

- Water all active road and construction areas as needed to reduce or eliminate dust from traffic and construction.
- Cover all trucks hauling soil, sand or other loose materials or require all trucks to maintain at least two feet of freeboard.
- Actively apply water for dust control during the drilling phase.
- Apply a soil binder, gravel, or other material for dust mitigation

During the production phase, vehicle trips to the site may produce dust. Typically a maximum of one truck trip per day will be required to inspect the well during its producing life. Dust created by this daily visit

will be minimal as applicant expects to gravel the small portion of road necessary to access the production site.

Odor

Emissions resulting from the operation of diesel-powered generators used to power drilling equipment may produce odors. However, these activities are short term and temporary in nature. The drill site is over three-quarters of a mile from the nearest residence and any odors produced will be sharply diminished by the distance of travel. Additionally, odors are an unwelcome part of daily operations and Termo actively works to prevent them.

25. Proposed method of liquid waste disposal

Liquid waste would be excess water separated from the drilling mud during the drilling process and that volume of waste is expected to be approximately 1,200 to 1,900 gallons per day. All liquid waste will be stored in covered, leak proof tanks. The liquid waste will be transported to a licensed disposal facility used primarily for the disposal of oil exploration waste at the end of the Drilling Phase.

Liquid waste produced during the drilling, testing, and completion program is tested for hazardous criteria prior to shipping and disposal. Any waste exhibiting the characteristics of a hazardous waste, will be handled (stored, transported, and disposed of) according to CCR Title 22, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste.

Chemical toilets will be used onsite during the Drilling and Testing Phase and all sewage will be transported off site to an appropriate licensed disposal facility.

31. Anticipated types of solid waste

Solid waste from the site preparation phase of the Project will consist of plant material from the removal of the orchard trees. The landowner and Applicant will work together to manage this plant material ensuring it is diverted from landfill.

Solid waste from the drilling phase of the Project will consist of earthen cuttings, dehydrated drilling mud, and excess cement.

Solid waste from the completion and testing phase (if applicable) will consist of dehydrated mud.

Solid waste from the production facility construction phase (if applicable) will consist of scrap metal, wiring, cement, and other construction debris.

32. Estimated volume of solid waste per day

The estimated volume of plant material from the site preparation phase is unknown. Between 128 and 144 trees are anticipated to be removed for the initial site preparation. If the exploratory well is successful another 40 trees would be removed. No soil material is expected to be removed from the site for either phase.

The estimated volume of earthen cuttings and dehydrated drilling mud generated per day of drilling (20 day period) is approximately 1,500 lbs.

The estimated volume of waste cement from this phase is estimated to be between 4,000 lbs. and 12,600 lbs. The cement waste is generated over the span of three to four days and not during the entirety of the Project. Cement waste is dependent on down-hole variables but the Applicant endeavors to not exceed 12,600 lbs.

The estimated volume of solid waste, consisting primarily of drilling mud generated during the Completion and Testing Phase, is not expected to exceed 550 lbs. per day over a 7 day period.

Solid waste volume from the construction of the production facility is unknown.

33. Anticipated amount of waste to be recycled

Applicant will work with the agricultural company to divert and recycle the trees and vegetation removed from the site. Past practice has included chipping and the creation of mulch material or diversion for fire and bbq wood.

Drilling mud is re-used and recycled throughout the drilling process as much as possible. Liquid separated from the mud and cuttings is also recycled and continued to be used as much as possible.

Waste generated from the site construction for the production phase will be managed in accordance with the Construction Waste Reduction Disposal and Recycling requirements in CCR Title 24, Part 11 (2016).

34. Proposed method of solid waste disposal

Applicant will work with the agricultural company to divert and recycle the trees and vegetation removed from the site.

All earthen cuttings will be separated from the mud system, de-watered and stored on the location in half round bins. All liquid waste is stored in covered, leak proof tanks. The cuttings will then be hauled to a licensed waste disposal facility that handles non-hazardous waste. The drilling mud will be treated the same way. Cement will be managed as required by law.

Solid waste generated from the site construction for the production phase will be managed in accordance with the Construction Waste Reduction Disposal and Recycling CCR Title 24, Part 11 (2016).

END OF ATTACHMENT



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: The Termo Company on behalf of DLM Partners
- APPLICATION NOS.: Initial Study Application No. 7649 and Unclassified Conditional Use Permit Application No. 3653
- DESCRIPTION: Allow three exploratory petroleum oil and natural gas wells with the possibility of related oil production facility on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel (160 acres gross) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The subject parcel is located on the south side of Mount Whitney Avenue, approximately 2,620 feet west of its intersection with Lassen Avenue (State Route 269) and one half-mile west of the unincorporated community of Five Points (SUP. DIST. 4) (APN 050-130-75S).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails drilling of three exploratory petroleum oil and natural gas wells on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel. Through testing, if the initial well is determined to have economic production potential, a permanent oil production facility will be established on the property. Part of this establishment involves temporary on-site storage of crude oil and transporting it off site via tanker trucks. If exploratory drilling is unsuccessful, all wells will be plugged and abandoned in

compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources regulations.

The drilling operation will consist of the following equipment: 158-foot-tall drilling rig, catwalk, pipe baskets, pipe rack, mud pumps, fluid tank system, portable water tanks, wash tanks, fuel tanks, portable toilets, generator, doghouse, and temporary travel trailers. The production operation may be a combination of the following equipment: pumping unit, wellhead, crude oil storage tank, wash tank, water tank, electric-powered compressor, miscellaneous valves and pipelines, and an emergency flare.

The subject parcel is located in an agricultural area marked by relatively large parcel size with sparse residential development. The unincorporated community of Five Points is located approximately one half-mile east of the subject parcel. The nearest single-family residence in Five Points is approximately 3,600 feet and the other non-residential developments in the area are approximately 2,654 feet to 3,000 feet from the drill site.

The subject parcel fronts Mount Whitney and Trinity Avenues. Fresno-Coalinga Road (State Route 145) runs in a northeast and southwest direction near the drill site. None of these roadways are designated as scenic roads or highways in the County General Plan and there are no scenic vistas or scenic resources on or near the site to be impacted by this proposal. As part of the oil production operation, aboveground permanent structures will be installed/constructed. This includes a 29.3-foot-tall pumping unit and 20- to 25-foot-tall oil and water storage tanks. These low-height improvements, to be located on a small 1.79-acre portion of farmland, would not be highly visible from the surrounded large size agricultural parcels. As such, this proposal will have a less than significant impact on the visual character of the site and its surroundings.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Lighting on the drilling rig mast and surrounding platform will be used to provide adequate safety lighting to the drillers.

These lights have the potential to cause adverse glare effects or affect nighttime views in the area. To minimize the effects, a Mitigation Measure would require that all lighting shall be hooded and directed down toward the base of the drilling rig and/or production area so as to not shine toward adjacent properties and on public streets. Also, the drilling tower shall be lighted and marked to reduce potential conflicts with nighttime aerial application of herbicides and pesticides on adjacent agricultural lands. These requirements will be included as Mitigation Measures.

* **Mitigation Measures**

1. *All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.*

2. *All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.*
3. *All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands.*

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Fresno County Important Farmland Map 2014 classifies the subject parcel as Farmland of Statewide Importance. The subject proposal will remove 1.79 acres (78,000 square feet) of farmland from agricultural production. However, this loss would be less than significant in that the remaining 154.4 acres will remain in agricultural use, and a Mitigation Measure would require that upon cessation of the drilling or production phase, the 1.79 acres shall be returned to the original agricultural condition.

* **Mitigation Measure**

1. *When drilling operations are complete, the Applicant shall return the project site (as much as practical) to its original condition and all drilling equipment shall be removed within 90 days of termination of the drilling operations.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is enrolled in the Williamson Act (Contract No. 561) program. Per the Policy Planning Section of the Fresno County Department of Public Works and Planning review of the proposal, exploratory oil/gas wells are a compatible use on lands enrolled in the Williamson Act program.

The Fresno County Agricultural Commissioner Office reviewed the proposal and requires that the Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development. This requirement will be included as a Condition of Approval.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is not located in an area of forest land, nor is it zoned for Timberland Production. Approval of the proposed drilling operation and the establishment of an oil production facility on a 1.79-acre portion of a 156.2-acre parcel will not encourage the conversion of additional farmlands away from their intended uses.

III. AIR QUALITY

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

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was routed to the San Joaquin Valley Air Pollution Control District (Air District) for review and comments. Although the Air District provided no comments, a Project Note would require that the Applicant shall consult with the Air District for any Air District rules that may apply to the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Emissions resulting from the operation of diesel-powered generators used to power drilling equipment may produce odors. However, these activities are short term and temporary in nature. The drill site is approximately 3,600 feet from the nearest residence in Five Points, and any odors produced will be sharply diminished by the distance of travel. Impacts would be less than significant.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The subject parcel is located in an agricultural area and has been previously disturbed, as said property has been historically utilized for agricultural cultivation. Neighboring properties have also been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was referred to the U.S. Fish and Wildlife Service (USFWS), which did not identify any concerns related to the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which also did not identify any concerns. Therefore, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) any Federally-protected wetlands as defined by Section 404 of the Clean Water Act; or 4) the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or impediment of the use of native wildlife nursery sites.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The subject proposal is not in conflict with any conservation plan, or any relevant local or regional conservation policies.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is not located in an area determined to be highly or moderately sensitive to archeological resources; however, the possibility of discovery remains. As such, the following Mitigation Measure has been incorporated to address cultural resources in the event that resources are identified during ground-disturbing activities.

* **Mitigation Measure**

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

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project is unlikely to result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. To minimize the potential for wasteful or inefficient consumption of energy resources, a Mitigation Measure would require that during well drilling or production operations, idling of on-site vehicles and equipment shall be avoided to the most extent possible.

* **Mitigation Measure**

1. *The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during well drilling or production operations.*

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report relating to probabilistic seismic hazards, the project site is within an area of peak horizontal ground acceleration of 20 to 40 percent. The San Andreas Fault (nearest) is over 40 miles southwest of the project site. Given the distance, any impact resulting from seismic activity would be less than significant.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in any identified landslide hazard area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Some soil erosion or loss of top soil may result due to the site grading to accommodate the drilling pad. However, the impact would be less than significant, as any grading performed would require a County-issued grading permit or voucher.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located in an area at risk of landslides or lateral spreading per Figure 9-6 of Fresno County General Plan Background Report. In addition, as this project proposes to remove oil from the ground and does not propose excessive drain on groundwater, it will have a less than significant impact on subsidence risks.

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

FINDING: NO IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located in an area where the soils exhibit moderately-high to high expansion potential.

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

FINDING: NO IMPACT:

The temporary nature of drilling operation (approximately 20 days) or the production facility does not require an on-site sewage disposal system or alternative wastewater disposal system. The project will use portable toilets during drilling operations.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section V. CULTURAL RESOURCES.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The equipment used in the site preparation phase, drilling phase, production phase, and plugging and abandoning phase will all contribute to the production of greenhouse gas emissions. The sources are trucks and dirt-moving equipment, rig motors and pumps, including trucks servicing the well. The drilling operation will last for 20 days. Given the short drilling period, any greenhouse gas impact resulting from the project would also be short term and therefore less than significant to the environment. The greenhouse gas emissions in the production phase would be at a much-reduced rate from the construction phase. The overall greenhouse emission impact on the environment would be less than significant.

Given the scope of the project, no Greenhouse Gas Emission Analysis was required.

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

FINDING: NO IMPACT:

The project is not expected to conflict with an applicable plan, policy or regulation adopted for reducing the emissions of greenhouse gases. No project-reviewing agency expressed any concerns.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to extract, process, and transport oil. Per the Applicant's Operational Statement, solid and liquid wastes produced during drilling operations will be stored on site, tested for hazardous criteria, and transported to a licensed waste disposal facility. Any oil field chemicals used during the production phase will be stored in containers within a spill containment system.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires that facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Also, any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. Further, all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, and an Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank. These requirements will be included as Project Notes.

The project is not located within one quarter-mile of a school site. The nearest school, Westside Elementary School, is approximately 2.1 miles southwest of the project site (drill pad).

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

FINDING: NO IMPACT:

The project site is an active farm land planted in orchard and not a hazardous material site. The project will not create hazard to the public or environment.

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

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or within two miles of a public or private use airport. Five Point Ranch Airport, located approximately 6.3 miles west of the drill site, will not affect the project in terms of airport noise or safety hazard.

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

FINDING: NO IMPACT:

The Fresno County Fire Protection District and other agencies reviewed the proposal and did not express any concerns related to emergency response plans or emergency evacuation plans.

Access to the project site will be from Fresno-Coalinga Road (State Route 145) on an existing ingress and egress. Neither State Route 145 nor any other existing dirt roads in the area that provide access to the surrounding farmlands will become incapable of providing access during emergency responses due to the project.

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

FINDING: NO IMPACT:

The project site is not located in an identified area of wildfire hazard.

- X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Division of Oil, Gas, and Geothermal Resources reviewed the subject proposal and recommends that physical access to all on-site oil and gas wells be maintained and all oil and gas wells be abandoned in accordance with the current standards. In addition, no well work shall be performed without written approval from the Division of Oil, Gas, and Geothermal Resources.

According to the Fresno County Department of Public Health, Environmental Health Division, prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction, and the “oily water” removed from the well shall be handled in accordance with federal, state and local government requirements. These requirements will be included as Project Notes.

The subject proposal was also routed to the California Regional Water Quality Control Board. No concerns were expressed by that agency.

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

FINDING: NO IMPACT:

Site preparation (grading and dust control) prior to drilling operation will require approximately 30,000 gallons of water, and the drilling operation itself will require 8,000 to 11,000 gallons of water per day. Water will be purchased from a private commercial supplier, trucked to the site, and stored in a temporary portable tank. Bottled water will be provided for human consumption.

The project site is not located in a water-short area and proposes no groundwater usage. The Water and Natural Resources Division of the Fresno County Department of

Public Works and Planning reviewed the proposal and expressed no concerns regarding availability or sustainability of water for the project.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on or off site; or
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
 - 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 - 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No natural drainage channels run adjacent to or through the subject property.

The project will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface runoff with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. As noted above, a grading permit or voucher may be required for any grading proposed with this application.

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

FINDING: NO IMPACT:

The subject parcel is not in an area at risk of inundation by seiche, tsunami, or mudflow.

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

FINDING: NO IMPACT:

The project is not in conflict with any water quality control plan or sustainable groundwater management plan. No concerns were expressed by the Water and Natural Resources Division of the Department of Public Works and Planning, or the Regional Water Quality Control Board.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The nearest community of Five Points is approximately one half-mile east of the subject property.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is designated as Agricultural in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Ordinance. The Agriculture and Land Use Element of the General Plan lists oil and gas development as non-agricultural uses permitted in areas designated Agriculture. The subject proposal will not be in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project other than the County, and will meet the following General Plan policies:

General Plan Policy OS-C.13 and Policy OS-C.17 are met in that the extraction of oil is permitted in Fresno County with approval of an Unclassified Conditional Use Permit that is being processed concurrently with this Initial Study. Upon termination of the activities related to reclamation of oil and gas development, the project site will be converted to its primary land use as designated by the General Plan. General Plan Policy OS-C.20 and Policy HS-B.1 are met in that the nearest development (Five Points) is approximately one half-mile from the drill site. Given the distance, the project poses less than significant risk for fire hazards. General Plan Policy HS-F.1 is met in that the project will adhere to federal and state requirements regarding the handling and management of hazardous materials.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The subject parcel is not located in an area designated by Figure 7-7 of the Fresno County General Plan Background Report to be a locally-important mineral resource recovery site.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would temporarily increase ambient noise in the area due to the operation of construction-related equipment and the drilling rig. Per the Applicant, a noise study conducted using the drilling rig/equipment could produce noise levels in excess of 102 dBA at a distance of 50 feet and 63.5 dBA at a distance of 1,400 feet from the site. The nearest residence in Five Points is approximately 3,600 feet east of the project site. Using the accepted attenuation algorithm of 6 dBA per doubling of distance, the noise level at the residence could be approximately 55.3 dBA. The impacts would be less than significant.

The Fresno County Department of Public Health, Environmental Health Division reviewed the subject proposal and identified no concerns related to noise.

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

FINDING: NO IMPACT:

See discussion above in Section IX. E. HAZARDS AND HAZARDOUS MATERIALS.

XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth. Five to six temporary trailers will be used during the drilling phase of the project.

XV. PUBLIC SERVICES

Would the project:

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

1. Fire protection?

FINDING: NO IMPACT:

The Fresno County Fire Protection District reviewed this proposal and expressed no concerns related to fire hazards.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will have no impact on schools, parks or other public facilities.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

This project will have no impact on neighborhood parks or require expansion of recreational facilities.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, the project involves three phases. During the pre-drilling phase, 18 one-way (9 round trips) passenger car/truck trips will be generated. During the site preparation phase, 10 one-way (5 round trips) passenger car/truck/heavy truck/semi trips will be generated. During the drilling phase, 90 one-way (45 round trips) passenger car/heavy duty truck trips will be generated. During the completion/testing and production phase, 54 one-way (27 round trips) pick-up truck/heavy truck/semi trips will be generated.

The Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and identified no concerns related to traffic. The California Department of Transportation (Caltrans) also reviewed the proposal and requires the following as Conditions of Approval: a transportation management plan (as the trip for drilling activity may impact the peak hours); an encroachment permit; repair and replacement of any damaged pavement at the site access; and cleaning of roadways from construction activities. Further, shoulder backing at the site access shall be constructed with an encroachment permit.

- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project activities will not result in blocking any roadways or traffic movement in the area or result in inadequate emergency access to the site. The site is accessible in emergencies from Mount Whitney Avenue, Trinity Avenue, and State Route 145.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of

the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Per Assembly Bill 52 (AB52), participating Native American Tribes were provided the opportunity to review and enter consultation with the County regarding the project proposal. A response received from the Santa Rosa Rancheria Tachi Yokut Tribe expressed concerns with the project's impact on tribal cultural resources and requested that their suggested Mitigation Measures regarding Tribal Monitoring be included in the project. Although no documents or evidence were provided by the Tribe that would suggest the presence of tribal cultural resources on the project site, Mitigation Measures have been included in the project to address the Tribe's concerns related to this proposal. Staff believes that with the implementation of Mitigation Measures noted below and the Mitigation Measure noted above in Section V. CULTURAL RESOURCES in this analysis, the project will have a less than significant impact on tribal cultural resources.

* **Mitigation Measures**

1. See Section V. A. B. C. D. Cultural Resources Mitigation Measure.
2. *Forty-eight (48) hours prior to any ground-disturbing activities within the Area of Potential Effect (APE), such as digging, trenching, or grading, the Applicant shall notify all tribes that participated in consultation of the opportunity to have a certified Native American Monitor inspect the site prior to and be present during all ground-disturbing activities both during construction and decommissioning. The certified Native American Monitor may provide pre-construction briefings to supervisory personnel and any excavation contractor, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found. The notification shall be by email to the following person: Shana Powers, Santa Rosa Rancheria Tachi Yokut Tribe at spowers@tachi-yokut-nsn.gov. The tribal monitors shall be independently insured in order to enter the construction zone.*

3. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted within 100 feet of the find. A qualified Archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. The County of Fresno, along with other relevant or Tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines. Any findings shall be submitted by the archaeologist in a professional report to the project Applicant, the County of Fresno and the California Historical Resources Information System, Southern San Joaquin Valley Information Center.*

4. *If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours. The Commission shall identify the person believed to be the Most Likely Descendant (MLD), who shall have at least 48 hours from notification of the find to comment. The human remains and associated or unassociated funerary objects shall be treated per CEQA Guidelines Sec. 15064.5(d). If the MLD and the other parties do not agree on the reburial method, the Project shall follow PRC Section 5097.98(e).*

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS. Additionally, the project would not result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

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

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY.

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

FINDING: NO IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, agricultural companies will recycle green waste resulting from removal of trees and vegetation on the property. All earthen cuttings and drilling mud will be hauled to a licensed waste disposal facility that handles non-hazardous waste. All cement waste will be managed as required by law. Waste generated from the site construction for the production phase will be managed in accordance with the Construction Waste Reduction Disposal and Recycling requirements in CCR Title 24, Part 11 (2016).

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

See discussion above in Section XV. A. 1. PUBLIC SERVICES.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on biological resources. Impacts on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed above in Section V.A.B.C.D. CULTURAL RESOURCES. Additional mitigation measures are included in Section XVIII. TRIBAL CULTURAL RESOURCES.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to permitting requirements, rules and regulations set forth by the San Joaquin Valley Air Pollution Control District; the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR); and the California Regional Water Quality Control Board (RWQCB). No cumulatively considerable impacts were identified in the analysis other than Aesthetics, Agricultural and Forestry Resources, Cultural Resources, Energy and Tribal Cultural Resources, which will be addressed with the Mitigation Measures discussed in Section I. D., Section II. A., Section V. A. B. C., Section VI. A. B. and Section XVIII. A. of this report.

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

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon Initial Study No. 7649 prepared for Unclassified Conditional Use Permit Application No. 3653, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to biological resources, mineral resources, population and housing, public services, recreation and utilities and service systems.

Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and noise have been determined to be less than significant.

Potential impacts relating to aesthetics, agricultural and forestry resources, cultural resources, energy and transportation have been determined to be less than significant with the identified Mitigation Measures.

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

EA:ksn
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3653\IS-CEQA\CUP 3653 IS wu.docx

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7649	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): The Termo Comapny	Project Title: Unclassified Conditional Use Permit Application No. 3653		
Project Description: Allow three exploratory petroleum oil and natural gas wells with the potential for an oil production facility on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel (160 acres gross) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the south side of Mount Whitney Avenue, approximately 2,620 feet west of its intersection with Lassen Avenue (State Route 269) and one half-mile west of the unincorporated community of Five Points (SUP. DIST. 4) (APN 050-130-75S).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7649) prepared for Unclassified Conditional Use Permit Application No. 3653, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, mineral resources, population and housing, public services, recreation and utilities and service systems. Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and noise have been determined to be less than significant. Potential impacts related to aesthetics, agricultural and forestry resources, cultural resources, energy and transportation have been determined to be less than significant with the included Mitigation Measures. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – September 20, 2019		Review Date Deadline: Planning Commission – October 24, 2019	
Date: September 17, 2019	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**