



County of Fresno

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

September 9, 2019

Five Points Pipeline, LLC
3711 Meadow View Drive #100
Redding 96002

L&J Vanderham Dairy
10846 W. Mt. Whitney Avenue
Riverdale CA 93656

Van der Hoek Dairy Biogas LLC
3711 Meadow View Drive #100
Redding CA 96002

Van der Kooi Dairy Power LLC
13695 W. Elkhorn Avenue
Riverdale CA 93656

Wilson Dairy Biogas LLC
3711 meadow View Drive #100
Redding CA 96002

Dear Applicant:

Subject: Resolution No. 12791 - Initial Study Application No. 7608 and Unclassified
Conditional Use Permit Applications No. 3642, 3643, 3644, 3645, 3646 and 3647

On August 8, 2019, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permits.

If you have any questions regarding the information in this letter, please contact me at jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: August 8, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12791 - INITIAL STUDY APPLICATION NO. 7608 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATIONS NO. 3642, 3643, 3644, 3645, and 3647

APPLICANTS: Five Points Pipeline, LLC; L&J Vanderham Dairy; Van der Hoek Dairy Biogas LLC; Vander Kooi Dairy Power LLC; Wilson Dairy Biogas LLC

OWNERS: Eric A. te Velde & Katelyn J. te Velde Revocable Family Trust; L&J Vanderham Dairy; Pier Van der Hoek & Darlene Van der Hoek as Trustees of the Van der Hoek Family Revocable Trust of September 1, 2011; Van der Kooi Family Trust; Dry Creek Holdings, LLC

REQUEST: Allow the installation of four new covered lagoon anaerobic dairy digesters with related biogas conditioning equipment and biogas generators to produce electricity on four existing dairies; the installation of biogas conditioning equipment at a fifth dairy with an existing digester and generator; the construction of an approximately 10.5-mile underground pipeline to connect the participating dairies; and allow produced biomethane to be transported to a centralized hub where a biogas upgrading facility will be constructed to clean and condense the biogas before it is injected into the PG&E natural gas transmission line.

LOCATION: The project is bounded by the unincorporated communities of Five Points to the southwest, Helm to the north, Burrell to the northeast, and Lanare to the east and southeast; State Route 145 (Madera Avenue) on the west; Mount Whitney Avenue on the south; Jameson Avenue on the east; and Kamm Avenue on the north; within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone Districts (SUP. DIST. 1 and 4) (Dairies: APN Nos. 040-130-51S, 050-160-16S, 050-270-56S, 050-170-41S, 050-260-12S, 040-130-35S) (Pipeline APN Nos. 040-130-35S, 49, 44S, 48S, 51S; 041-100-17, 45S; 050-160-13S, 16S; 050-170-41S; 050-200-38S; 050-230-20S, 23S; 050-260-10S, 11S, 12S; 050-270-56S).

PLANNING COMMISSION ACTION:


At its hearing of August 8, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit Nos. 3642, 3643, 3644, 3645, 3646 and 3647, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Lawson, Eubanks, Abrahamian, Burgess, Chatha, Delahay, Ede, Hill and Vallis
	No:	None
	Absent:	None
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

 William M. Kettler, Manager
 Development Services and Capital Projects Division

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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Classified Conditional Use Permits.

Attachments

EXHIBIT A

Initial Study Application No. 7608

Unclassified Conditional Use Permit Applications No. 3642, 3643, 3644, 3645, 3646, and 3647

Staff: The Fresno County Planning Commission considered the Staff Report dated August 8, 2019, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- Digesters are inserted into the dairy nutrient cycle in order to capture biogas and allow it to be burned, thereby reducing the amount of methane released into the atmosphere; a digester is essentially a large manure pond that is lined and then covered by high-density polyethylene, which allows capture of the biogas.
- The participating dairies have executed lease and manure supply agreements with Five Points Pipeline.
- The cleanup facility consists of a series of compressors, holding vessels, and scrubbers, which convert biogas to biomethane.
- The total cost of the project is 28 million dollars and the project will be employing labor resources, companies, and equipment from the surrounding community.
- One of the environmental benefits of the project is that it is estimated to reduce greenhouse gas emissions by removing about 94 thousand tons per year of combined greenhouse gases, which is roughly equivalent to operation of about 19,000 cars; it is consistent with State greenhouse gas reduction goals.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7608/Unclassified Conditional Use Permit Application Nos. 3642-3647
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Biological Resources	<p>To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:</p> <p>Construction shall be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities, and to evaluate potential Project-related impacts.</p> <p>If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason the colony should be reassessed to determine the extent of the breeding colony before conducting construction activities.</p> <p>In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 (b), prior to any ground-disturbing activities.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P) in consultation with CDFW	February 1 through September 15

2.	Biological Resources	<p>To mitigate impacts to the San Joaquin Kit Fox (SJKF) and American Badger, the following measures shall be implemented:</p> <p>Avoidance of Burrows for San Joaquin Kit Fox and American Badger. If dens/burrows that could support any of these species are discovered during the pre-activity clearance surveys conducted under BIO-1, the avoidance buffers outlined below should be established. No work would occur within these buffers unless the biologist approves and monitors the activity. Dens or burrows of these species shall not be destroyed unless it is determined that the den/burrow is not occupied. In no case shall a San Joaquin kit fox natal den or known den be destroyed without the concurrence of USFWS and CDFW, and appropriate artificial den replacements are provided.</p> <ul style="list-style-type: none"> • San Joaquin Kit Fox • Potential Den – 50-feet • Atypical Den – 50-feet (includes pipes and other man-made structures) • Known Den – 100-feet • Natal/Pupping Den – 500-feet <p>American Badger</p> <ul style="list-style-type: none"> • Known Den — 100-feet <p>The Applicants shall assess presence/absence of SJKF by conducting surveys following the USFWS (2011) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance." Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground-disturbing activities.</p> <p>SJKF detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b).</p> <p>Standard Avoidance and Minimization Measures for the San Joaquin kit fox and American badger - The following standard avoidance and minimization measures are recommended to be implemented:</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction
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			<ul style="list-style-type: none"> • Construction-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all project areas, except on County and City roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However, if night construction activities do occur, then the speed limit should be reduced to 10 mph. Off-road traffic outside of designated project areas should be prohibited. • To prevent inadvertent entrapment of kit foxes or other wildlife during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly examined for trapped animals. If at any time a trapped or injured kit fox is discovered, USFWS and CDFW should be contacted as noted below. • Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped. • All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
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	<ul style="list-style-type: none"> • No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens. • Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of special-status species and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. 	
	<ul style="list-style-type: none"> • A representative should be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a special-status species or who finds a dead, injured, or entrapped special-status species. The representative will be identified during the employee education program and their name and telephone number should be provided to USFWS. 	
	<ul style="list-style-type: none"> • In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or USFWS should be contacted for guidance. 	
	<ul style="list-style-type: none"> • Any person who is responsible for inadvertently killing or injuring a special-status animal species should immediately report the incident to their representative. This representative should contact CDFW immediately in the case of a dead, injured, or entrapped special-status species. The CDFW contact for immediate assistance is State Dispatch at 916-445-0045. They will contact the local warden or wildlife biologist. USFWS should be contacted at the number below. 	
	<ul style="list-style-type: none"> • The Region 8 Sacramento Fish and Wildlife Office and Region 4 CDFW should be notified in writing within three working days of the accidental death or 	

						<p>injury to a kit fox during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below.</p> <p>U.S. Fish and Wildlife Service Region 8 – California and Nevada 2800 Cottage Way Sacramento, CA 95825 Contact: Tim Ludwick Phone: 916-414-6464</p> <ul style="list-style-type: none"> • New sightings of kit fox should be reported to CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the appropriate wildlife agencies. <p>Den Avoidance - In the event that a potential den that may be suitable for American badger, San Joaquin kit fox, or burrowing owl is detected during pre-activity clearance surveys, the biologist should monitor the den using cameras and tracking medium for five days to determine if the den is occupied by a special-status species. If after five (5) days no activity is detected, then the den can be backfilled. Construction personnel may collapse the den only under the direct supervision of the biologist. If a special-status species is detected using the den, the den must be avoided until the animal leaves on its own. A minimum 100-foot buffer should be constructed using orange construction fencing around the den during the nonbreeding season (April to November). During the breeding season (December to March), the buffer should be extended to 250 feet. Consultation with USFWS and/or CDFW will be required prior to collapsing dens known to be occupied by kit foxes. If authorized by CDFW, passive relocation of wildlife may be accomplished using one-way doors to exclude wildlife from dens. An exclusion plan approved by CDFW would be required prior to the installation of one-way doors.</p> <p>To mitigate impacts to the Swainson's Hawk (SWHA), the following measures shall be implemented:</p>
3.	Biological Resources		Applicant	Applicant/PW&P in consultation with CDFW	February 1 through	

	<p>Construction is to be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. In addition, CDFW recommends that a qualified biologist conduct additional pre-construction surveys for active nests no more than 10 days prior to the start of construction.</p> <p>If an active SWHA nest is found during pre-construction surveys, CDFW recommends implementation of a minimum 1/2-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p> <p>If the 1/2-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an ITP for SWHA is necessary prior to project implementation, pursuant to Fish and Game Code Section 2081(b) to comply with CESA.</p>		September 15
4.	<p>Biological Resources</p> <p>If project activities are planned to start during the migratory bird nesting season, February 1 to September 15, a pre-activity nesting bird survey should be conducted within seven (7) days of the start of these activities. These surveys should be phased with construction of the project. If active nests are detected during the survey, or at any time during construction of the project, an avoidance buffer will be established by a qualified biologist based on the species and the activities that are underway. For raptor species (except Swainson's hawk), the avoidance will typically be 500 feet. For non-raptor species, the buffer will be 250 feet. Note that some bird species are known to nest on human structures, including construction equipment. Construction personnel should be educated about this possibility as part of the employee education program.</p>	Applicant	Before and during construction
5.	<p>Biological Resources</p> <p>To mitigate impacts to the Giant Garter Snake (GGS), the following measures shall be implemented:</p>	Applicant	Before and during construction

	<p>A qualified biologist shall conduct a habitat assessment well in advance of project implementation to determine if the Project area or its vicinity contains suitable habitat for GGS.</p> <p>No more than 30 days prior to ground-disturbing activities, a qualified biologist with GGS experience and knowledge of its ecology shall survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which GGS could be present. It is advised that all potentially suitable burrows and crevices be flagged and avoided by a minimum 50-foot no-disturbance buffer. If a 50-foot radius buffer isn't feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take.</p> <p>If take cannot be avoided, acquisition of an ITP would be required prior to Project implementation to comply with CESA. Capture and relocation of any species listed under CESA would require an ITP from CDFW, as capture (or attempt to do so) is defined as take under Fish and Game Code Section 86.</p>	
6.	<p>Biological Resources</p> <p>To mitigate impacts to the Burrowing Owl (BUOW), the following measures shall be implemented:</p> <p>The Applicant shall assess presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.</p> <p>Since BUOW occupy burrow habitat year-round, CDFW recommends seasonal no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p>	
	Applicant	
	Applicant/PW&P in consultation with CDFW	
		Before and during construction

			Applicant/PW&P in consultation with CDFW	Applicant	Prior to Permits																						
	<table border="1" data-bbox="99 840 406 1575"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Time of Year</th> <th colspan="3">Level of Disturbance</th> </tr> <tr> <th>Low</th> <th>Med</th> <th>High</th> </tr> </thead> <tbody> <tr> <td>Nesting sites</td> <td>April 1- Aug 15</td> <td>200 meters</td> <td>500 meters</td> <td>500 meters</td> </tr> <tr> <td>Nesting sites</td> <td>Aug 16- Oct 15</td> <td>200 meters</td> <td>200 meters</td> <td>500 meters</td> </tr> <tr> <td>Nesting sites</td> <td>Oct 16- Mar 31</td> <td>50 meters</td> <td>100 meters</td> <td>500 meters</td> </tr> </tbody> </table> <p data-bbox="454 840 1047 1575">If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities at a rate that is sufficient to detect BUOW if they return.</p>	Location	Time of Year	Level of Disturbance			Low	Med	High	Nesting sites	April 1- Aug 15	200 meters	500 meters	500 meters	Nesting sites	Aug 16- Oct 15	200 meters	200 meters	500 meters	Nesting sites	Oct 16- Mar 31	50 meters	100 meters	500 meters	<p data-bbox="1047 840 1136 1575">To mitigate impacts to sensitive habitat, the following measures shall be implemented:</p> <p data-bbox="1136 840 1380 1575">A formal stream mapping and wetland delineation shall be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that, while there is overlap, State and Federal definitions of wetlands as well as what activities require Notification pursuant to Fish and Game Code Section 1602 differ.</p> <p data-bbox="1380 840 1515 1575">Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as what activities may require Notification to comply with the Fish and Game Code. Fish and Game Code Section 2785 (g)</p>	Biological Resources	7.
Location	Time of Year			Level of Disturbance																							
		Low	Med	High																							
Nesting sites	April 1- Aug 15	200 meters	500 meters	500 meters																							
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	<p>defines wetlands; further, Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important to note that while accurate wetland delineations by qualified individuals have resulted in more rapid review and response from USACE and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands, as well as the location of any activities that may affect a lake or stream, be included with any Project site evaluations.</p>		
	<p>Fish and Game Code Section 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may: (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information on Notification requirements, please contact our staff in the LSA Program at (559) 243-4593.</p>	Applicant	Applicant/PW&P in consultation with CDFW
8.	<p>Biological Resources</p>	<p>Prior to the issuance of building permits, if Stinson Canal cannot be avoided, specific impacts on the features shall be quantified by an aquatic resources delineation prepared by a qualified biologist. A Central Valley Regional Water Quality Control Board Section 401 Water Quality Certification, a Section 404 ACOE permit and Section 1602 California Department of Fish and Wildlife Streambed Alteration Agreement shall be obtained, or confirmation received from these agencies that regulatory permits are not required.</p>	<p>Prior to Permits</p>
9.	<p>Biological Resources</p>	<p>Worker Environmental Awareness Training: Prior to the initiation of construction, and for the duration of project construction and maintenance activities that could affect natural habitat, all new personnel should attend a Construction Personnel Environmental Awareness Training and Education Program. The program should be developed by a qualified biologist. Any employee responsible for the operation and maintenance (O&M) of the completed facilities should also attend the Construction Personnel Environmental Awareness Training and Education Program.</p>	<p>Prior to construction</p>

		<p>a) The program should include information on the life history of the burrowing owl, American badger, San Joaquin kit fox, Swainson's hawk, migratory birds and raptors, and special-status plant species that may be encountered during construction and operations and maintenance activities.</p> <p>b) The program should discuss each species' legal protection, status, the definition of "take" under the Endangered Species Act, measures the project operator must implement to protect the species, reporting requirements, specific measures that each worker should employ to avoid take of wildlife species, and penalties for violation of the State and federal ESAs.</p> <p>c) The program should provide information on how and where to bring injured animals for treatment in case any animals are injured on the project site, and how to document animal mortalities and injuries.</p> <p>d) An attendance form signed by each worker indicating that environmental training has been completed will be kept on record.</p>	Applicant	Applicant/PW&P	During ground-disturbing activities
10.	Cultural Resources	<p>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.</p>	Applicant	Applicant/PW&P	During construction and operation
11.	Aesthetics	<p>All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.</p>	Applicant	Applicant/PW&P	During construction and operation

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.
2.	The Applicant shall prepare an Over and Across Agreement to permit access, equipment, conduit, pipeline, etc. crossing from one parcel to another from APN 041-030-20S to APN 041-030-48S. The agreement shall be reviewed and approved by the Development Services and Capital Projects Division of the Department of Public Works and Planning prior to the issuance of building permits.
3.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance for CUP Nos. 3642-3647. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Unclassified Conditional Use Permit (CUP) Nos. 3642-3647 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits, and inspections are required for the proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	All survey monumentation – property corners, section corners, County benchmarks, Federal benchmarks and triangulation stations, etc. – within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
4.	The proposed Project may be subject to the following Air District Rules and Regulations: <ul style="list-style-type: none"> – Regulation VIII (Fugitive PM 10 Prohibitions) – Rule 4102 (Nuisance) – Rule 4601 (Architectural Coatings) – Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) – Rule 4002 (National Emission Standards for Hazardous Air Pollutants) – Rule 4550 (Conservation and Management Practices) – Rule 4570 (Confined Animal Facilities) – District Rule 2201 (New and Modified Stationary Source Review) or District Rule 2010 (Permits Required).
5.	Engineered grading plans will be required for an work exceeding 1,000 cubic yards. An engineered grading plan and grading permit will be required for all project site improvements on all subject parcels.
6.	To satisfy Best Practicable Treatment or Control requirements of the Digester Order, the proposed new pond should meet the Tier 1 liner design specifications cited in Pond Specification C.5 of the Reissued Waste Discharge Requirements General

Notes

	Order for Existing Milk Cow Dairies, Order No. R5-2013-0122.
7.	Any additional runoff generated by the proposed developed of this site should be retained on site.
8.	An encroachment permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning will be required for any work done in the County right-of-way.
9.	All proposed improvements shall be located outside of the County road right-of-way. Setbacks to proposed structures shall be measured from the ultimate County road right-of-way.
10.	This application shall comply with California Code of Regulation Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for this project, the Applicant shall submit construction plans to the County of Fresno Department Public Works and Planning for review. It is the Applicant's responsibility to deliver three sets of plans to FCFPD. This project shall annex to Community Facilities District No. 2010-01 and will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. FCFPD requirements may include, but are not limited to: water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinkler systems, fire alarm systems, premises identification and Title 15.60 County Ordinance.
11.	Prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a solid waste facility from the County of Fresno Department of Public Health, Environmental Health Division acting as the Local Enforcement Agency. Please contract Solid Waste staff at (559) 600-3271 for more information.
12.	The projects shall comply with the provisions of the Fresno County Flood Hazard Ordinance, Fresno County Ordinance Code Section 15.48. Any structure, tank, electrical panels or other equipment placed within the flood hazard area will require an elevation certificate (1988 Datum) prepared by a licensed land surveyor.
13.	For all County-maintained road crossings, the Applicant shall be required to: <ul style="list-style-type: none"> • Execute an agreement with the County, assuming financial responsibility for and repair of any impacts to the County-maintained roadways resulting from the installation or operation of underground infrastructure and/or signage within the County right-of-way. • Acquire valid encroachment permits prior to construction of any crossings. • Provide both hard-copy and digital, stamped As-Built engineering drawings detailing all infrastructure within the County right-of-way.
14.	At any road crossings, the proposed pipeline shall be encased in a steel sleeve (diameter and wall thickness as appropriate for the size of the carrier pipe). All County road crossings of the proposed pipeline shall be bored and sleeved in a steel casing, which shall extend from right-of-way line to right-of-way line of the road. All such road crossings shall be designed by a registered civil engineer and reviewed by and permitted through the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

Notes	
	<p>No longitudinal encroachments of the proposed pipeline shall be allowed in the County road right-of-way.</p> <p>Any electrical interconnects shall be located outside of the County right-of-way unless the facilities are deeded to Pacific Gas and Electric (PG&E) for maintenance purposes.</p>
15.	The Applicants and or entities shall register with Underground Service Alert (USA) North, and pay annual fees to ensure that USA is notified any time there is a proposed excavation in proximity to the pipeline.
16.	The project shall comply with the Health and Safety Element of the Fresno County General Plan and the provisions of Chapter 8.40 - Noise Control of the Fresno County Ordinance Code.
17.	<p>Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and Site Map:</p> <ol style="list-style-type: none"> 1. There is a 100 percent or more increase in the quantities of a previously undisclosed material; or 2. The facility begins handling a previously undisclosed material at or above the HMBP threshold levels. <p>The proposed operation shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency.</p>
18.	<p>All hazardous waste shall be handled in accordance the requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.</p> <p>If the anaerobic digester process requires accepting manure or other feedstock from off site, the facility will be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements [Title 14, California Code of Regulations (CCR), Division 7, Chapter 3, Articles 6.0-6.35].</p>
19.	According to the Applicant's submitted operational statement, the proposed operation entails that separated solids from the anaerobic digesters will be disposed of at an appropriate solid waste facility. If the facilities change operations to use the separated solids for composting, the Applicants/operators shall, prior to the production of compost from digester operations, apply for and obtain a permit to operate a Solid Waste Facility from the County of Fresno Department of Public Health, Environmental Health Division (Local Enforcement Agency).
20.	The Applicant and property owner of each parcel to be traversed by or contain any portion of the proposed pipeline shall create and record pipeline easement(s) with exhibit maps with the County of Fresno for the entire pipeline.
21.	All of the participating dairies are regulated by the Regional Water Quality Control Board, under the Dairy General Order, and are required to have a Waste Management Plan and Certificate of Waste Discharge.