



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: H2B2 USA, LLC
- APPLICATION NOS.: Initial Study No. 7943 and Unclassified Conditional Use Permit Application No. 3691
- DESCRIPTION: Allow a renewable hydrogen generation facility on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with South James Road and is approximately 7.4 miles east of the City of Mendota (APN 015-100-20S) (SUP. DIST.: 1).

I. AESTHETICS

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

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to develop a portion of the existing 324.66-acre parcel with a renewable hydrogen generation facility and other associated improvements. The proposed improvements will degrade the existing visual nature of the site as the site is mainly utilized for agricultural cultivation. The project site is approximately 510 feet south of the nearest right-of-way with crops located in between. Review of aerial and street views of the project site do not indicate any high scenic quality view that would be substantially degraded by the project. The construction of structure would degrade the existing visual character but is determined to not have a significant impact on existing visual character. Therefore, the construction of structures and improvements on this site would have a less than significant impact on the existing visual character or quality of public views of the site and its surroundings.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the 2016 Fresno County Important Farmland Map prepared by the California Department of Conservation, the subject parcel is designated for Farmland of Statewide Importance, Unique Farmland, and Confined Animal Agriculture. The project is proposed to be sited on land designated Farmland of Statewide Importance. Farmland of Statewide Importance is defined as farmland “similar to Prime Farmland but with minor shortcomings such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production as some time during the four years prior to the mapping date.” The project will convert Farmland of Statewide Importance to a non-agricultural production use. However, in considering the size of the project site relative to the size of the subject 324.66-acre parcel, the project site size would have a less than significant impact on the overall agricultural production use of the parcel. The project site is proposed to be approximately 1.25 acres large and has been determined that the conversion of approximately 1.25 acres of farmland compared to the overall 324.66-acre parcel is less than significant.

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

FINDING: NO IMPACT:

The subject parcel is not under Williamson Act Contract. Per the Fresno County Zoning Ordinance, the proposal is subject to an Unclassified Conditional Use Permit and can be considered on the subject parcel which is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and designated under the Fresno County General Plan as Agricultural. Per the Applicant’s Operational Statement, the project proposes to receive manure from off-site sources and process said manure into hydrogen fuel for commercial sale. As the proposed use is a listed use under the provisions of the Unclassified Conditional Use Permit, the project does not conflict with the existing zoning for agricultural use.

C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or

D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not located in forest land, timberland or timberland zoned Timberland Production and will not result in the loss of forest land or conversion of forest land to non-forest use.

E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the design of the project proposal, the use will be powered by an anaerobic digester and biogas facility on the westerly adjacent parcel. The use proposes to have three employees to operate the plan with one person on site 24 hours a day. In considering the operational aspects of the project, it does not appear that the project will result in the conversion of additional farmland to non-agricultural use or the conversion of forest land to non-forest use. If expansion of the use were to occur after it has been established on the site, an amendment to the land-use permit may be required and further review of the expansion would occur to ensure no adverse impacts ensues.

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the subject application and determined that based on the information provided, project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the District's significance thresholds. Therefore, based on this determination, the project would not conflict with or obstruct implementation of the applicable Air Quality Plan or result in a cumulatively considerable net increase of any criteria pollutants. The (SJVAPCD) also commented that construction-related emissions are expected to be less than significant, but suggests that construction-related exhaust emissions and activities utilize the cleanest reasonably available off-road construction fleets and practices to further reduce impacts from construction-related exhaust emissions and activities. These suggestions and comments from the SJVAPCD will be implemented as Project Notes to advise the Applicant comments provided by the SJVAPCD. Therefore, a less than significant impact is seen on criteria pollutants generated by the project proposal.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Health Risk Assessment (HRA) dated January 19, 2021 prepared by LSA for the project proposal was submitted to the SJVAPCD for review and comment. Based on the findings of the HRA, the SJVAPCD did not have any concerns regarding the

modeling and conclusions made. The prioritization scores for the project are below the SJVAPCD's recommended high-risk screening threshold and as a result would not have a significant adverse health risk to nearby off-site receptors. The project would not result in the installation of any other major stationary sources of Toxic Air Contaminants (TAC) and will result in a less than significant impact.

Aerial images of the project site and surrounding area suggest that the closest sensitive receptor is located approximately 4,900 feet west of site. There are two sites improved with confined bovine facilities and the sensitive receptor is employee housing for the bovine facility. In considering the existing conditions of the area already impacted by the large bovine facilities and the distance of the project site from the sensitive receptor, the project will likely have a less than significant impact on the sensitive receptor. Additionally, per the Applicant's Operational Statement, the use does not generate odors that would adversely affect sensitive receptors.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the California Natural Diversity Database, the project site is located within the radius of two reported occurrences. The Tricolored Blackbird is a state listed species and is designated threatened. The Sanford's Arrowhead non-listed species. As the Sanford's Arrowhead is a non-listed species, project review will focus on the special status Tricolored Blackbird. The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife were notified of the project proposal and no concerns were expressed after the initial routing.

According to the California Natural Diversity Database, the reported Tricolored Blackbird occurrence was reported on April 18, 2015 with an accuracy radius of three fifths of a mile and is presumed extant. The Species Account for the Tricolored Blackbird prepared by the California Department of Fish and Wildlife that Tricolored Blackbird nest heights range from a few centimeters to about 1.5 meters above water or ground at colony sites in freshwater marshes and up to 3 meters in the canopies of willows and other riparian trees. Their nests are rarely built on the ground. Basic requirements for selecting breeding sites are open accessible water, a protected nesting substrate, and suitable foraging space. With the loss of a natural flooding cycle and most native wetland and upland habitats in the Central Valley, Tricolored Blackbirds now forage primarily in artificial habitats which include areas that have shallow-flood irrigation, mowing, or grazing that keeps the vegetation at an optimal height. Foraging habitat also include crops such as rice, alfalfa, irrigated pastures, and ripening or cut grain fields, as well as annual grasslands, cattle feedlots and dairies. It has been seen that

vineyards, orchards, and row crops do not provide suitable nesting substrates or foraging habitat for Tricolored Blackbirds.

The project proposes to develop an approximately 1.25-acre portion of the existing 324.48-acre parcel. The subject parcel has historically been utilized for agricultural production with the property more recently improved with a ground mount solar array just south of the proposed hydrogen production site. Based on the information provided by the CDFW, the adjacent dairy operation could provide foraging habitat, but not nesting habitat for the Tricolored Blackbird. In considering the proposal, an approximately 1.25-acre portion of the overall 324.48-acre parcel would be converted to a non-agricultural use. This conversion is not expected to have a substantial adverse effect on the Tricolored Blackbird as the area being converted is small compared to the overall size of the subject parcel with the majority of it still being utilized for agricultural purposes. Therefore, a less than significant impact is seen.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

No established native resident, migratory wildlife corridor or native wildlife nursery site was identified on the project site. The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) were provided opportunities to comment on the project proposal and identify potential adverse effects of the project on native residents or wildlife species. No comments were received from the CDFW or the USFWS to indicate an impact on native residents or wildlife species.

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

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

FINDING: NO IMPACT:

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

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

* **Mitigation Measure(s)**

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

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, the project proposes to utilize energy produced from an anaerobic digester located on the westerly adjacent parcel. The anaerobic digester processes effluent produced from the existing dairy operation and will provide biogas to power the proposed hydrogen production facility. The project is also a renewable energy project which will produce hydrogen gas to provide energy for off-site sources including to be used as fuel for fuel cell electric vehicles. In considering the existing renewable energy source being utilized to power the proposed facility and scope of the project, there is no potentially significant environmental impact from the consumption of energy resources for project operation and will not conflict with or obstruct state or local plans for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: NO IMPACT:

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

- 2. Strong seismic ground shaking?
- 3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

4. Landslides?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

D. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or

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

FINDING: NO IMPACT:

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

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, the proposed hydrogen production facility will be powered by biogas produced from an existing anaerobic digester located on the westerly adjacent parcel. The proposed equipment to power the facility will utilize biogas and would not generate additional greenhouse gas emissions. Generation of greenhouse gas emissions related to the transportation of the produced hydrogen fuel is likely to be the biggest emitter of greenhouse gasses. This however is expected to be less than significant as the number of transporting trucks is low and those trucks are considered to be compliant with all state regulations regarding emission standards. The San Joaquin Valley Air Pollution Control District did not express concern to indicate that there is a conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

The subject parcel is not located within a one-quarter mile of an existing or proposed school.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

The subject site is not located within two miles of a public airport or public use airport.

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

FINDING: NO IMPACT:

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

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concern with the project to indicate that the proposal will result in the violation of a water quality standard, waste discharge requirement, or substantially interfere with groundwater recharge. The project proposes to receive water from an existing well on the westerly adjacent parcel and is regulated by the State Water Resources Control Board (SWRCB). Per the Water and Natural Resources Division, the project site is not located in an area of the County defined as being a water short area and proposed water usage from the proposal is expected to have a less than significant impact on water resources.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is located in an agricultural area with no established community in the vicinity. The project will not physically divide an established community.

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

FINDING: NO IMPACT:

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

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

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

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division (EHD) has reviewed the project proposal. The EHD did not express concern with the application to indicate that the project proposal would generate excessive ground-borne vibration or noise levels. The project is required to comply with the Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance. The nearest sensitive receptor to the project site is approximately 4,900 feet west of the site. The proposed use is not expected to have an adverse effect on sensitive receptors.

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

FINDING: NO IMPACT:

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

XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

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

XV. PUBLIC SERVICES

Would the project:

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

1. Fire protection;

FINDING: NO IMPACT:

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

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

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

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

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

XVI. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, the proposed use will have between five and seven employees and have up to two trucks to be loaded with the produced hydrogen gas. The main access road will utilize State Route 180 which is a State maintained right-of-way. Review of the project proposal and traffic generation by Caltrans did not indicate a exceedance of an established threshold or the requirement for preparation of a traffic study. Therefore, based on the low trip generation from the project proposal, the vehicle miles traveled impact from the project will be less than significant.

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

FINDING: NO IMPACT:

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per Assembly Bill 52 (AB 52) participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on the project proposal. The Santa Rosa Rancheria Tachi-Yokut Tribe requested consultation and a Cultural Study was prepared by the Applicant's and routed to the consulting tribal government for review and comment. The prepared Cultural Study dated January 21, 2021 by LSA concluded that based on the background search and field survey, no archeological deposits or human remains were identified on the project site. The field survey indicates that project site as being previously disturbed by road grading and agricultural use. A Mitigation Measure shall be implemented to ensure that in the unlikely event that tribal cultural resources are discovered during ground-disturbing activities, the resource is properly addressed.

* **Mitigation Measure(s)**

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

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, the project proposes to obtain a majority of power from an existing anaerobic digester facility located on the westerly adjacent parcel. This proposed hydrogen production facility will be improved with specialized equipment to receive biogas produced from the digester and power the production facility. Additional connection with PG&E facilities will occur to ensure that there is an uninterrupted supply of energy in case the digester facility is offline. As the digester facility is existing, the project will not require or result in the relocation or construction of new or expanded electric power facilities. The project will not require new or expanded water, wastewater treatment or storm water drainage, natural gas, or telecommunication facilities which would cause significant effects.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will convert an approximately 1.25-acre portion of the 324.66-acre parcel from agricultural use to the proposed hydrogen production facility. That conversion has been determined to have a less than significant impact on habitat conversion as the majority of the parcel will still be agricultural production and not adversely effect wildlife species or cause wildlife populations to drop below self-sustaining levels.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3691, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of listed 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.

TK

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County of Fresno

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

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

- 1. Project title:**
Initial Study No. 7943 and Unclassified Conditional Use Permit No. 3691
- 2. Lead agency name and address:**
County of Fresno Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721
- 3. Contact person and phone number:**
Thomas Kobayashi, (559) 600-4224
- 4. Project location:**
The project site is located on the south side of State Route 180 (W. Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with South James Road and is approximately 7.4 miles east of the City of Mendota.
- 5. Project sponsor's name and address:**
H2B2 USA, LLC.
1215 K Street, 17th Floor
Sacramento, CA 95814
- 6. General Plan designation:**
Agriculture
- 7. Zoning:**
AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District
- 8. Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**
The project proposes to allow a renewable hydrogen generation facility on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- 9. Surrounding land uses and setting: Briefly describe the project's surroundings:**
The majority of the subject parcel is utilized for agricultural purposes. There is a single-family residence located on the subject parcel, but is located near the eastern property while the project will be located on the western property line with a large distance of agricultural land in between. Parcels to the north, east, and south are utilized for agricultural purposes. To the west there is an existing dairy operation improved with an anaerobic digester facility.
- 10. Other public agencies whose approval is required (g., permits, financing approval, or participation agreement.)**
Fresno County Department of Public Works and Planning
Fresno County Department of Public Health
California Energy Commission

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

Per Assembly Bill 52, participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County on the project. The Santa Rosa Rancheria Tachi-Yokut Tribe responded to the notice and requested consultation. The consultation process was started with the Tribal Government requesting a cultural survey. A cultural survey was prepared by the Applicant and distributed to the Santa Rosa Rancheria Tachi-Yokut Tribe. The cultural survey concluded that no cultural resources were found on the project. No additional concerns were expressed by the Santa Rosa Rancheria Tachi-Yokut Tribe and consultation was ended. A Mitigation Measure has been implemented to address cultural resources should they be unearthed during ground-disturbing activities.

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:

On the basis of this initial evaluation:

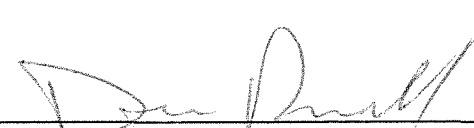
- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the Mitigation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

PERFORMED BY:

REVIEWED BY:



 Thomas Kobayashi, Planner



 David Randall, Senior Planner

Date: 4/8/21

Date: 4.9.21

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM
(Initial Study No. 7943 and
Unclassified Conditional Use Permit
Application No. 3691)**

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

1 = No Impact

2 = Less Than Significant Impact

3 = Less Than Significant Impact with Mitigation Incorporated

4 = Potentially Significant Impact

I. AESTHETICS

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

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

III. AIR QUALITY

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

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

IV. BIOLOGICAL RESOURCES

Would the project:

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

V. CULTURAL RESOURCES

Would the project:

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

VI. ENERGY

Would the project:

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

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 2 ii) Strong seismic ground shaking?
 - 2 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 d) Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 2 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 2 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

XI. LAND USE AND PLANNING

Would the project:

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

XII. MINERAL RESOURCES

Would the project:

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

XIII. NOISE

Would the project result in:

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

XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and

businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- 1 b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

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

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

XV. PUBLIC SERVICES

Would the project:

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

XVI. RECREATION

Would the project:

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

XVII. TRANSPORTATION

Would the project:

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

XX. WILDFIRE

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

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

Documents Referenced:

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

Fresno County General Plan, Policy Document and Final EIR
Fresno County Zoning Ordinance
Important Farmland 2016 Map, State Department of Conservation
Fire Hazard Severity Zones in LRA 2007 Map, State Department of Forestry and Fire Protection
Cultural Resources Study January 21, 2021, LSA
Screening Health Risk Assessment January 19, 2021, LSA

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Notice of Completion & Environmental Document Transmittal

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

SCH #

Project Title: Initial Study No. 7943 and Unclassified Conditional Use Permit Application No. 3691

Lead Agency: Fresno County Department of Public Works and Planning

Contact Person: Thomas Kobayashi

Mailing Address: 2220 Tulare Street, 6th Floor

Phone: (559) 600-4224

City: Fresno

Zip: 93721

County: Fresno

Project Location: County: Fresno City/Nearest Community: Mendota

Cross Streets: State Route 180, 1.5 miles west of South James Road Zip Code: 93630

Longitude/Latitude (degrees, minutes and seconds): ... Total Acres: 324.66

Assessor's Parcel No.: 015-100-20S Section: 9 Twp.: 14S Range: 16E Base:

Within 2 Miles: State Hwy #: State Route 180

Waterways:

Airports:

Railways:

Schools:

Document Type:

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

Local Action Type:

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

Development Type:

- [] Residential: Units Acres [] Office: Sq.ft. Acres Employees [] Transportation: Type [] Commercial: Sq.ft. Acres Employees [] Mining: Mineral [] Industrial: Sq.ft. Acres 1.25 Employees 5-7 [] Power: Type MW [] Educational: [] Waste Treatment: Type MGD [] Recreational: [] Hazardous Waste: Type [] Water Facilities: Type MGD [] Other:

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

Agricultural and Solar / AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) / Agricultural

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

The project proposes to allow a renewable hydrogen generation facility on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

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

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

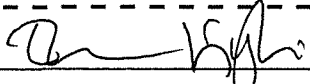
- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management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

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

Starting Date April 9, 2021 Ending Date May 9, 2021

Lead Agency (Complete if applicable):

Consulting Firm: <u>Fresno County</u>	Applicant: <u>H2B2 USA, LLC.</u>
Address: <u>2220 Tulare Street, 6th Floor</u>	Address: <u>1215 K Street, 17th Floor</u>
City/State/Zip: <u>Fresno, CA 93721</u>	City/State/Zip: <u>Sacramento, CA 95814</u>
Contact: <u>Thomas Kobayashi</u>	Phone: <u>(303) 601-3535</u>
Phone: <u>(559) 600-4224</u>	

Signature of Lead Agency Representative:  Date: 4/8/21

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



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County of Fresno

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

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

FILED
APR 08 2021 TIME 3:45pm
FRESNO COUNTY CLERK
By *Jessica Munoz* DEPUTY
Jessica Munoz

For County Clerk's Stamp

Notice is hereby given that the County of Fresno has prepared Initial Study (IS) No. 7943 pursuant to the requirements of the California Environmental Quality Act for the following proposed project:

INITIAL STUDY NO. 7943 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3691 filed by **H2B2 USA, LLC.**, proposing to allow a renewable hydrogen generation facility on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with South James Road and is approximately 7.4 miles east of the City of Mendota (SUP. DIST. 1) (APN 015-100-20S). Adopt the Mitigated Negative Declaration prepared, based on Initial Study No. 7943, and take action on Unclassified Conditional Use Permit No. 3691 with Findings and Conditions.

(hereafter, the "Proposed Project")

The County of Fresno has determined that it is appropriate to adopt a Mitigated Negative Declaration for the Proposed Project. The purpose of this Notice is to (1) provide notice of the availability of IS No. 7943 and the draft Mitigated Negative Declaration, and request written comments thereon; and (2) provide notice of the public hearing regarding the Proposed Project.

Public Comment Period

The County of Fresno will receive written comments on the Proposed Project and Mitigated Negative Declaration from April 9, 2021 through May 9, 2021.

Email written comments to TKobayashi@FresnoCountyCA.gov, or mail comments to:

Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
Attn: Thomas Kobayashi
2220 Tulare Street, Suite A
Fresno, CA 93721

IS No. 7943 and the draft Mitigated Negative Declaration may be viewed at the above address Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday, 8:30 a.m. to 12:30 p.m. (except holidays), or at www.co.fresno.ca.us/initialstudies. An electronic copy of the draft Mitigated Negative Declaration for the Proposed Project may be obtained from Thomas Kobayashi at the addresses above.

E202110000067

*** SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19 ***

Due to the current Shelter-in-Place Order covering the State of California and Social Distance Guidelines issued by Federal, State, and Local Authorities, the County is implementing the following changes for attendance and public comment at all Planning Commission meetings until notified otherwise. The Board chambers will be open to the public. Any member of the Planning Commission may participate from a remote location by teleconference pursuant to Governor Gavin Newsom's executive Order N-25-20. Instructions about how to participate in the meeting will be posted to: <https://www.co.fresno.ca.us/planningcommission> 72 hours prior to the meeting date.

- *The meeting will be broadcast. You are strongly encouraged to listen to the Planning Commission meeting at: <http://www.co.fresno.ca.us/PlanningCommission>.*
- *If you attend the Planning Commission meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals. Due to Shelter-in-Place requirements, the number of people in the Board chambers will be limited. Members of the public who wish to make public comments will be allowed in on a rotating basis.*
- *If you choose not to attend the Planning Commission meeting but desire to make general public comment on a specific item on the agenda, you may do so as follows:*

Written Comments

- *Members of the public are encouraged to submit written comments to: Planningcommissioncomments@fresnocountyca.gov. Comments should be submitted as soon as possible, but not later than 8:30am (15 minutes before the start of the meeting). You will need to provide the following information:*
 - *Planning Commission Date*
 - *Item Number*
 - *Comments*
- *Please submit a separate email for each item you are commenting on.*
- *Please be aware that public comments received that do not specify a particular agenda item will be made part of the record of proceedings as a general public comment.*
- *If a written comment is received after the start of the meeting, it will be made part of the record of proceedings, provided that such comments are received prior to the end of the Planning Commission meeting.*
- *Written comments will be provided to the Planning Commission. Comments received during the meeting may not be distributed to the Planning Commission until after the meeting has concluded.*

If the agenda item involves a quasi-judicial matter or other matter that includes members of the public as parties to a hearing, those parties should make arrangements with the Planning Commission Clerk to provide any written materials or presentation in advance of the meeting

E20211000067

date so that the materials may be presented to the Planning Commission for consideration. Arrangements should be made by contacting the Planning Commission Clerk at (559) 600-4230

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/ procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at (559) 600-4497 or at imoreno@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

Public Hearing

The Planning Commission will hold a public hearing to consider approving the Proposed Project and the Mitigated Negative Declaration on May 20, 2021, at 8:45 a.m., or as soon thereafter as possible, in Room 301, Hall of Records, 2281 Tulare Street, Fresno, California 93721. Interested persons are invited to appear at the hearing and comment on the Proposed Project and draft Mitigated Negative Declaration.

For questions please call Thomas Kobayashi (559) 600-4224

Published: April 9, 2021

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 7943	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): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): H2B2 USA, LLC.	Project Title: Unclassified Conditional Use Permit Application No. 3691		
Project Description: Allow a renewable hydrogen generation facility on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3691, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of listed Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – April 9, 2021		Review Date Deadline: Planning Commission – May 20, 2021	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



County of Fresno

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

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk, County of Fresno
2221 Kern Street
Fresno, CA 93721

From: Fresno County Department of Public Works and Planning, Development Services and Capital Projects
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resource Code

Project: Initial Study No. 7943 and Unclassified Conditional Use Permit Application No. 3691

Location: The project site is located on the south side of State Route 180 (West Whitesbridge Avenue) approximately 1.5 miles west of its nearest intersection with South James Road and is approximately 7.4 miles east of the City of Mendota (APN 015-100-20S) (SUP. DIST.: 1).

Sponsor: H2B2 USA, LLC.

Description: Allow a renewable hydrogen generation facility on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

This is to advise that the County of Fresno (Lead Agency Responsible Agency) has approved the above described project on May 20, 2021, and has made the following determination:

1. The project **will** **will not** have a significant effect on the environment.
2. An Environmental Impact Report (EIR) **was not** prepared for this project pursuant to the provisions of CEQA. / A Mitigated Negative Declaration **was** prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures **were** **were not** made a condition of approval for the project.
4. A statement of Overriding Consideration **was** **was not** adopted for this project.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Corner of Tulare and "M" Streets, Fresno, California.

Thomas Kobayashi, Planner

Date

(559) 600-4224 / TKobayashi@FresnoCountyCA.gov

TK
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DRAFT



County of Fresno

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

DATE: October 21, 2020

TO: Department of Public Works and Planning, Attn: Steven E. White, Director
Department of Public Works and Planning, Attn: Bernard Jimenez, Assistant Director
Department of Public Works and Planning, Attn: John R. Thompson, Assistant Director
Development Services and Capital Projects, Attn: William M. Kettler, Division Manager
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner
Development Services and Capital Projects, Current Planning, Attn: David Randall, Senior Planner
Development Services and Capital Projects, Policy Planning, ALCC, Attn: Mohammad Khorsand, Senior Planner
Development Services and Capital Projects, Zoning & Permit Review, Attn: Daniel Gutierrez/James Anders
Development Services and Capital Projects, Site Plan Review, Attn: Hector Luna
Development Services and Capital Projects, Building & Safety/Plan Check, CASp, Attn: Dan Mather
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping
Road Maintenance and Operations, Attn: John Thompson/Nadia Lopez/Martin Querin/Wendy Nakagawa
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst/Gloria Hensley
Water and Natural Resources Division, Attn: Glenn Allen, Division Manager; Roy Jimenez
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/Steven Rhodes
Agricultural Commissioner, Attn: Melissa Cregan
County Counsel, Attn: Alison Samarin, Deputy County Counsel
U.S. Fish and Wildlife Service, San Joaquin Valley Division, Attn: Matthew Nelson, Biologist
CA Regional Water Quality Control Board, Attn: Dale Harvey
CALTRANS, Attn: Dave Padilla
CA Department of Fish and Wildlife, Attn: Craig Bailey, Environmental Scientist & R4CEQA@wildlife.ca.gov
State Water Resources Control Board, Division of Drinking Water, Fresno District, Attn: Jose Robledo, Caitlin Juarez
CA Department of Toxic Substance Control (CEQA unit), Attn: Dave Kereazis
Dumna Wo Wah Tribal Government, Attn: Robert Ledger, Tribal Chairman/Eric Smith, Cultural Resources Manager/Chris Acree, Cultural Resources Analyst
Picayune Rancheria of the Chukchansi Indians, Attn: Heather Airey/Cultural Resources Director
Santa Rosa Rancheria Tachi Yokut Tribe, Attn: Ruben Barrios, Tribal Chairman/Hector Franco, Director/Shana Powers, Cultural Specialist II
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director/Kim Taylor, Cultural Resources Department/Sara Barnett, Cultural Resources

Department
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division),
Attn: PIC Supervisor
Tranquility Resource Conservation District
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Thomas Kobayashi, Planner
Development Services and Capital Projects Division

SUBJECT: Initial Study Application No. 7943 and Unclassified Conditional Use Permit Application
No. 3691

APPLICANT: H2B2 USA, LLC.

DUE DATE: November 5, 2020

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to allow a renewable hydrogen generation facility fueled by dairy effluent on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District (015-100-20S) (24025 W. Whitesbridge Avenue, Tranquility, CA).

The Department is also reviewing for environmental effects, as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **November 5, 2020**. Any comments received after this date may not be used.

NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Thomas Kobayashi, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4224, or email TKobayashi@FresnoCountyCA.gov.

TK
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Activity Code (Internal Review): 2384

Enclosures



Fresno County Department of Public Works and Planning

Date Received: 10/13/20

CUP 3691

IS 7943

(Application No.)

MAILING ADDRESS:

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

LOCATION:

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

APPLICATION FOR:

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

DESCRIPTION OF PROPOSED USE OR REQUEST:

Approval of an Unclassified Conditional Use Permit to allow a renewable hydrogen generation facility fueled by dairy effluent in the AE-20 zone.

CEQA DOCUMENTATION: Initial Study PER N/A

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

LOCATION OF PROPERTY: South side of W. Whitesbridge Road
between S. Sonoma Avenue and S. James Road
Street address: 24387 W. Whitesbridge Road, Kerman, CA 93630

APN: 015-100-20S Parcel size: 324.66 Section(s)-Twp/Rg: S _____ - T _____ S/R _____ E

ADDITIONAL APN(s): _____

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

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

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

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: CUP 3691 Fee: \$ 9,123.00
 Application Type / No.: Pre-App 20-104517 Fee: \$ -247.00
 Application Type / No.: _____ Fee: \$ _____
 Application Type / No.: _____ Fee: \$ _____
 PER/Initial Study No.: IS 7943 Fee: \$ 5,151.00
 Ag Department Review: _____ Fee: \$ 43.00
 Health Department Review: _____ Fee: \$ 492.00
 Received By: Thomas H. Invoice No.: 134626 TOTAL: \$ 15,112.00

UTILITIES AVAILABLE:

WATER: Yes / No
 Agency: private well

SEWER: Yes / No
 Agency: septic

STAFF DETERMINATION: This permit is sought under Ordinance Section:

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

Related Application(s): _____

APN # _____ - _____ - _____

Zone District: AE-20

APN # _____ - _____ - _____

Parcel Size: 324.48 acres

APN # _____ - _____ - _____

APN # _____ - _____ - _____



Email to: jimcorboy@meacom

Development Services and Capital Projects Division

Pre-Application Review

Department of Public Works and Planning

NUMBER: 20-104517
APPLICANT: Jim Corboy
PHONE: (303) 601-3535

PROPERTY LOCATION: 24387 W Whitesbridge Rd
APN: 015 - 100 - 21S ALCC: No Yes # 262 VIOLATION NO. none
CNEL: No X Yes (level) LOW WATER: No X Yes WITHIN 1/4 MILE OF CITY: No X Yes
ZONE DISTRICT: AE-20; SRA: No X Yes HOMESITE DECLARATION REQ'D.: No X Yes
LOT STATUS:

Zoning: (X) Conforms; () Legal Non-Conforming lot; () Deed Review Req'd (see Form #236)
Merger: May be subject to merger: No X Yes ZM# Initiated In process
Map Act: () Lot of Rec. Map; (X) On '72 rolls; () Other; () Deeds Req'd (see Form #236)

SCHOOL FEES: No X Yes DISTRICT: Golden Plains Unified PERMIT JACKET: No Yes X
FMFCD FEE AREA: (X) Outside () District No.: FLOOD PRONE: No Yes A
PROPOSAL Unclassified Conditional Use Permit to allow for a hydrogen generation facility

COMMENTS: Hydrogen generated w/ electricity from bloom fuel cell energy server under CUP 3662
ORD. SECTION(S): 853-B.5 BY: James Anders DATE: 06/11/2020

GENERAL PLAN POLICIES:

PROCEDURES AND FEES:

LAND USE DESIGNATION: Agriculture () GPA: () MINOR VA:
COMMUNITY PLAN: () JA: (X) JD: \$992
REGIONAL PLAN: (X) CUP: (U) \$9,123 (X) JAG COMM: \$93
SPECIFIC PLAN: () JRA: () ALCC:
SPECIAL POLICIES: () JVA: (X) IS/PER*: \$5,151
SPHERE OF INFLUENCE: () JAT: () Viol. (35%):
ANNEX REFERRAL (LU-G17/MOU): () JT: () Other:

Filing Fee: \$ 15,359.00
Pre-Application Fee: - \$247.00
Total County Filing Fee: 15,112.00

COMMENTS: * Does not include fees associated w/ Williamson Act Cancellation

FILING REQUIREMENTS:

OTHER FILING FEES:

- (X) Land Use Applications and Fees
(X) This Pre-Application Review form
(X) Copy of Deed / Legal Description
(X) Photographs
(X) Letter Verifying Deed Review
(X) IS Application and Fees* * Upon review of project materials, an Initial Study (IS) with fees may be required.
(X) Site Plans - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
(X) Floor Plan & Elevations - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
(X) Project Description / Operational Statement (Typed)
() Statement of Variance Findings
() Statement of Intended Use (ALCC)
() Dependency Relationship Statement
() Resolution/Letter of Release from City of Referral Letter #

BY: Chelsey Monette DATE: July 1, 2020
PHONE NUMBER: (559) 600-4245

NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:

- (X) COVENANT (A) SITE PLAN REVIEW
() MAP CERTIFICATE (X) BUILDING PLANS
() PARCEL MAP (X) BUILDING PERMITS
() FINAL MAP () WASTE FACILITIES PERMIT
() FMFCD FEES () SCHOOL FEES
(X) ALUC or ALCC (X) OTHER (see reverse side)

PLU # 113 Fee: \$247.00
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

RECEIVED COUNTY OF FRESNO

OCT 13 2020

DEPARTMENT OF PUBLIC WORKS AND PLANNING DEVELOPMENT SERVICES DIVISION

OVER.....



RECEIVED
COUNTY OF FRESNO

OCT 13 2020

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

County of Fresno

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

INITIAL STUDY APPLICATION

INSTRUCTIONS

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

OFFICE USE ONLY

IS No. 7943

Project No(s) CUP 3691

Application Rec'd.:
10/13/20

GENERAL INFORMATION

1. **Property Owner:** Bar 20 Dairy, LLC **Phone/Fax:** 559-655-8942

Mailing Address: 250 E. Belmont Avenue Fresno CA 93701

Street **City** **State/Zip**
2. **Applicant:** H2B2 USA, LLC **Phone/Fax:** 303-601-3535

Mailing Address: 1215 K street, 17th Floor Sacramento CA 95814

Street **City** **State/Zip**
3. **Representative:** Dirk Poeschel Land Dev. Servs., Inc. **Phone/Fax:** 559-445-0374

Mailing Address: 923 Van Ness Avenue, Suite 200 Fresno CA 93721

Street **City** **State/Zip**
4. **Proposed Project:** Approval of an Unclassified Conditional Use Permit to allow a renewable hydrogen generation facility fueled by dairy effluent in the AE-20 zone.
5. **Project Location:** South side of W. Whitebridge Road between S. Sonoma Avenue and S. James Road.
6. **Project Address:** 24387 W. Whitebridge Road Kerman CA 93630
7. **Section/Township/Range:** / /
8. **Parcel Size:** 324.66 AC
9. **Assessor's Parcel No.** 015-100-205 **OVER.....**

10. Land Conservation Contract No. (If applicable): AP-262

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

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

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

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

13. Existing Zone District¹: AE-20

14. Existing General Plan Land Use Designation¹: Ag

ENVIRONMENTAL INFORMATION

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

Describe the major vegetative cover: N/A

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

Is property in a flood-prone area? Describe:
No.

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

North: Ag

South: Ag

East: Ag

West: Ag

17. What land use(s) in the area may be impacted by your Project?: None

18. What land use(s) in the area may impact your project?: None

19. **Transportation:**

NOTE: The information below will be used in determining traffic impacts from this project. The data may also show the need for a Traffic Impact Study (TIS) for the project.

A. Will additional driveways from the proposed project site be necessary to access public roads?
 Yes X No

B. **Daily traffic generation:**

I. **Residential - Number of Units** _____
Lot Size _____
Single Family _____
Apartments _____

II. **Commercial - Number of Employees** _____
Number of Salesmen _____
Number of Delivery Trucks _____
Total Square Footage of Building _____

III. **Describe and quantify other traffic generation activities:** Please see
the attached operational statement.

20. Describe any source(s) of noise from your project that may affect the surrounding area: Please see the attached operational statement.

21. Describe any source(s) of noise in the area that may affect your project: None.

22. Describe the probable source(s) of air pollution from your project: None

23. **Proposed source of water:**
 private well
 community system³--name: _____ OVER.....

24. Anticipated volume of water to be used (gallons per day)²: 4.755 net
25. Proposed method of liquid waste disposal:
 septic system/individual
 community system³-name _____
26. Estimated volume of liquid waste (gallons per day)²: less than 50 gallons/day
27. Anticipated type(s) of liquid waste: typical office waste
28. Anticipated type(s) of hazardous wastes²: None
29. Anticipated volume of hazardous wastes²: None
30. Proposed method of hazardous waste disposal²: N/A
31. Anticipated type(s) of solid waste: typical office trash and limited putrescible garbage
32. Anticipated amount of solid waste (tons or cubic yards per day): 8 cubic ft. of refuse/week
33. Anticipated amount of waste that will be recycled (tons or cubic yards per day): per county standards
34. Proposed method of solid waste disposal: private hauler
35. Fire protection district(s) serving this area: Fresno County Fire
36. Has a previous application been processed on this site? If so, list title and date: N/A
37. Do you have any underground storage tanks (except septic tanks)? Yes _____ No X
38. If yes, are they currently in use? Yes _____ No X

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

Dirk Paschel

SIGNATURE

Oct. 12, 2020

DATE

¹Refer to Development Services and Capital Projects Conference Checklist

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

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

NOTICE AND ACKNOWLEDGMENT

INDEMNIFICATION AND DEFENSE

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

STATE FISH AND WILDLIFE FEE

State law requires that specified fees (effective January 1, 2020: \$3,343.25 for an EIR; \$2,406.75 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.

The following projects are exempt from the fees:

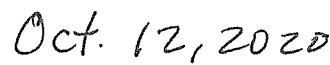
- 1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).*
- 2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.*

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

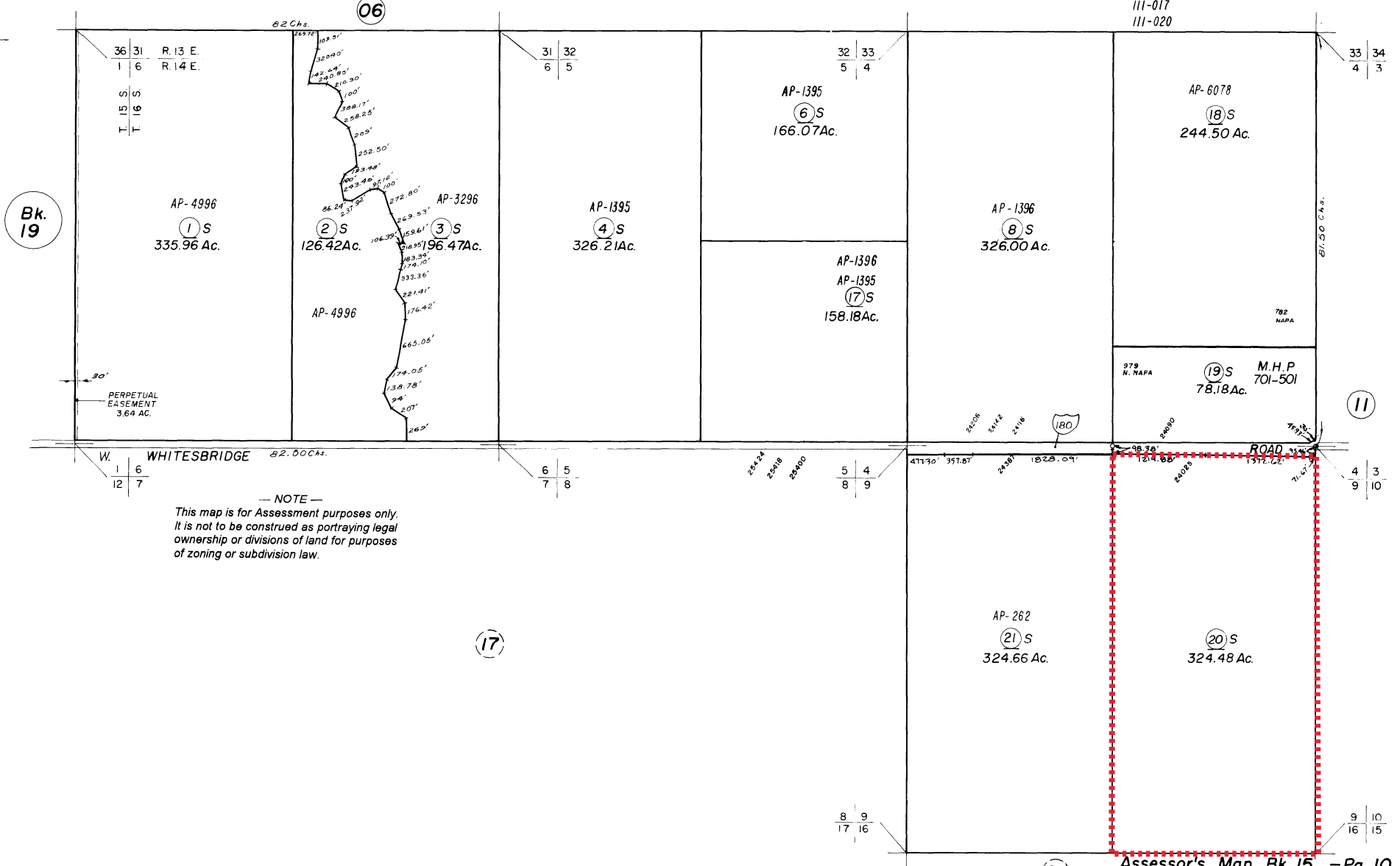
Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the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



Applicant's Signature



Date

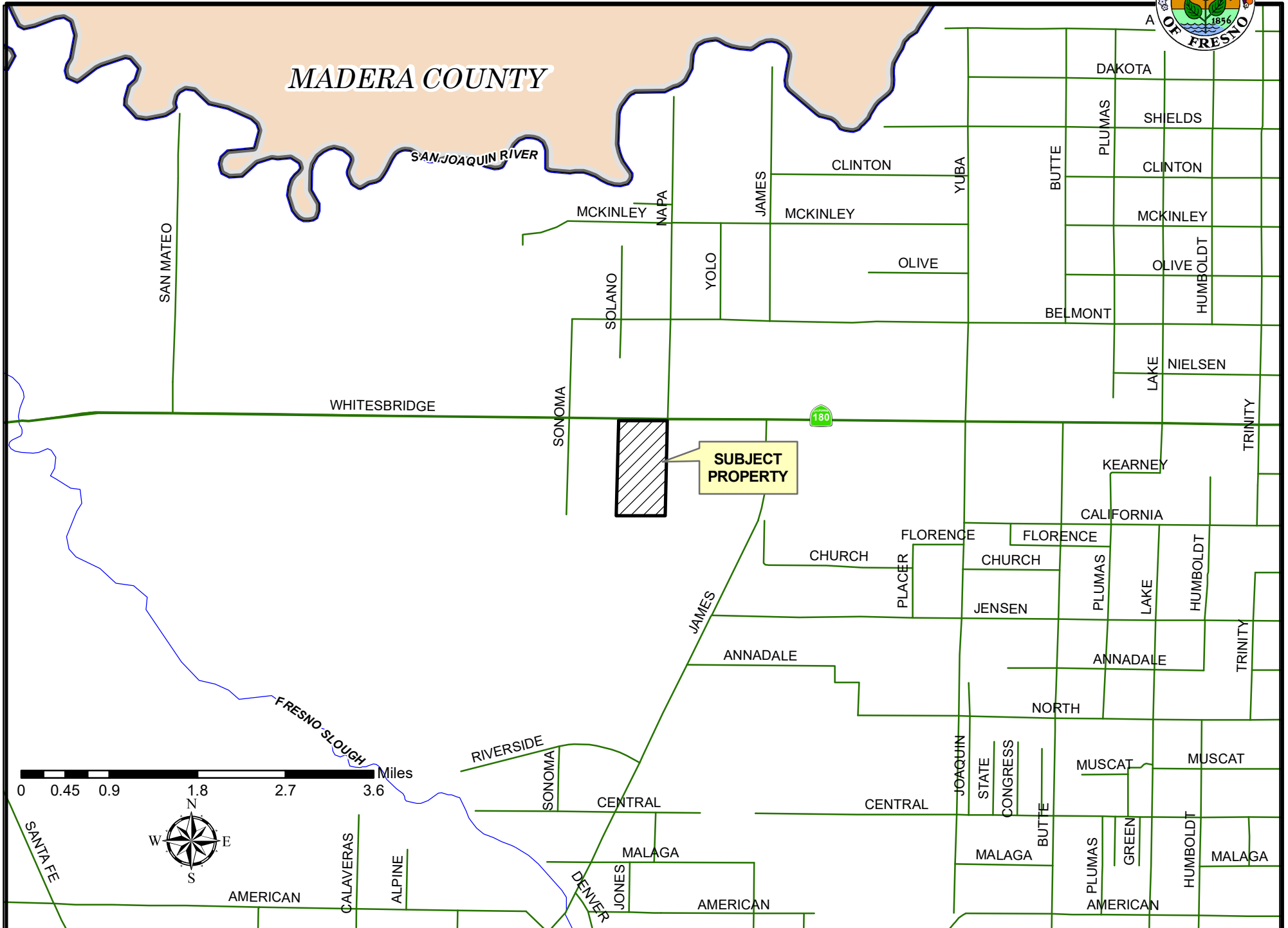


— NOTE —
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.

Agricultural Preserve

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

LOCATION MAP



MADERA COUNTY

SAN JOAQUIN RIVER

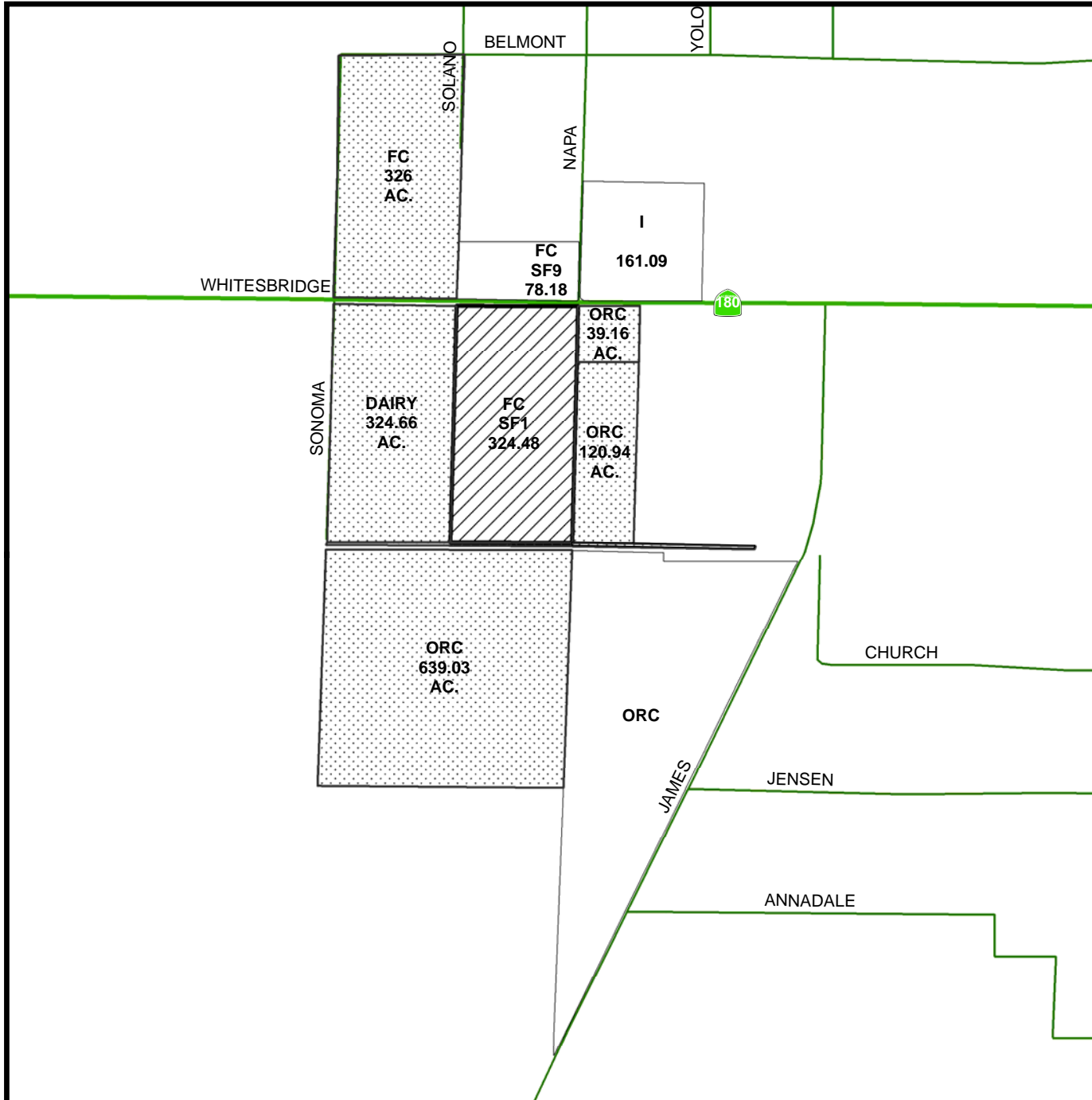
FRESNO SLOUGH

SUBJECT PROPERTY

0 0.45 0.9 1.8 2.7 3.6 Miles



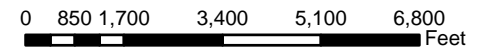
EXISTING LAND USE MAP



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

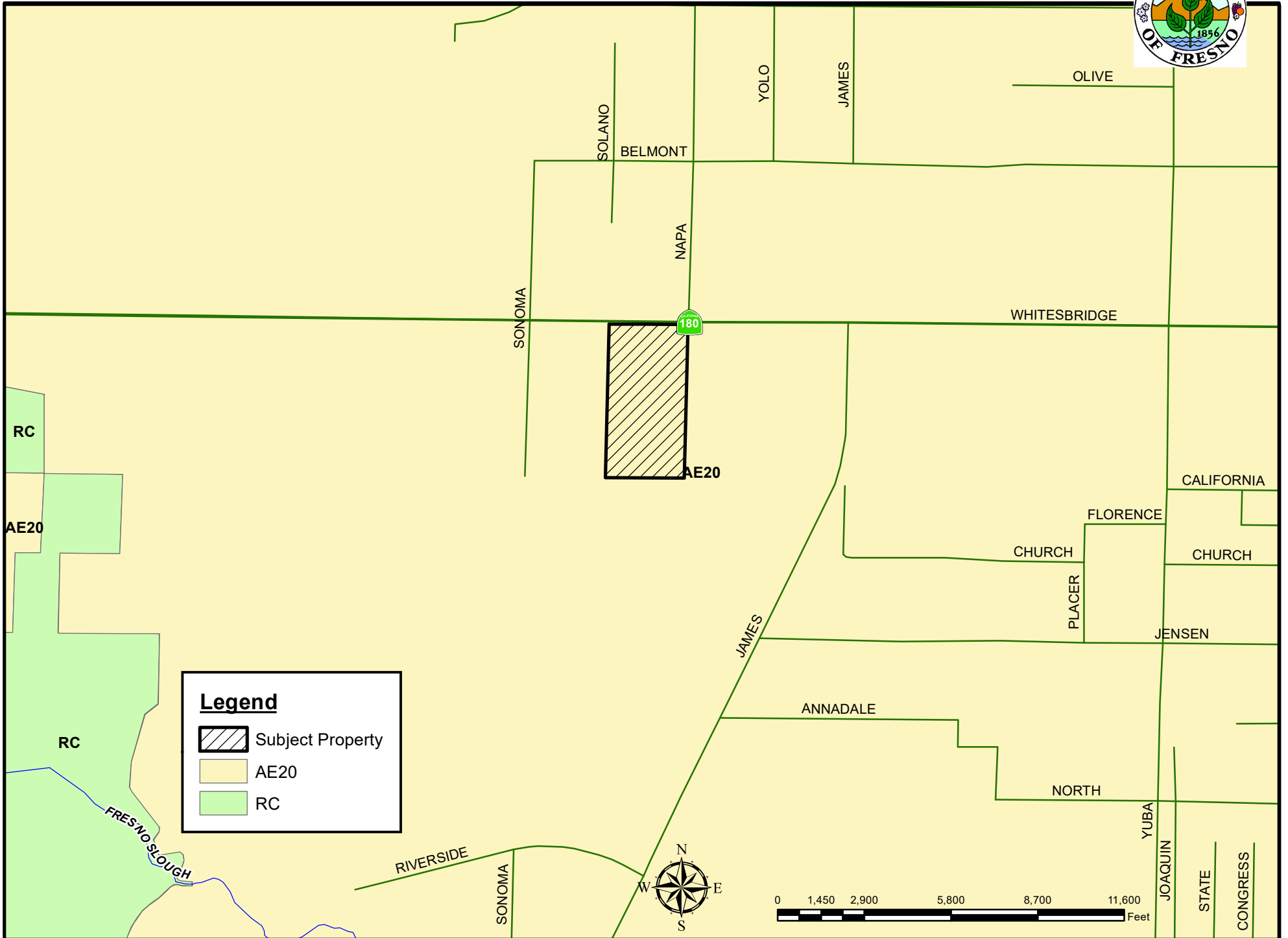
LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

EXISTING ZONING MAP



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

When Recorded Mail Document
and Tax Statement To:
BAR 20 NO. 4, L.P.
250 E. Belmont Ave.
Fresno, CA 93701

2
FRESNO County Recorder
Robert C. Werner
DOC- 2008-0094265
Acct 2-Chicago Title Company
Tuesday, JUL 01, 2008 08:00:00
Ttl Pd \$1,618.55
Nbr-0002796957
APR/R1/1-2

APN: 015-100-20s

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

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

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

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

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

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

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

DATED: June 16, 2008

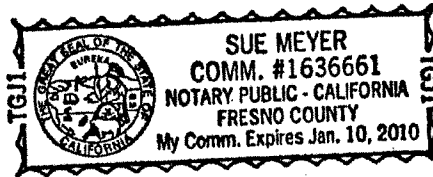
State of California)
County of Fresno)

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

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

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

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



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

WITNESS my hand and official seal.

Signature *Sue Meyer* (Seal)

RECEIVED
COUNTY OF FRESNO

OCT 13 2020

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

MAIL TAX STATEMENTS AS DIRECTED ABOVE

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

EXHIBIT "A"

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

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

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

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

APN: 015-100-20s

71

**Project Operational Statement
H2B2 USA, LLC**

March 25, 2021

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

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

24387 W. Whitesbridge Road
Kerman, CA 93630

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

Area: 1.25 acres +/-

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

Request: Approval of an Unclassified Conditional Use Permit to allow a renewable hydrogen generation facility fueled by dairy effluent in the AE-20 zone.

Background

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

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

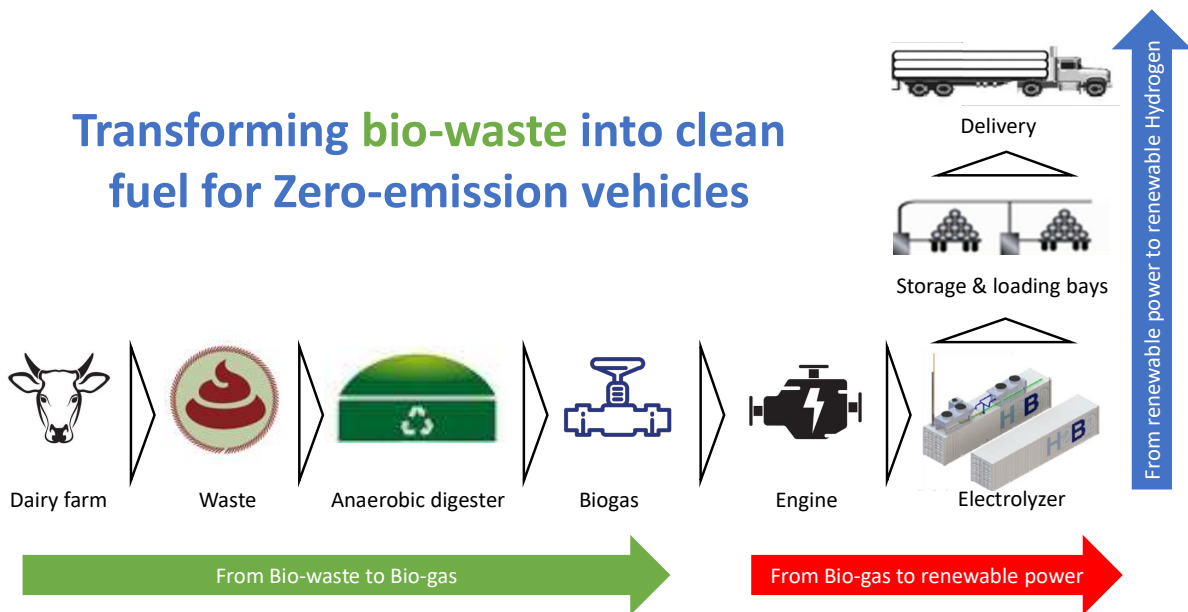
Livestock accounted for approximately 70 percent of agricultural emissions, which were generated primarily in the form of CH₄ from enteric fermentation and manure management. Dairy facilities are a major source of GHG emissions in California, accounting for roughly 60 percent of agricultural emissions.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

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

The Project’s electrolyzer and supporting equipment will be powered by the capture of methane biogas that will generate up to 2,000 kg/day of 99.999% pure renewable hydrogen to supply California’s expanding network of light-duty hydrogen refueling stations.

1. Nature of the Operation

FIGURE 1

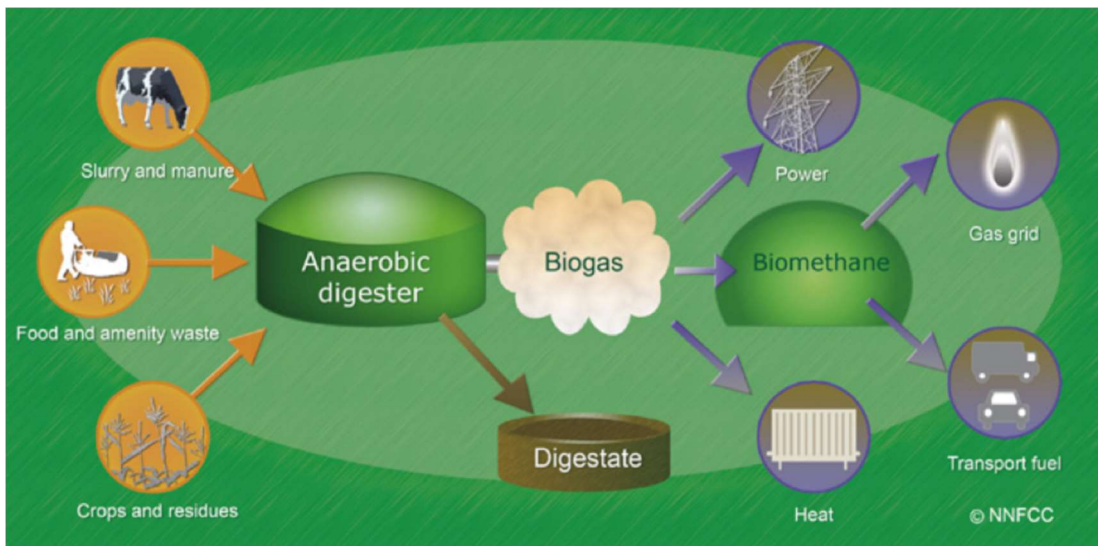


Operations will be sited on a 1.25 +/- acre portion of a 324.66 +/- acre parcel to be leased at the Bar 20 Dairy Farm west the City of Kerman. Applicant will construct, own and operate the proposed hydrogen generation facility utilizing patented PEM (polymer electronic membrane) technology.

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

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

FIGURE 2



The applicant will convert biogas to electricity via an engine specifically designed to use biogas fuel capable of a high electrical efficiency, flexible operation and power outputs. This electricity will power applicant's electrolyzer and other Project components.

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

The engine will be either be a Siemens 125 HP Model # PDC-13-2000/8000 (Figure 2), operating at 1750 RPM or an alternative engine with similar specifications specifically designed to use biogas fuel. Either engine will produce 480 volts of electricity and will be in an enclosed container with anchoring, venting, fire protection, and the like per building code requirements.

FIGURE 3



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

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

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

FIGURE 4



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

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

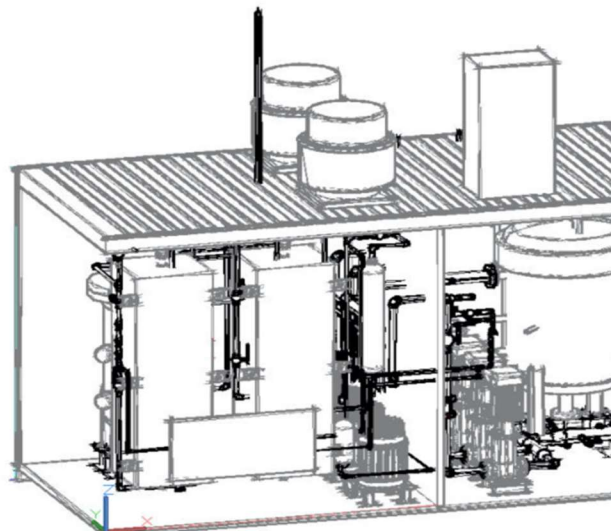
The electrolyzers and related equipment are delivered to the site and operated from 20- and 40-foot containers. Furthermore, the electrolyzer process produces no solid waste. Water used in the process has been processed so it is near drinking-water pure and will be released onto the land for Bar 20 Dairy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

FIGURE 5

Technology

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

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



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

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

2. Operational Time Limits

The Project will operate 24/7

3. Number of Customers/Visitors

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

4. Employees

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

5. Service/Delivery Vehicles

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

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

6. Site Access

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

7. Number of Parking Spaces for Employees

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

8. Goods Sold on Site

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

9. Equipment Used

Project equipment requirements are:

- (i) a generator capable of using biogas produced through anaerobic digestion
- (ii) a PEM Electrolyzer assembled and integrated by H2B2 Electrolysis Technologies, packaged and shipped in 20- 40-foot containers.
- (iii) a compressor utilized to compress gaseous hydrogen to approximately 2,000 PSI.
- (iv) in-place compression tubes for temporary storage.
- (v) dispensers that transfer stored gaseous hydrogen to the tube trailers.

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

10. Supplies/Materials

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

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

The site is within a larger 324.66+/- acre Bar 20 Dairy. The facility will occupy only 1.5 +/- acres of the Bar 20 Dairy. No speakers of any kind are used at the facility. All requirements of the County of Fresno Noise Ordinance will be met. There will be no outdoor public address system. Further, due to the size of the Bar 20 Dairy, there are no proximate noise receptors. All transport vehicles will comply with manufacturers' and applicable regulations including mufflers, idling, etc.

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

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

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

12. Solid/Liquid Waste Produced

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

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

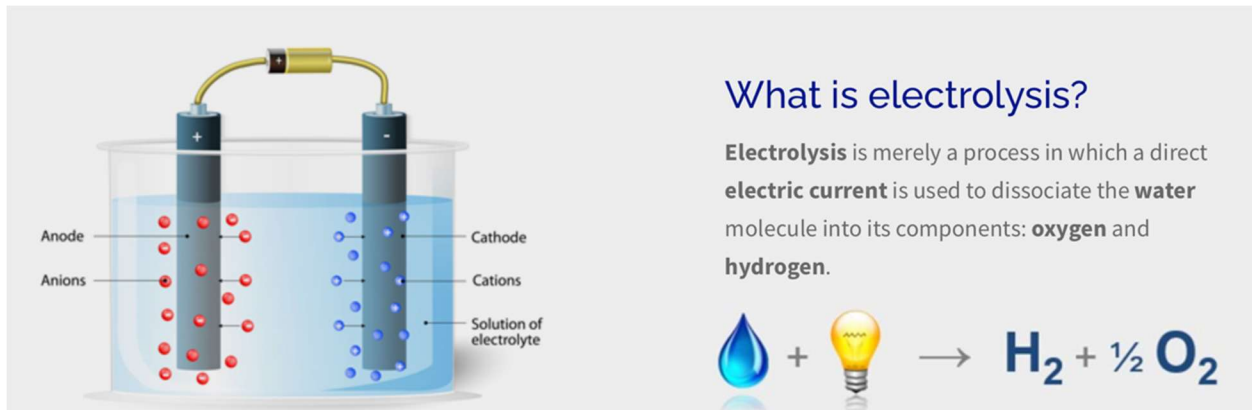
13. Estimated Volume of Water Used

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

At maximum capacity of 2,000 kg/day renewable hydrogen, the Project will need 18,000 kg of water or approximately 4,755 net gallons (1 kg = 0.264172503 gallons). However, since the water must be extremely pure and deionized water, the Project will have a gross usage of

between 6,340 and 7,925 gallons of water in the electrolyzer; 4,755 gallons are used in the stack, and 1,585 to 3,170 are “rejected”. These “rejected” gallons are near-drinkable water. The rejected water is not “contaminated” in any way as the electrolysis process simply extracts metals and adds nothing to the water. This water will be used for crop irrigation.

FIGURE 6



14. Proposed Advertising

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

15. Existing or New Buildings Constructed

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

16. Building/Proportion of Buildings Used in the Operation

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

17. Outdoor Lighting or Sound Amplification

During night operation, outdoor lighting will illuminate electrolysis, compression, storage and dispensing components of the Project. All lighting will be downward hooded fixtures. The project will also utilize security cameras covering the facility 24/7.

18. Landscaping/Fencing

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

19. Other Information Providing Clear Understanding of the Project Operations

Surface drainage and runoff control:

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

Employee Training:

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

Fuel storage:

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

Safety equipment:

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

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

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

Safety equipment is available to all personnel.

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

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

20. Owners, Officers and/or Board Members

H2B2 USA, LLC, sponsor of the Project, is 100% owned by H2B2 Electrolysis Technologies, Inc., a Delaware corporation. H2B2 USA, LLC is managed by Co-CEOs: James M. Corboy and Javier Brey. There is no independent Board of Directors.

Emergency Contact List

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

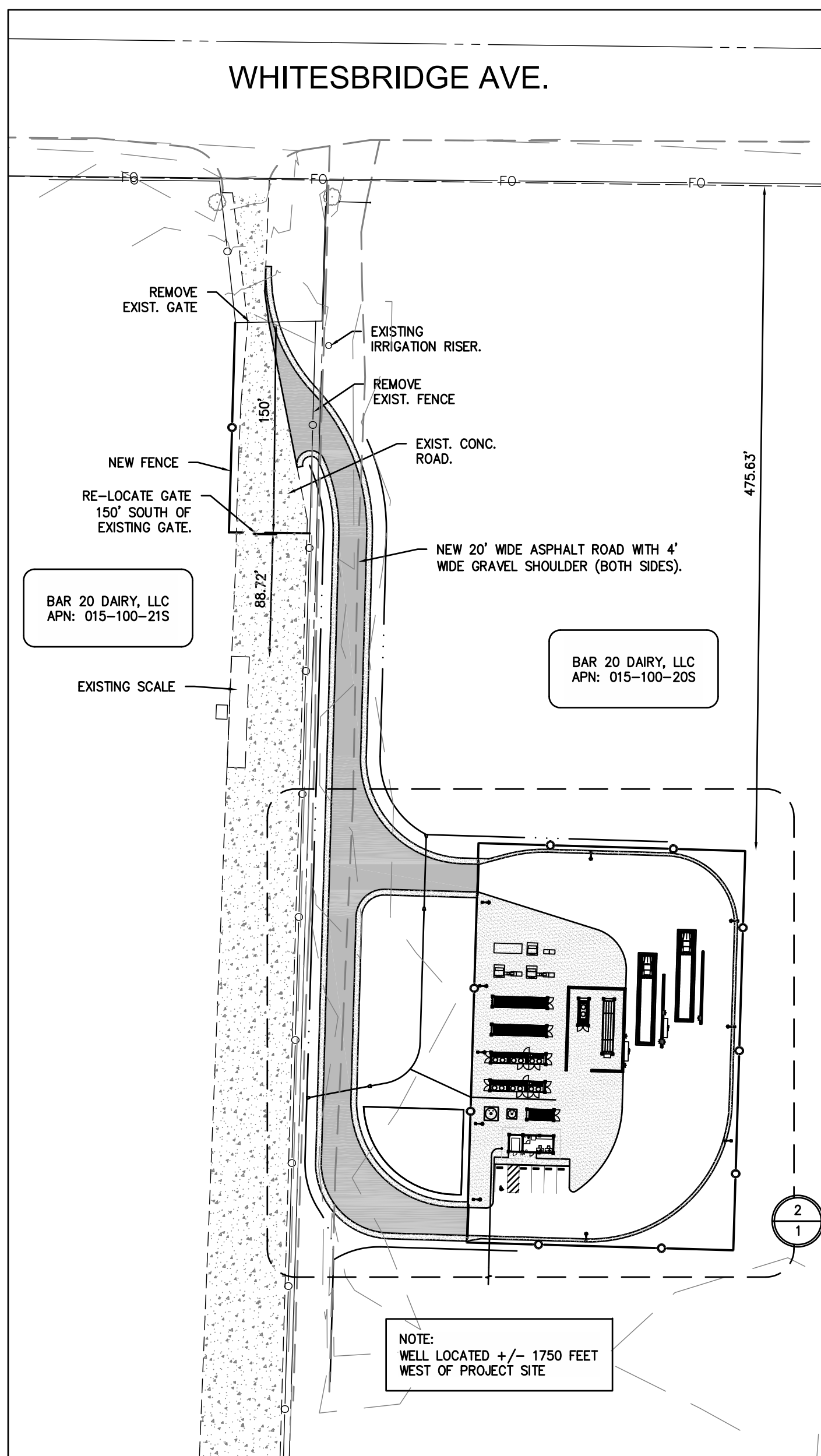
ATTACHMENTS

Project Site Plan

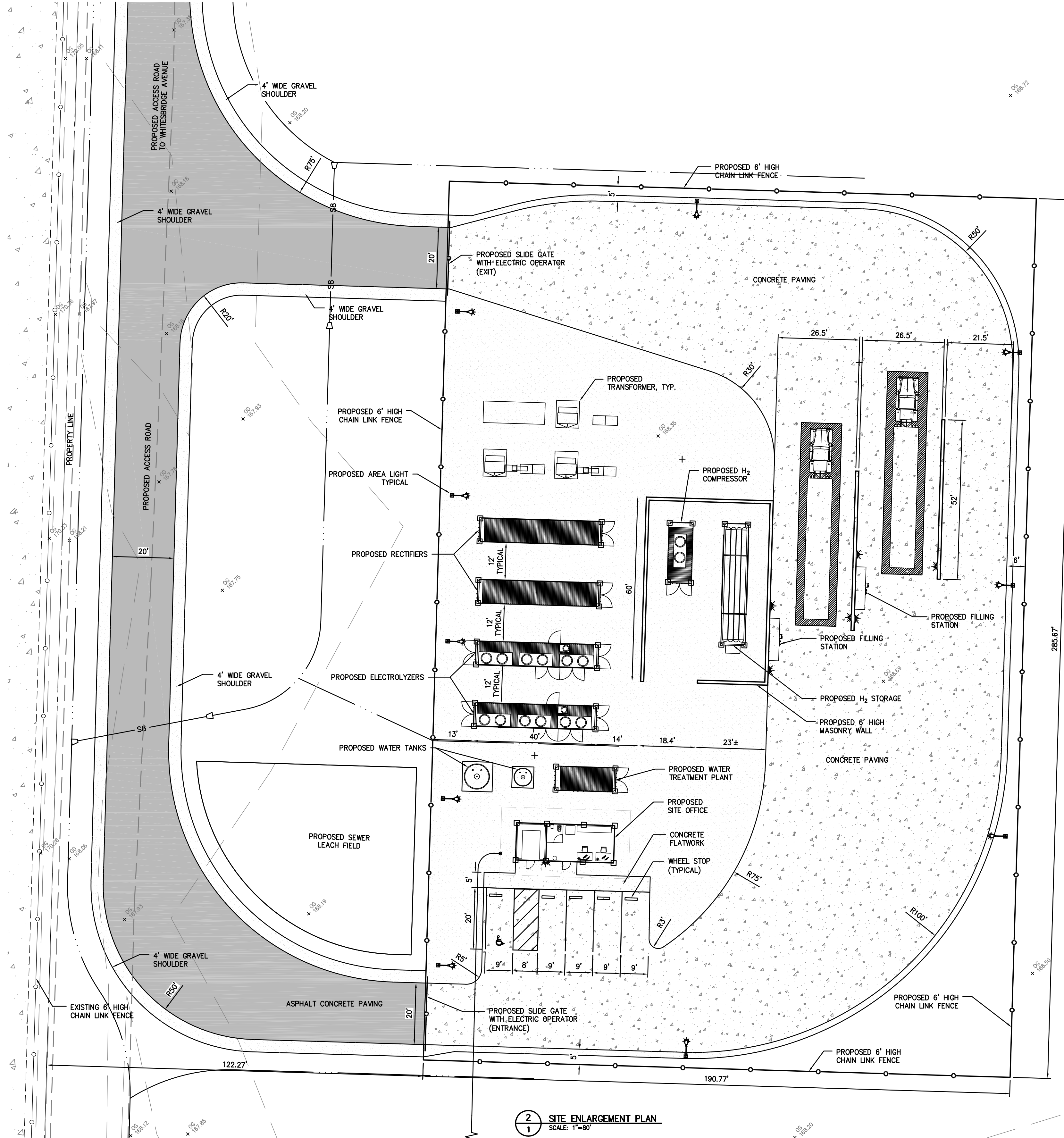
c:\users\dirk\autotask workplace\current clients\h2b2 usa, llc 20-34\operational statement.docx

HYDROGEN GENERATION FACILITY

COUNTY OF FRESNO,
STATE OF CALIFORNIA



1 OVERALL PLAN
SCALE: 1"=80'



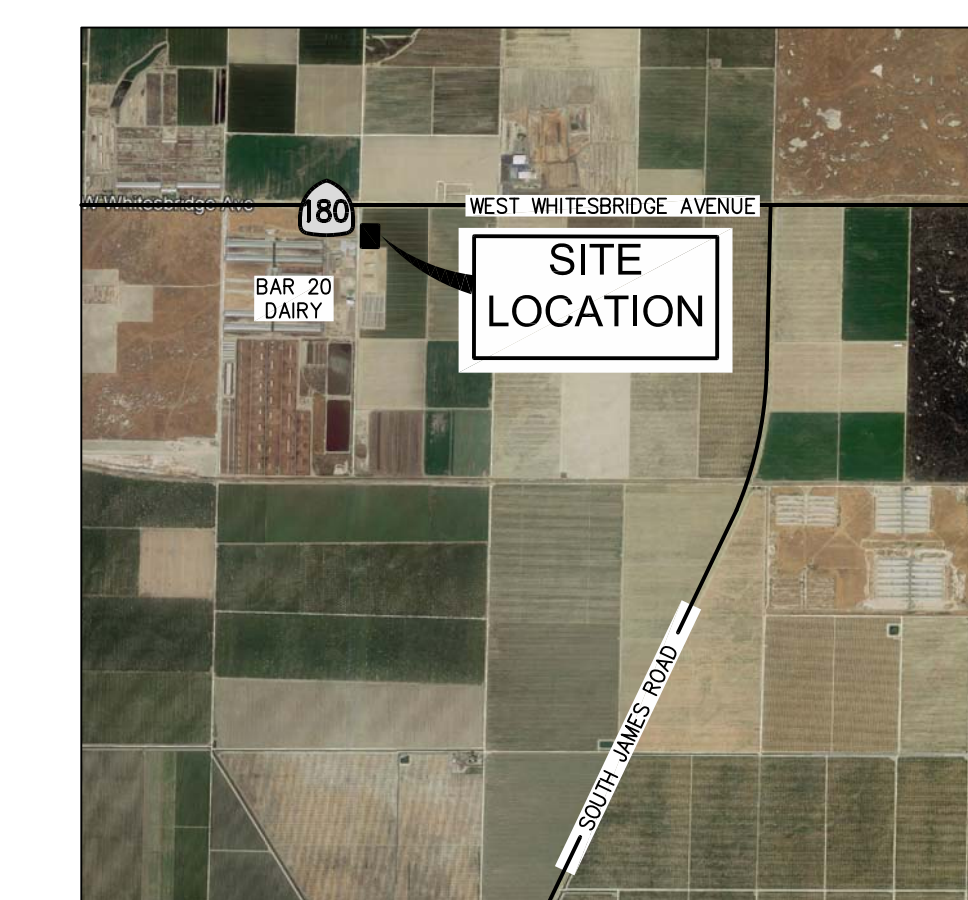
2 SITE ENLARGEMENT PLAN
SCALE: 1"=80'

SITE INFORMATION:

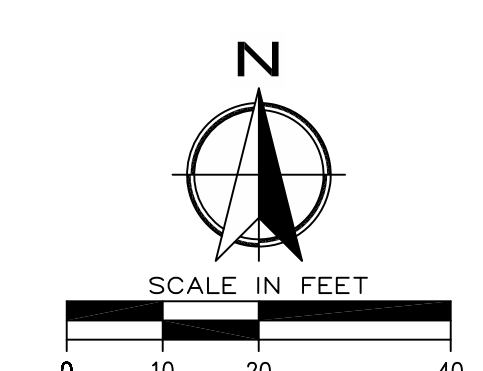
1. SITE ADDRESS: 24387 W WHITESBRIDGE AVE, KERNAN, CA 93630 (BAR 20 DAIRY)
2. APN: 015-100-20S
3. APPLICANT: H2B2 USA, LLC
1215 K STREET, SUITE 1700
SACRAMENTO, CA 93701
BAR 20 DAIRY, LLC
250 E. BELMONT AVENUE
FRESNO, CA 93701
4. RECORD OWNER: BAR 20 DAIRY, LLC
5. TOTAL SITE AREA: 1.25± ACRES
6. ZONING: AE20
7. SETBACKS (AE20):
FRONT - 35 FEET MIN.
REAR - 20 FEET MIN.
SIDE - 20 FEET MIN.
BUILDING HEIGHT - 35 FEET MAX.
7. THE EXISTING SITE IS CURRENTLY AN AG FIELD.
8. NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK.
9. NO OBSERVABLE EVIDENCE TO INDICATE THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
10. NO PONDS, LAKES, SPRINGS OR RIVERS BORDER ON OR RUN THROUGH PROPERTY.
11. THE PROPERTY SHOWN ON THIS MAP LIES WITHIN THE FLOOD HAZARD AREA DESIGNATED AS ZONE X. AREAS IN ZONE X ARE DETERMINED TO BE AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AS DELINEATED ON THE FEDERAL INSURANCE ADMINISTRATION'S FLOOD INSURANCE RATE MAP NO. 06019C2050H, DATED FEBRUARY 18, 2009.

LINETYPE LEGEND

EXISTING	PROPOSED	
--- --	---	CENTERLINE
---	---	EASEMENT
---	---	PROPERTY LINE
---	---	RIGHT-OF-WAY
---	---	SECTION LINE
---	---	CHAIN LINK FENCE
---	---	EDGE OF PAVEMENT
---	---	MASONRY WALL
---	---	ASPHALT CONCRETE
---	---	CONCRETE



VICINITY MAP:
NOT TO SCALE



DATE: 11-16-2020

HYDROGEN GENERATION FACILITY
 24387 WHITESBRIDGE ROAD
 KERNAN, CA 93630
 SITE PLAN

REV. NO.	DATE	DESCRIPTION

ENGINEER: _____
 LICENSE NO: _____
 DRAWN BY: DKB
 CHECKED BY: _____
 SCALE: AS SHOWN
 PROJECT NO: 20-063
 SHEET 1 1

PREPARED FOR: GATEWAY ENGINEERING, INC. ALL RIGHTS RESERVED. THE FORM OF MEASUREMENTS, DIMENSIONS, AND DISTANCES SHOWN ON THIS PLAN ARE THE PROPERTY OF GATEWAY ENGINEERING, INC. AND SHALL BE THE PROPERTY OF GATEWAY ENGINEERING, INC. ANY REUSE OR REPRODUCTION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF GATEWAY ENGINEERING, INC. IS STRICTLY PROHIBITED. THE INFORMATION SHOWN ON THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE OF ANY KIND. THE INFORMATION SHOWN ON THIS PLAN IS THE PROPERTY OF GATEWAY ENGINEERING, INC. AND SHALL BE THE PROPERTY OF GATEWAY ENGINEERING, INC. ANY REUSE OR REPRODUCTION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF GATEWAY ENGINEERING, INC. IS STRICTLY PROHIBITED.

RECEIVED
COUNTY OF FRESNO

OCT 13 2020

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION



County of Fresno

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

AGENT AUTHORIZATION

AUTHORIZATION OF AGENT TO ACT ON BEHALF OF PROPERTY OWNER

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

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

Dirk Poeschel
Agent Name (Print or Type)

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

923 Van Ness, Suite 200
Mailing Address

Fresno CA 93721
City / State / Zip Code

559-445-0374
Phone Number

dirk@dpls.com / kourtney@dpls.com
Email Address

015-100-215
Project APN

24387 West Whitebridge Road
Project Street Address

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

Project Description (Print or Type):

Approval of an Unclassified Conditional Use Permit to allow a hydrogen generation facility fueled by dairy effluent in the AE-20 zone.

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

Stephen J. Shehadey
Owner Signature

October 6, 2020
Date

Stephen J. Shehadey
Owner Name (Print or Type)

559-824-6587
Phone Number

Shehadeys@aol.com
Email Address

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

G:\4360Devs&Pln\FORMSF410 Agent Authorization 8-14-19.doc



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OCT 13 2020

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AND PLANNING
DEVELOPMENT SERVICES DIVISION

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STEVEN E. WHITE, DIRECTOR

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Dirk Poeschel
Agent Name (Print or Type)

Dirk Poeschel Land Per. Servs., Inc.
Company Name (Print or Type)

923 Van Ness, Suite 200
Mailing Address

Fresno CA 93721
City / State / Zip Code

559-445-0374
Phone Number

dirk@dplds.com / kourtney@dplds.com
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[Signature]
Owner Signature

October 5 2020
Date

JAMES M CONROY
Owner Name (Print or Type)

303.601.3531
Phone Number

jim.conroy@h2b2.es
Email Address

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