

Lakeside-02

**Appendix A Supporting the Prepared Direct Testimony of
Daryl Maas**

(Pilot Project)

[PUBLIC VERSION VOLUME 7]

project site, and a comparison to the CNDDDB records was conducted. The results of this evaluation concluded that no special-status plant species are anticipated to occur on or near the project site and four wildlife species have a reasonable potential to occur on or near the project site.

General Wildlife and Plant

Most of the project site has experience significant historical and ongoing ground disturbance from agricultural uses and dairy farm development surrounding the project site. The wildlife species inhabiting the project site and immediate surrounding area include those typically found in moderate to heavily disturbed habitats associated with urban development zone of the San Joaquin Valley.

A total of 20 bird species, seven mammal species, and one amphibian species, or sign of, were identified during the survey. A total of 18 plant species were identified during the survey. Illustrates the observed species while conducting the reconnaissance level survey.

Table 3.4.4-1
List of Plant and Wildlife Species Observed on the Project

Scientific Name	Common Name
Wildlife	
<i>Agelaius phoeniceus</i>	red-winged blackbird
<i>Anas platyrhynchos</i>	mallard
<i>Ardea alba</i>	great egret
<i>Ardea herodias</i>	great blue heron
<i>Bos taurus</i>	domestic cow
<i>Bubo virginianus</i>	great horned owl
<i>Buteo jamaicensis</i>	red-tailed hawk
<i>Buteo swainsoni</i>	Swainson's hawk
<i>Canis lupus familiaris</i>	domestic dog
<i>Capra aegagrus hircus</i>	domestic goat
<i>Charadrius vociferus</i>	killdeer
<i>Corvus brachyrhynchos</i>	American crow
<i>Corvus corax</i>	common raven
<i>Equus asinus</i>	domestic donkey
<i>Falco mexicanus</i>	prairie falcon
<i>Falco sparverius</i>	American kestrel
<i>Felis catus</i>	domestic cat
<i>Fulica americana</i>	American coot
Geomyidae	gopher*
<i>Himantopus mexicanus</i>	black-necked stilt
<i>Lithobates catesbeianus</i>	bull frog
<i>Melospiza melodia</i>	song sparrow
<i>Numenius americanus</i>	long-billed curlew

Scientific Name	Common Name
<i>Otospermophilus beecheyi</i>	California ground squirrel
<i>Plegadis chihi</i>	white faced ibis
<i>Tyrannus verticalis</i>	western kingbird
<i>Xanthocephalus xanthocephalus</i>	yellow-headed blackbird
<i>Zenaida macroura</i>	mourning dove
Plants	
<i>Amsinckia menziesii</i>	fiddleneck
<i>Avena fatua</i>	wild oat
<i>Brassica nigra</i>	black mustard
<i>Bromus rubens</i>	red brome
<i>Cynodon dactylon</i>	Bermuda grass
<i>Equisetum sp.</i>	Horsetail reed
<i>Erodium cicutarium</i>	red-stem filaree
<i>Eucalyptus globulus</i>	eucalyptus
<i>Hordeum murinum</i>	hare barley
<i>Medicago sativa</i>	alfalfa
<i>Phoenix dactylifera</i>	date palm
<i>Phoenix dactylifera</i>	pistachio
<i>Pinus sp.</i>	Pine tree
<i>Populus sp.</i>	Cottonwood
<i>Sisymbrium irio</i>	London rocket
<i>Solanaceae</i>	nightshade
<i>Triticum sp.</i>	Wheat
<i>Vitis vinifera</i>	grape
<i>Washingtonia robusta</i>	queen palm

*Indicates that only sign (scat, tracks, prey remains, dens, etc) were observed

Sensitive Habitats and Special-Status Species

SPECIAL-STATUS WILDLIFE

Protocol survey for specific special-status wildlife species were not conducted for this report as it was determined by the consulting biologist that such surveys were not warranted due to the condition of the project site.

Based on the survey there are 31 special-status wildlife species that have the potential to occur within the five subject quadrangle and 13 surrounding quadrangles. Table 3.4.4-1 shows that there are 19 wildlife species found in the CNDDDB that are found within a 10-mile buffer of the project site. Of the 19 species, a total of 15 can be eliminated from consideration due to the lack of suitable habitat within the project site. The remaining four species have a low, moderate, or high potential to occur within the project site and vicinity. There is one species with a low potential (i.e. San Joaquin kit fox) to occur on the project site, one species (i.e. tricolored blackbird) have a moderate potential to occur, and two species (i.e. Swainson's hawk and yellow-headed blackbird) are present on the project site.

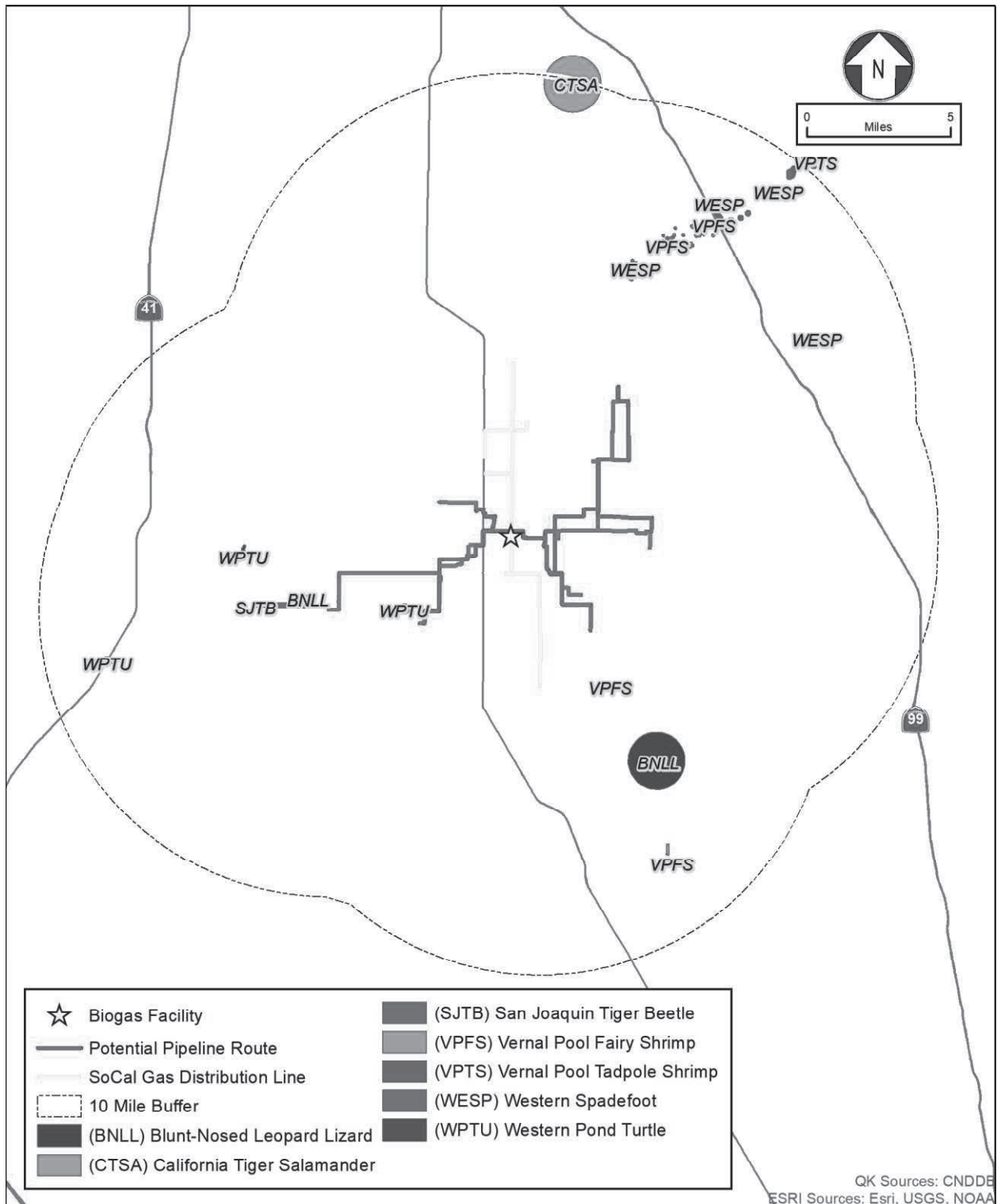


Figure 3.4.4-1
CNDDB Reptiles and Amphibians

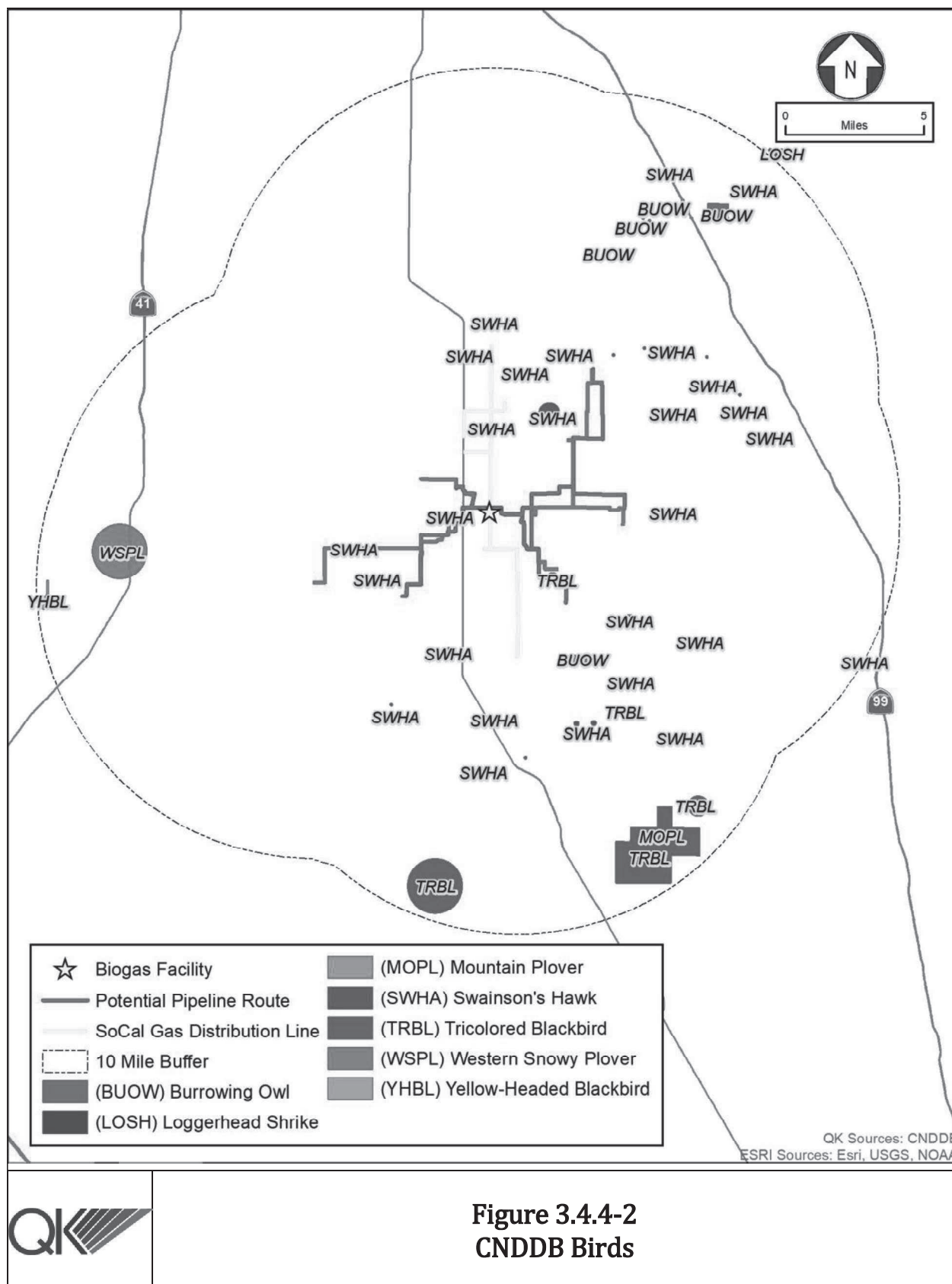
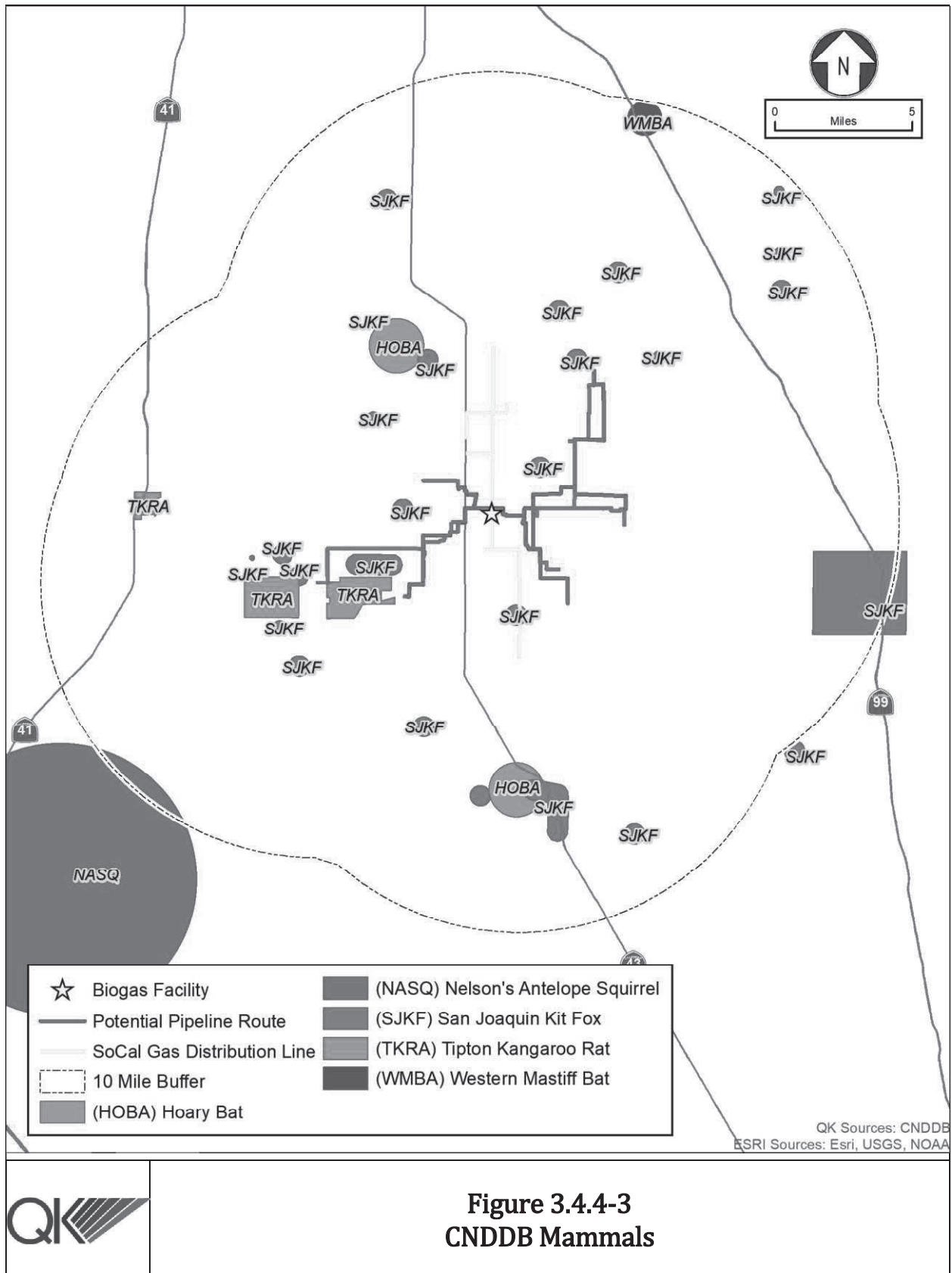


Figure 3.4.4-2
CNDDDB Birds



San Joaquin Kit Fox

San Joaquin kit fox (*Vulpes macrotis mutica*) has a low potential to occur within the project site and immediate surrounding area. The nearest historical CNDDDB record (1975) for SJKF observation occurred in close proximity of the project site. There is a low potential for SJKF to reside or forage in the agricultural fields surrounding the project site due to the lack of suitable habitat. There were no potential dens observed within the project area. No San Joaquin kit fox or sign were observed at the time of the survey. However, the species is known to occur in the vicinity of the project and could potentially be present from time to time as transients.

Tricolored Blackbird

The tricolored blackbird (*Agelaius tricolor*) has a moderate potential to occur within the project and immediate surrounding area. The nearest historical CNDDDB record (2014) for tricolored blackbird observation occurred in close proximity of the project site. Tricolored blackbird is known to inhabit or forage in cattail or tule marshes, or open habitats such as farm fields, pastures, or cattle pens. There is a moderate potential for tricolored blackbird to reside or forage in the agricultural fields surrounding the project site to the north, south, east, and west. No tricolored blackbird was observed at the time of the survey.

Yellow-Headed Blackbird

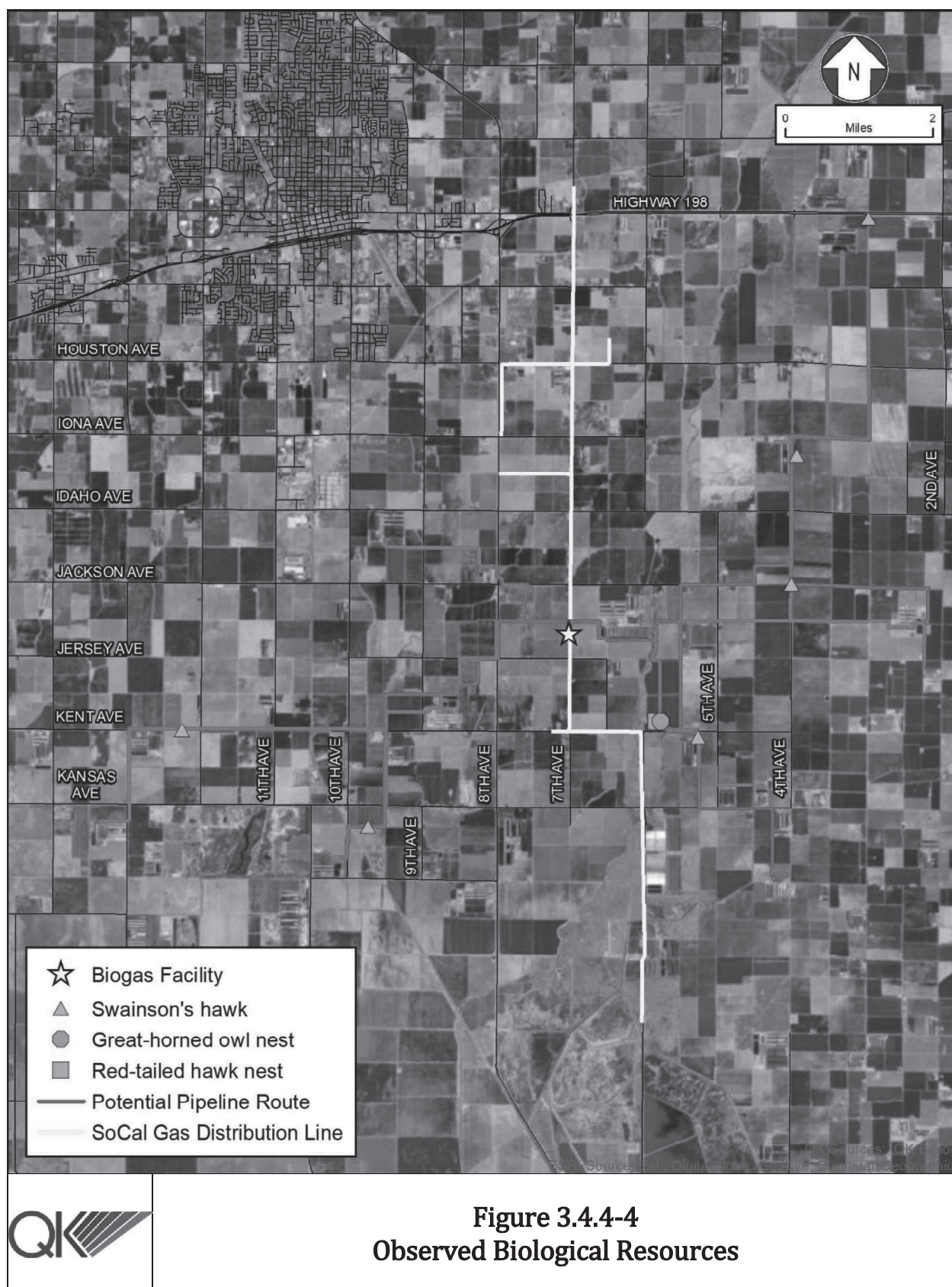
Yellow-headed blackbird (*Xanthocephalus xanthocephalus*) are known to occur in both freshwater and wetlands areas and in nearby farm fields. The area surrounding the project site is currently and has historically been used for agricultural production. One yellow-headed blackbird was observed at the time of the survey. No nesting yellow-headed blackbird was observed during the reconnaissance survey.

Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*) are known to forage in open agricultural fields, such as hay or alfalfa. The area surrounding the project site is currently and has historically been used for such agricultural production. Several Swainson's hawks were observed at the time of survey in several locations (Figure 3.4.4-4). No nesting Swainson's hawk was observed during the reconnaissance survey; however, Swainson's hawk observed were foraging on or near the project site.

Burrowing owl

Burrowing owl (*Athene cunicularia*) are known to forage in open landscapes including grasslands, rangelands, agricultural areas, deserts, or open areas with low vegetation. The area surrounding the project site is currently and has historically been used for agriculturally purposes. No burrowing owls or its sign (i.e. burrows, whitewash, scat, tracks) were observed at the time of the reconnaissance survey. There is moderate potential for the burrowing owl to reside or forage in the agricultural fields surrounding the project site to the south, east, and west.



Tipton kangaroo rat

Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) are limited to the arid landscape found on the Valley floor of the Tulare Basin. They are typically found in areas of scattered woody shrubs and ground cover of typically non-native or native annual grasses and forbs. They predominately feed on seeds with some herbaceous vegetation and insects. No Tipton kangaroo rat or its sign (i.e. burrows, scat, or tracks) were observed at the time of the reconnaissance survey. Due to the lack of suitable foraging habitat, there is low potential for the Tipton kangaroo rat to reside or forage in the agricultural fields surrounding the project site.

San Joaquin kangaroo rat

San Joaquin kangaroo rat or Fresno kangaroo rat (*Dipodomys nitratoides*) historically were known to occur within the San Joaquin Valley floor but are now currently only found in Fresno, Madera, and Merced Counties. Typically, inhabiting areas that are uncultivated grasslands, alkali sink shrubland, or sometimes seasonally flooded wetland areas. No San Joaquin kangaroo rat or its sign (i.e. burrows, scat, or tracks) were observed at the time of the reconnaissance survey. Due to the lack of suitable foraging habitat, there is low potential for the San Joaquin kangaroo rat to reside or forage in the vicinity of the project site.

Blunt nosed leopard lizard

Blunt-nosed leopard lizard (*Gambelia sila*) inhabit open, with sparsely vegetated areas within the San Joaquin Valley at lower elevations. They predominately feed on insects (i.e. grasshoppers, and crickets) and other lizards. No blunt-nosed leopard lizard or its sign (i.e. burrows, scat, or tracks) were observed at the time of the reconnaissance survey. Due to the lack of suitable foraging habitat, there is low potential for the blunt-nosed leopard lizard to reside or forage in the vicinity of the project site.

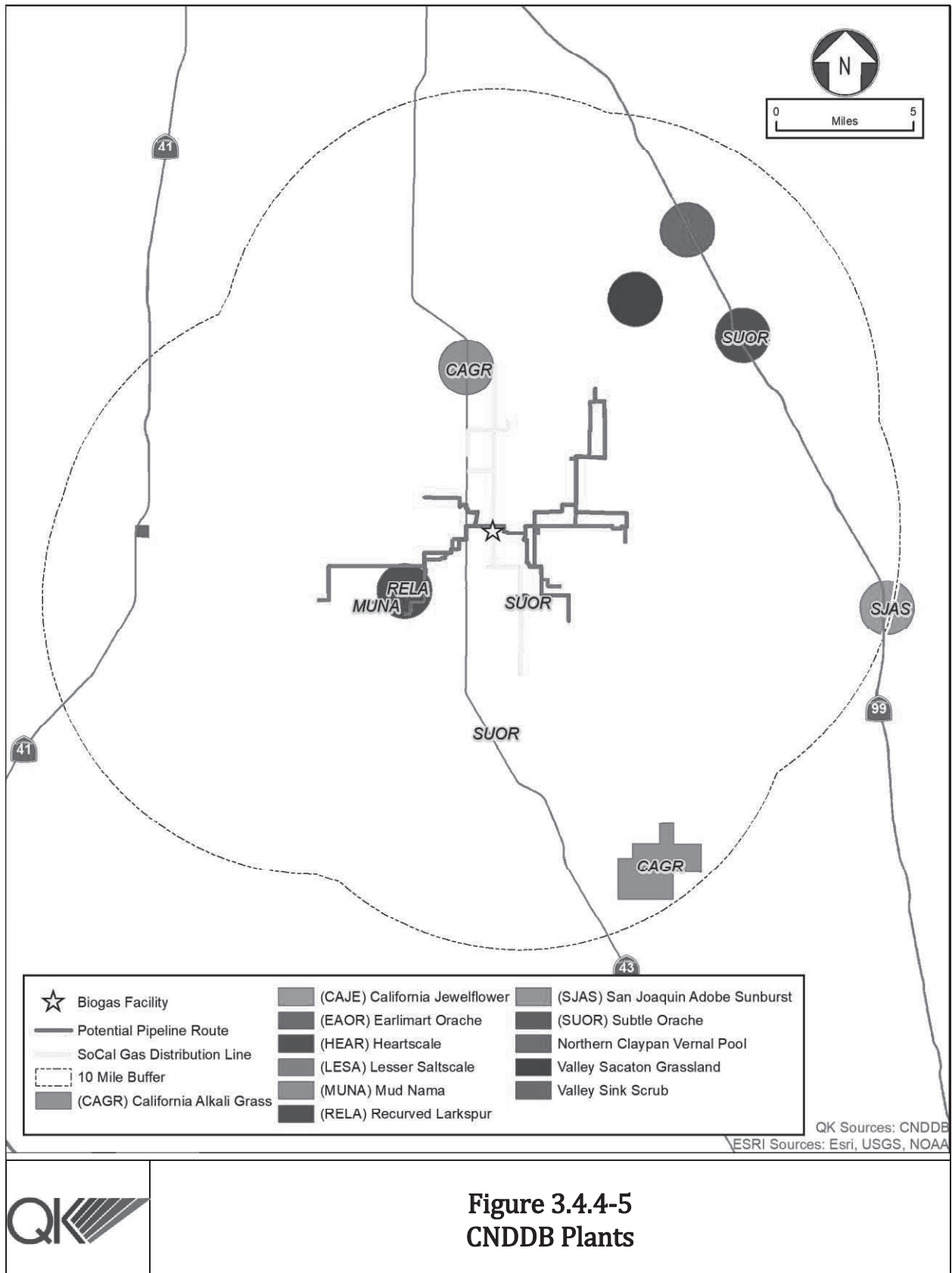
Conclusion

With the exception of the Swainson's hawk and yellow-headed blackbird, no special-status species or sign were observed during the reconnaissance survey.

SPECIAL-STATUS PLANTS

There are nine plant species and three plant communities identified by the CNDDDB that are found within a 10-mile buffer of the project site. However, based on the survey, there are no special-status plant species that have the potential to occur within the five subject quadrangles and 13 surrounding quadrangles.

The project site and surrounding area has been disturbed for years due to ongoing agriculture crop cultivation and dairy farm operations. The project site and vicinity does not provide suitable habitat for any of these special-status plant species.



No special-status plant species were identified during the biological reconnaissance survey. A total of 18 plant species were observed during the survey of the project site (Table 3.4.4-1). Although protocol level botanical surveys were not conducted and the reconnaissance survey did not coincide with optimum blooming periods for all plant species, it is not anticipated that special-status plant species will be encountered on the project site.

Through implementation of mitigation measures listed below, impacts of the proposed project would not 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. Therefore, the project will have a less-than-significant impact with incorporation of mitigation measures.

MITIGATION MEASURE(S)

MM BIO-1: Prior to ground-disturbing activities, a qualified wildlife biologist shall conduct a biological clearance survey no more than 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, Tipton kangaroo rat, San Joaquin kangaroo rat, burrowing owl, other special-status species or signs of, and sensitive natural communities. The pre-construction survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the project site and the 50-foot buffer, where feasible.

Exclusion zones for kit fox shall be placed in accordance with U.S. Fish and Wildlife Service (USFWS) Recommendations using the following:

Potential Den	50-foot radius
Known Den	100-foot radius
Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance
Atypical Den	50-foot radius

Buffer zones shall be considered Environmentally Sensitive Areas (ESAs) and no ground-disturbing activities shall be allowed within a buffer area. The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be contacted upon the discovery of any natal or pupping dens.

Potential kit fox dens may be excavated provided that the following conditions are satisfied: (1) the den has been monitored for at least five consecutive days and is deemed unoccupied by a qualified biologist; (2) the excavation is conducted by or under the direct supervision of a qualified biologist. Den monitoring and excavation should be conducted in accordance with the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (United States Fish and Wildlife Service, 2011).

MM BIO-2: Species awareness training shall be conducted for all employees, contractors, or other personnel involved with the project prior to the commencement of ground-disturbing

activities. The training shall consist of a brief presentation by a qualified biologist and include the following: a description of special-status species with the potential to occur in the project area and their habitat needs, a report of occurrence of special-status species in the project area, an explanation of the listing status of said species, a list of avoidance and minimization measures to be implemented, and violations associated with the federal and State endangered species acts. A fact sheet conveying this information should be available to all personnel upon entering the project site and a sign-in sheet shall be maintained and made available to the district, USFWS, and CDFW.

MM BIO-3: During all construction-related activities, the following mitigation shall apply:

- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or project site.
- Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds should not exceed 20 miles per hour (mph) within the project site.
- To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two-feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four inches or greater that are stored on the project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.
- 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 four inches or greater that are stored at a construction site for one or more overnight periods shall 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 shall not be moved until the 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.
- No pets, such as dogs or cats, shall be permitted on the project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
- Use of anti-coagulant rodenticides and herbicides in project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall 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 the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.

- A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
- The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin 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. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
- All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the USFWS at the address below.
- Any project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.

MM BIO-4: All fencing constructed on the project site shall be wildlife friendly. In order to allow wildlife safe passage, fencing shall have a five to seven-inch continuous gap with the bottom mesh material knuckled back along the bottom of the fence.

MM BIO-5: If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the project sites, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist in coordination with the California Department of Fish and Wildlife shall determine buffer distances and/or the timing of project activities so that the proposed project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed project remains in compliance with the Migratory Bird Treaty Act and applicable State regulations.

MM BIO-6: If construction of the project occurs during Swainson's hawk breeding season (February 1 through September 15), no more than 10 days prior to the commencement of construction, the following shall be implemented:

- Protocol nesting surveys for Swainson's hawk shall be conducted by a qualified biologist within 0.5 miles of the project site and pipeline route. The survey methodology shall be consistent with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000). At a minimum, two sets of surveys shall be conducted between March 20 and April 20. If no nests are observed, no further action is necessary.
- If active Swainson's hawk nests are observed within 0.5 miles of the project, appropriate avoidance and minimization measures shall be implemented under direction of a qualified biologist in coordination with the California Department of Fish and Wildlife. A copy of the survey results shall be submitted to the Kings County Community Development Agency.

MM BIO-7: If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent with those included in the California Department of Fish and Game Staff Report on Burrowing Owl Mitigation (CDFG 2012). If occupied burrowing owl burrows are observed outside of the breeding season (September 1 through January 31) and within 500 feet of proposed construction activities, a passive relocation effort may be instituted in accordance with the guidelines established by the California Burrowing Owl Consortium (1993) and the California Department of Fish and Game (2012). During the breeding season (February 1 through August 31), a 250-foot (minimum) buffer zone shall be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

MM BIO-8: The measures listed below shall be implemented prior to and during construction at the project site, to protect the Tipton and San Joaquin kangaroo rat and other special-status small mammals:

- All construction activity shall occur during daylight when kangaroo rats are less active;
- A biologist shall inspect areas with a potential for kangaroo rat burrows within 14 days prior to construction. If potential burrows are found in construction areas, trapping shall be conducted for a minimum of three nights with at least one trap per active burrow. If Tipton kangaroo rats are captured, consultation with California Department of Fish and Wildlife is required; and
- During operations, no small mammal burrows shall be removed without first being inspected by a qualified biologist. If it is essential to move a burrow, trapping shall occur for three consecutive nights. If Tipton or San Joaquin kangaroo rats are observed, consultation with California Department of Fish and Wildlife shall occur to determine subsequent actions.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.4b – Would the project 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?

There are three sensitive natural communities; including Northern Claypan Vernal Pool, Valley Sacaton Grassland, and Valley Sink Scrub, with the potential to occur within 10-miles of the project site. The project site is highly disturbed, surrounded by disturbed cultivated land and does not provide habitat to maintain these communities. No sensitive natural communities were identified within the project site, the buffer area or the pipeline route during the biological reconnaissance survey. Although protocol-level botanical surveys were not conducted, it is unlikely that these habitat communities exist in the project area due to heavy disturbance of the project site and surrounding vicinity. There are no anticipated impacts to sensitive natural communities as a result of the proposed project. The project site covers an area of approximately 30,000 square feet and approximately 37 miles of low-pressure HDPE biogas gathering lines.

Riparian habitat is defined as lands that are influenced by a river, specifically the land area that encompasses the river channel and its current or potential floodplain. With respect to sensitive natural communities, due to the extensive agricultural development that has occurred, there are no identified sensitive natural communities located within or in close proximity to the project site. The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. Therefore, the project's impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.4c – Would the project 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?

The United States Army Corps of Engineers (USACE) has regulatory authority over the Clean Water Act (CWA), as provided for by the EPA. The USACE has established specific criteria for the determination of wetlands based upon the presence of wetland hydrology, hydric soils, and hydrophilic vegetation. There are no federally protected wetlands or vernal pools that occur within the project site.

Wetlands, streams, reservoirs, sloughs, and ponds typically meet the criteria for federal jurisdiction under Section 404 of the CWA and State jurisdiction under the Porter-Cologne Water Quality Control Act. Streams and ponds typically meet the criteria for State jurisdiction under Section 1602 of the California Fish and Game Code. There are no features on the project site that would meet the criteria for either federal or State jurisdiction. No waters of the U.S., including wetlands, or waters of the State were observed on the project

site. Therefore, the project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA.

Accordingly, there are no wetlands or Waters of the U.S. occurring on the project site. There would be no impact to federally protected wetlands or waterways as a result of the proposed project. Therefore, impacts would be considered less than significant

However, the gathering lines will cross several existing irrigation drainages or canals, as well as Cross Creek. Cross Creek may be considered Waters of the U.S. or Waters of the State. As proposed, the pipeline will be installed using either a jack and bore method under the drainages or an open cut method to traverse the drainages and Cross Creek. If the jack and bore method is used, there would be no disturbance of the drainage bed and bank, and therefore impacts would be considered less than significant. If the open cut method is used, as required by MM BIO-9, prior to commencement of gathering pipeline construction, a delineation of the Cross Creek would be conducted by a qualified biologist to determine if the drainage was considered Waters of the U.S. or Waters of the State, identify the bed and bank, and determine the amount of disturbance area that would be required. Applications for the appropriate permits such as a 401 Water Quality Certification, a Section 404 Permit or a Section 1602 Permit would be obtained prior to any construction activities. Implementation of MM BIO-9 would reduce impacts to less than significant.

MITIGATION MEASURE(S)

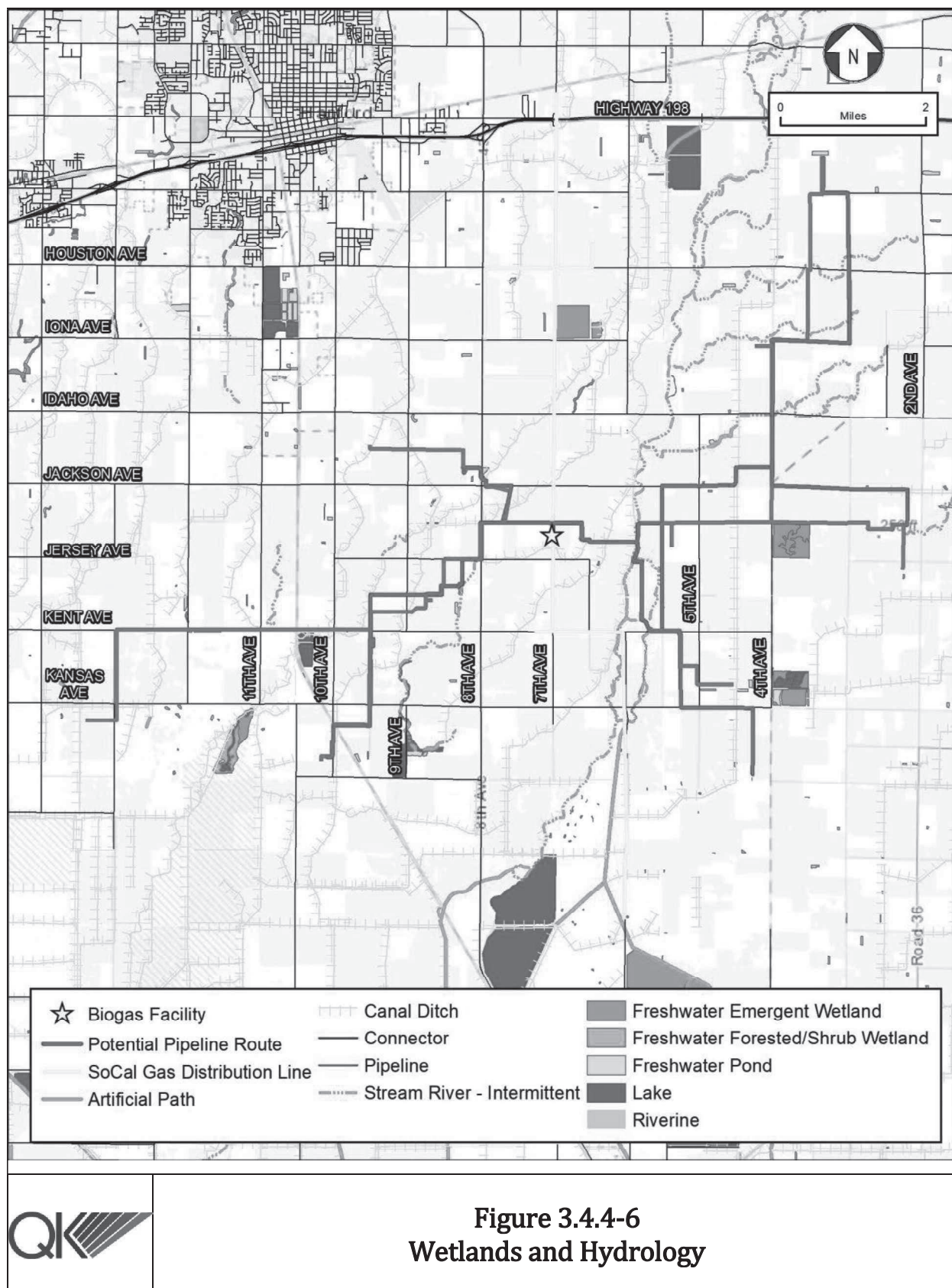
MM BIO-9: Prior to the issuance of building permits, if Cross Creek cannot be avoided, specific impacts on the features shall be quantified by an aquatic resources delineation prepared by a qualified biologist. A Central Valley Regional Water Quality Control Board Section 401 Water Quality Certification, 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.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated.*

Impact #3.4.4d – Would the project 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?

Wildlife migratory corridors are described as a narrow stretch of land that connects two open pieces of habitat that would otherwise be unconnected. These routes provide shelter and sufficient food supplies to support wildlife species during migration. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat and are important elements of resident species' home ranges.



No significant wildlife movement corridors, core areas, or essential habitat connectivity areas occur on or near the project site. The survey conducted for the project did not result in evidence of a wildlife nursery being present on the project site or immediate surrounding area, and there is no aquatic habitat to support fish species. The various irrigation canals meandering through the project area and dirt roads bisecting the agricultural fields may be utilized by some wildlife species as a migratory corridor. However, there is no native habitat in the vicinity of the project site for wildlife species to inhabit. Additionally, the land surrounding the project site is already under agricultural cultivation that would sever wildlife movement through the site and eliminate any nursery site.

However, there are several nearby trees which could serve as potential nesting for avian species or migrating/roosting bats. The project site and pipeline construction would be of short duration, with minimal ground disturbance or the use of large equipment and completed during daylight hours. Once operational, impacts to biological resources would be considered less than significant. Therefore, it is not anticipated to substantially affect bats or other wildlife. Implementation of MM BIO-1 through MM BIO-9 would reduce any potential impacts to less-than-significant levels.

The proposed project would not interfere 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. Therefore the project's impact would be less than significant.

MITIGATION MEASURE(S)

Implementation of MM BIO-1 through MM BIO-9.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.4e – Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project site is located within Kings County and must comply with provisions contained in the 2035 Kings County General Plan. The General Plan includes goals, objectives and policies (III. Resource Conservation Policies D and E) to address the protection of special-status wildlife and their habitats (County of Kings, 2010).

Resource Conservation Element Policy D1.1.1 and RC Policy E1.1.1 requires biological evaluations of projects prior to construction. As noted previously in Impact #3.4.4a, mitigation would require a preconstruction clearance survey prior to any ground disturbance. In addition, if any listed species are observed during the clearance survey, specific avoidance and minimization measures such as buffers and consultation with wildlife agencies will be applied to avoid impacts to biological resources. With the implementation

of MM BIO-1 through MM BIO-9, impacts to biological resources would be less than significant.

The project would not conflict with any local policies or ordinances protecting biological resources. Implementation of the proposed project would have no impact related to policies or ordinances protecting biological resources.

MITIGATION MEASURE(S)

Implementation of MM BIO-1 through MM BIO-9.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.4f – Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

There are no adopted Habitat Conservation Plans or Natural Community Conservation Plans that would apply to this project site. The project site is not located within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan or any other local, regional, or State conservation plan. Therefore, implementation of the proposed project would have no conflict related to an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.5 - CULTURAL RESOURCES

Would the project:

- | | | | | | |
|----|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. | Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? | ☐ | ☒ | ☐ | ☐ |
| b. | Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? | ☐ | ☒ | ☐ | ☐ |
| c. | Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ |

Discussion

The analysis presented in this section is based on a cultural resources records (RS# 18-158) search conducted for the proposed project by QK archeologist Robert Parr, MA, RPA at the Southern San Joaquin Valley Information Center (SSJVIC), a part of the California Historical Resources Information System (see Appendix B). The Lead Agency requested a records search of the Sacred Land File (SLF) by the Native American Heritage Commission.

Impact #3.4.5a – Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?

The 2035 Kings County General Plan Resource Conservation Element states that the County has a number of historical sites, four of which are included on the National Register of Historic Places, three are designated as California Historical Landmarks, and the remaining are identified as being historic sites of local importance (Kings County, 2010). The proposed project is located within a predominantly agricultural area and does not contain any listed historic resources, nor is it located within an identified historic district. The project would have no impact on registered historic resources.

The records search covered an area within 0.25 miles of the pipeline route and included a review of the National Register of Historic Places (NRHP), California Points of Historical Interest, California Registry of Historic Resources (CRHR), California Historical Landmarks, California State Historic Resources Inventory, and a review of cultural resource reports on file.

The records search indicated that three linear cultural resource surveys cross the alignment at right, or at near-right, angles at three separate points. Four additional surveys were conducted immediately adjacent to, although not on, for approximately two miles of the

alignment. No further cultural resource surveys have been performed within 0.25 miles of the proposed pipeline alignment.

Three cultural resource properties have been recorded on or within 0.25 miles of the proposed pipeline. These include the routes of the historic Burlington Northern and Santa Fe Railway (P-16-120) and Highline Canal (P-16-253). Combined, they cross the pipeline route at four separate points.

The railroad previously was evaluated for significance and found to be ineligible for inclusion in the NRHP due to lack of historical integrity (Love et al. 2001). The Highline Canal (ca. 1930) has been evaluated and found to be ineligible for inclusion in the NRHP or the CRHR (JRP Historical Consulting 1997).

One additional resource close to the alignment is the PG&E Guernsey Substation (P-16-352) at the NW corner of Kent and 11th Avenues. The facility was built by the San Joaquin Light and Power Corporation in 1930. The site has previously been evaluated and found ineligible for listing in the NRH Places or California Register of Historic Resources and does not meet the criteria to be a historical resource for the purposes of CEQA. No further cultural resources have been recorded within 0.25 miles.

Although considered unlikely, since there is no recorded evidence or surface evidence of historical or archaeological resources within the project area or temporary staging area, there is the potential for project-related excavation and construction to potentially damage or destroy previously undiscovered cultural resources. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. This is considered a potentially significant impact. Mitigation is proposed requiring implementation of standard inadvertent discovery procedures to reduce impacts to previously undiscovered subsurface historical resources.

The Santa Rosa Rancheria Tachi Yokut Tribe requested consultation with the Lead Agency regarding the proposed project pursuant to AB 52, Public Resources Code (PRC) Section 21080.3.1. Consultation was conducted and the agreed upon mitigation measures outlined will reduce potential impacts of the proposed project to less than significant levels.

MITIGATION MEASURE(S)

MM CR-1: The following measures shall be implemented, as necessary, in conjunction with the construction of the project

- a) The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.
- b) The project proponent shall retain Santa Rosa Rancheria Cultural staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground

disturbing activities, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found.

- c) The project proponent shall retain a professional archaeologist on an “on-call” basis during ground disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. Should previously unidentified cultural resources be discovered during construction of the project, the project proponent shall cease work within 100 feet of the resources, and Kings County Community Development Agency (CDA) shall be notified immediately. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA.
- d) If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the Kings County CDA. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the Santa Rosa Rancheria’s Cultural and Historical Preservation Department. The archaeologist shall be required to submit to the County for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.
- e) Prior to any ground disturbance, the project proponent shall offer the Santa Rosa Rancheria Tachi Yokut Tribe the opportunity to provide a Native American Monitor during ground disturbing activities during construction. Tribal participation would be dependent upon the availability and interest of the Tribe.
- f) Upon coordination with the Kings County Community Development Agency, any pre-historic archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.

MM CR-2 In order to avoid the potential for impacts to buried human remains, the following measures shall be implemented, as necessary, in conjunction with the construction of Hanford Lakeside Dairy Digester Project>

- c) Pursuant to State Health and Safety Code Section 7050.5(e) and Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop in the vicinity of the find and

the Kings County Coroner shall be notified immediately. If the remains are determined to be Native American, the Coroner shall notify the California State Native American Heritage Commission (NAHC), who shall identify the person believed to be the Most Likely Descendant (MLD). The project proponent and MLD, with the assistance of the archaeologist, shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)). The agreed upon treatment shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(e) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

- d) Any findings shall be submitted by the archaeologist in a professional report submitted to the project applicant, the MLD, the Kings County Community Development Agency, and the California Historical Resources Information System, Southern San Joaquin Valley Information Center.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.5b – Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

See discussion in Impact #3.3.5a, above. Although considered unlikely since there is no indication of any prehistoric resources on the project site, subsurface construction activities associated with the proposed project could potentially damage or destroy previously undiscovered archaeological resources. Mitigation is proposed requiring implementation of standard inadvertent discovery procedures to reduce potential impacts to previously undiscovered subsurface historic and archaeological resources.

MITIGATION MEASURE(S)

Implement Mitigation Measure MM CR-1 and MM CR-2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant impact with mitigation incorporated*.

Impact #3.4.5c – Would the project disturb any human remains, including those interred outside of formal cemeteries?

As previously noted, a search of the California NAHC Sacred Lands File search revealed no records of known sensitive cultural resources in the vicinity of the project area. Human remains are not known to exist within the project area. However, construction would involve earth-disturbing activities, and it is still possible that human remains may be discovered, possibly in association with archaeological sites. Mitigation Measure MM CR-2 has been included in the unlikely event that human remains are found during ground-disturbing activities. Implementation of MM CR-1 and MM CR-2 would reduce impacts to cultural resources. Impacts would be less than significant with implementation of mitigation.

MITIGATION MEASURE(S)

Implementation of MM CR-1 and MM CR-2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant impact with mitigation incorporated.*

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.6 - ENERGY

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of natural resources, during project construction? | ☐ | ☐ | ☒ | ☐ |
| b. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☒ | ☐ |

Discussion

Impact #3.4.6a – Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of natural resources, during project construction?

There are millions of tons of animal waste being produced every year and its disposal is a major problem. A biogas plant connected to anaerobic digesters will provide clean, renewable energy (biogas) by converting organic waste to methane and are a key part of a comprehensive rural energy plan (Agonstini, A. et al, 2016). The project will reduce the greenhouse gas emissions and, furthermore, will improve rural environment conditions. The project is designed to reduce methane emissions from livestock waste while generating renewable energy through a biogas recovery system. The project would involve the construction, installation and operation of a 37-mile pipeline, which will connect up to 18 dairies and anaerobic digesters to the proposed biogas plant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.6b – Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

The 2035 Kings County General Plan – Resource Conservation Element identifies the importance in alternative and renewable energy sources for the County's future energy production (County of Kings, 2010). Sources of biomass, or raw material suitable for

conversion to energy, include manure from dairy operations and municipal waste at landfill sites. To improve air quality and achieve greenhouse gas emissions reductions mandated by recent State legislation (AB 32), sustainable and renewable alternative energy sources including wind, solar, hydroelectric and biomass energy can be promoted, and energy conservation measures encouraged. RC Policy G1.2.1 requires the review of biomass energy projects through the conditional use permit (CUP) process to ensure projects meet all air quality requirements. The project is seeking approval of CUP 17-14 and is subject to County review.

As noted in Impact #3.4.8a, the project will not result in the emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), or sulfur hexafluoride (SF₆), the other gases identified as GHG in AB32. The majority of operational GHG emission increases associated with this project result indirectly from electrical usage (99.5%) delivered from a supplier subject to the Cap-and-Trade regulation.

**Table 3.4.6-1
GHG Emissions**

Source	CO₂	CH₄	N₂O	CO₂e
<i>Total Project Operational Emissions</i>	<i>3,573</i>	<i>0.570</i>	<i>4.640</i>	<i>3,578</i>
<i>Annualized Construction Emissions¹</i>	<i>17.43</i>	<i>0.005</i>	<i>0.000</i>	<i>17.54</i>
Project Emissions	3,590	0.574	4.640	3,596

The proposed project will comply with all regulations and standards established by the SJVAPCD that have been designed to ensure that the region meets the goals of AB 32, SB 1078, SB 107 and Executive Order S-14-08.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.7 - GEOLOGY AND SOILS

Would the project:

- a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 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? Refer to Division of Mines and Geology Special Publication 42.
 - ii. Strong seismic ground shaking?
 - iii. Seismic-related ground failure, including liquefaction?
 - iv. Landslides?
- b. Result in substantial soil erosion or the loss of topsoil?
- 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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 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?
- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

☐	☐	☐	☒
☐	☐	☒	☐
☐	☐	☒	☐
☐	☐	☐	☒
☐	☒	☐	☐
☐	☐	☒	☐
☐	☒	☐	☐
☐	☐	☒	☐

- f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☒ ☐ ☐

Discussion

Impact #3.4.7a(i) – Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

The project site is not located within an Alquist-Priolo Earthquake Fault Zone. Per the Department of Conservation, California Geologic Survey Regulatory Maps (Department of Conservation, 2015), the nearest fault is the Nunez Fault, which lies in the Alcalde Hills 7.5-minute quadrangle, northwest of Coalinga in Fresno County. According to the 2035 Kings County General Plan, there are no known major fault systems within Kings County. The greatest potential for geologic disaster in Kings County is posed by the San Andres Fault, which is located approximately 50 miles west of project (Kings County, 2010). The distance from the nearest active faults precludes the possibility of fault rupture on the project site. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.7a(ii) – Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

The project site is located within an area designated as Zone V1 or Valley Zone 1, which is identified as the area of least expected seismic shaking (see Figure HS-2 on page HS-10 of the Health and Safety Element of the 2035 Kings County General Plan). The potential for ground shaking is discussed in terms of the percent probability of exceeding peak ground acceleration (% g) in the next 50 years (Kings County, 2010). The project site's exceedance probability in the next 50 years is between 20-30 percent, which is the lowest within the County. Although the project area could potentially experience ground shaking, the magnitude of the hazard would not be severe as indicated by the Health and Safety Element of the 2035 Kings County General Plan. Therefore, a less-than-significant impact would occur.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7a(iii) – Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismically related ground failure, including liquefaction?

Liquefaction could result in local areas during a strong earthquake or seismic ground shaking where unconsolidated sediments and a high-water table coincide. The project site is noted in Figure HS-2 Seismic Safety Map of the 2035 Kings County General Plan as an area not subject to potential liquefaction. The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure including liquefaction. Structures constructed as part of the project would be required by State law to be constructed in accordance with all applicable International Building Code (IBC) and California Building Code (CBC) Earthquake Construction Standards, including those relating to soil characteristics. Adherence to all applicable regulations would avoid any potential impacts to structures resulting from liquefaction at the project site. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7a(iv) – Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The project site currently undeveloped and is essentially flat. Similarly, the surrounding area is predominately cultivated or uncultivated cropland, which experiences frequent discing. The site's topography would not change substantially as a result of project development. The project site is located in an area as having "low" (less than 1.5 percent of area involved) landslide incidents (see Figure HS-3 California Landslide Hazards Map, 2035 Kings County General Plan). Since the site is essentially flat in nature from the existing agricultural activities with no surrounding slopes and it is not considered to be prone to landslides the project would not expose people or structures to potential substantial adverse effects from landslides. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7b – Would the project result in substantial soil erosion or the loss of topsoil?

The project site contains Lakeside clay loam substratum, which is characterized as being somewhat poorly drained; very slow runoff; moderately slow permeability. Permeability is slow in the soils with clay strata. The Lakeside loam is deep, somewhat poorly drained soils that formed in alluvium from igneous and sedimentary rocks. Lakeside soils are on basin rims and alluvial plains and have slopes of zero to one percent (US Department of Agriculture, 2018).

The project involves the construction of a biogas facility and low-pressure gas pipelines that will be installed within existing road rights of way or private land. The development of the proposed facilities is not expected to subject the site to any extreme erosion problems. As is noted in Impact #3.4.9a, the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit (No. 2012-0006-DWQ) for stormwater discharges associated with construction and land disturbance activities, the project proponent must develop and implement a Stormwater Pollution Prevision Plan (SWPPP) that specifies best management practices (BMPs) to prevent construction pollutants, including erosion of soils (such as topsoil), from moving offsite. MM HYD-1 below requires the preparation and implementation of a SWPPP to comply with the Construction General Permit requirements. Therefore, with implementation of MM HYD-1, the project would have a less-than-significant impact on soil erosion and loss of topsoil.

MITIGATION MEASURE(S)

Implement MM HYD-1.

LEVEL OF SIGNIFICANCE

The project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.7d – Would the project 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?

Expansive clay soils are subject to shrinking and swelling due to changes in moisture content over the seasons. These changes can cause damage or failure of foundations, utilities, and pavements. During periods of high moisture content, expansive soils under foundations can heave and result in structures lifting. In dry periods, the same soils can collapse and result in settlement of structures. According to the 2035 Kings County General Plan Health and Safety

Element (see Figure HS-4), the biogas facility site is located on Kimberlina fine sandy loam and Lakeside clay loam. The site is outside of the area identified as having expansive soil (County of Kings, 2010). In addition, Table 15 – Physical and Chemical Properties of the Soils in the USDA Kings County Soil Survey, the onsite soil is considered to have low shrink-swell or expansion potential (United States Department of Agriculture, 1986).

The gathering pipeline stretches approximately 37 miles, and is in contact with several soil types, including Grangeville fine sandy loam, Kimberlina fine sandy loam, Kimberlina saline alkali-Garces complex, Lakeside clay loam, Pico clay, and Westcamp loam. As noted in Table 3.4.7-1, a very limited portion of the project is considered to be in area of expansive soils as defined by the Kings County General Plan. However, the proposed project would not intensify shrink-swell behavior and the potential for expansive soil conditions would be accounted for in the design and construction practices of the project. Expansive soil conditions would also be accounted for in the design and construction of the pipeline. Compliance with the policies of the Kings County General Plan, Development Code, and the CBC would reduce potential site-specific impacts to less-than-significant levels.

**Table 3.4.7-1
Soils Types and Properties**

Grangeville Fine Sandy Loam	found in alluvial fans and is a very deep and well-drained soil with moderately rapid permeability. Runoff for this soil type is slow and the hazard of water erosion is slight
Kimberlina Fine Sandy Loam Kimberlina Fine Sandy Loam	Found in alluvial fans and is a very deep and well-drained soil with moderately rapid permeability. Runoff for this soil type is slow and the hazard of water erosion is slight.
Kimberlina Saline Alkali Garces Complex	Soils are very deep and well drained soils found in alluvial fans. Component shows moderately slow permeability while the Garces Loam component shows very slow permeability. Runoff in this unit is very slow and the possibility of erosion is slight
Lakeside Clay Loam Lakeside Clay Loam	Drained soils are saline-alkali soils and show moderately slow permeability. Runoff on these soils is very slow and the hazard of water erosion is slight
Lakeside Loam	Soils are very deep, saline alkali soils found in basin rims and alluvial plains. Lakeside Loam, partially drained soils generally have a fine-loamy texture and are somewhat poorly drained.
Pitco Clay	Soil is a very deep, saline-alkali soil found in basin rims and flood plains. The soil is somewhat poorly drained with slow permeability and high shrink-swell potential
Westcamp Loam	Partially drained soil is a very deep, salkine alkali soil found in basin rims and flood plains. The soil is somewhat poorly drained with very slow permeability.

Source: USGS SURGO Soil SurveyUSGS SURGO Soil Survey

MITIGATION MEASURE(S)

MM GEO-1 Prior to final design and issuance of building permits, a geotechnical study shall be prepared for the project site and recommendations of the study shall be incorporated into final design of the project. A copy of the report shall be submitted to the Kings County Community Development Agency for review.

LEVEL OF SIGNIFICANCE

The project would have a *less-than-significant impact with mitigation incorporated*.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7e - Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

The project includes the installation or use of a septic system at the upgrading facility. Portable toilets will be provided to construction crews during construction activities. Once operational, maintenance staff will come from other existing facilities to do routine maintenance activities. Soils within the project site are similar to those in the area and are adequate to support the installation of a septic system. The nearby dairy and the existing agribusiness both utilize a septic system, the system will be installed to meet the requirements of the Kings County Building Department pursuant to Chapter 5, Article VI. Plumbing Code of the Kings County Building Ordinance. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.7f – Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

There are no unique geological features or known fossil-bearing sediments in the vicinity of the project site. The only known paleontological resource noted in the 2035 Kings County General Plan (Kings County, 2010) is the Kettleman Hills fossil beds, which are approximately 21.5 miles southwest of the project.

However, there remains the possibility for previously unknown, buried paleontological resources or unique geological sites to be uncovered during subsurface construction

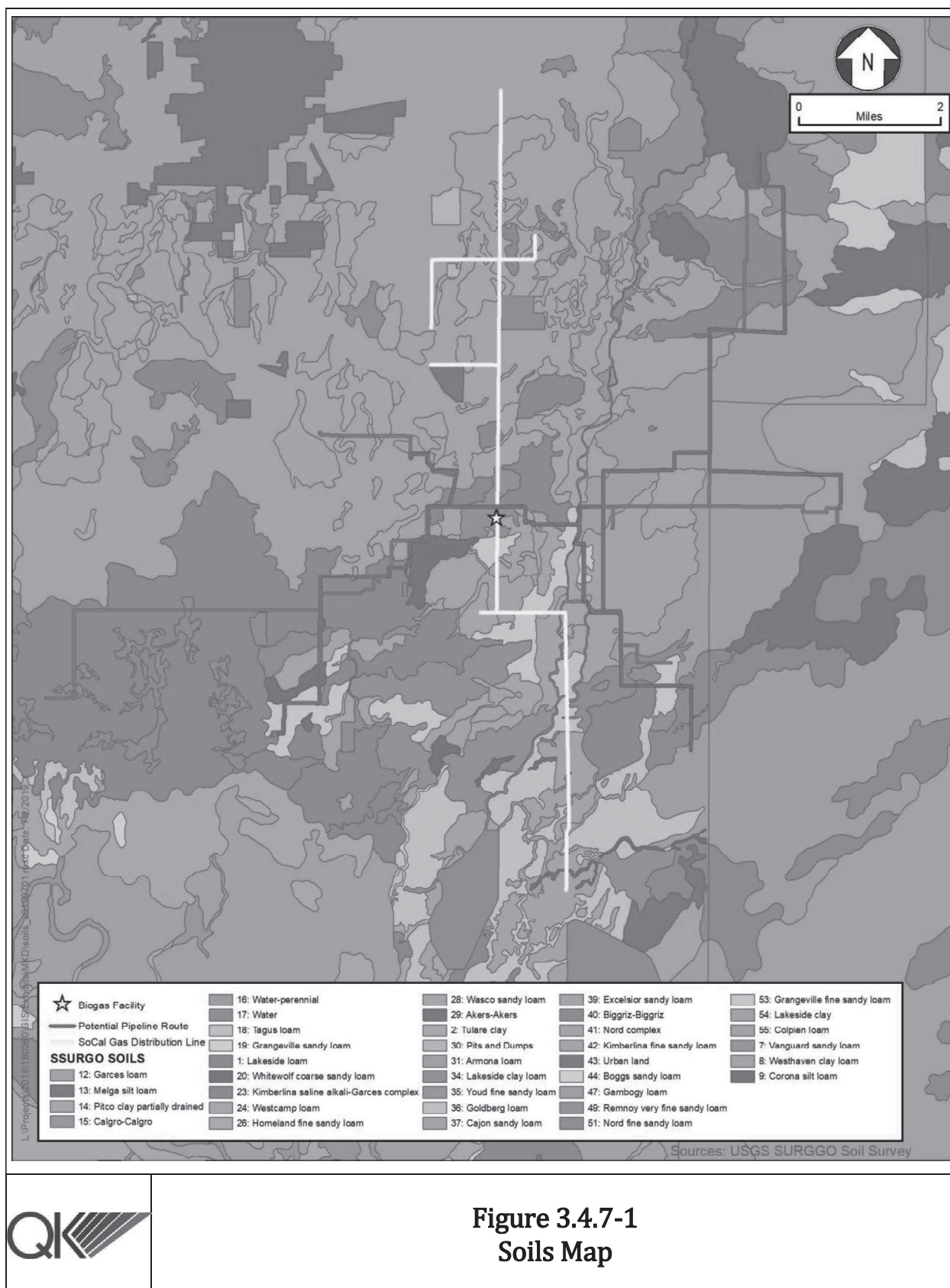
activities. Therefore, this would be a potentially significant impact. Mitigation is proposed requiring standard inadvertent discovery procedures to be implemented to reduce this impact to a level of less than significant.

MITIGATION MEASURE(S)

MM GEO-2: During grading and site preparation activities, if paleontological resources are encountered, all work within 50 feet of the find shall halt until a qualified paleontologist, in accordance with Society of Vertebrate Paleontology Standards can evaluate the find and make recommendations. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts from project implementation. The paleontologist shall notify the Kings County Community Development Agency, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement mitigation measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in PRC Section 21083.2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.



	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.8 - GREENHOUSE GAS EMISSIONS

Would the project:

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

Discussion

There have been significant legislative and regulatory activities that directly and indirectly affect climate change and GHGs in California. The primary climate change legislation in California is AB 32, the California Global Warming Solutions Act of 2006. AB 32 focuses on reducing GHG emissions in California. GHGs, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. The California Air Resources Board (ARB) is the State agency charged with monitoring and regulating sources of emissions of GHGs that cause global warming in order to reduce emissions of GHGs. SB 32 was signed by the Governor in 2016, which would require the State Board to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030.

Impact #3.4.8a – Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The proposed project's construction and operational GHG emissions were estimated using the CalEEMod program (version 2016.3.2), EMFAC2014, and the California Climate Action Registry General Reporting Protocol (Version 3.1) (Insight Environmental, 2018). These emissions are summarized in Table 3.4.8-1, below.

SJVAPCD's current guidance for Valley land use agencies in addressing GHG emission impacts for new projects acknowledges the absence of numerical thresholds, and recommendations for a tiered approach to establish GHG impacts. Since the SJVAPCD's guidance for addressing GHG impacts does not use numerical thresholds the County has decided to look at the South Coast Air Quality Management District's (SCAQMD) thresholds to determine impacts. Currently SCAQMD has a threshold of 10,000 metric tons of CO₂e per year for construction emissions amortized over a 30-year project lifetime plus annual operation emissions. Since SCAQMD is the largest metropolitan area within California, this

threshold is considered a conservative approach for evaluation the significance of GHG emissions in a more rural area.

The project will not result in the emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), or sulfur hexafluoride (SF₆), the other gases identified as GHG in AB32.

Table 3.4.8-1
Estimated GHG Emissions (MT/year)

Source	CO ₂	CH ₄	N ₂ O	CO ₂ e
Construction Emissions				
2019 Construction Emissions	522.78	0.137	0.000	526.21
Operational Emissions				
Mobile Emissions	17.41	0.001	0.001	17.68
Stationary Source Emissions	0.00015	0.0001	0.000	0.002
Energy Emissions	3,556	0.569	4.640	3,561
<i>Total Project Operational Emissions</i>	<i>3,573</i>	<i>0.570</i>	<i>4.640</i>	<i>3,578</i>
<i>Annualized Construction Emissions¹</i>	<i>17.43</i>	<i>0.005</i>	<i>0.000</i>	<i>17.54</i>
Project Emissions	3,590	0.574	4.640	3,596

*Note: 0.00 could represent <0.00 1 Per South Coast AQMD's Methodology

Source: Insight Environmental 2018

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.8b – Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The strategies currently being implemented by CARB may help in reducing the project's GHG emissions and are summarized in Table 3.4.8-2, below.

CEQA Guidelines §15130 notes that sometimes the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis. Global climate change is this type of issue. The causes and effects may not be just regional or statewide, they may also be worldwide. Given the uncertainties in identifying, let alone quantifying the impact of any single project on global warming and climate change, and the efforts made to reduce emissions of GHGs from the project through design, in accordance with CEQA Section 15130, any further feasible emissions reductions would be accomplished through CARB regulations adopted pursuant to AB 32. The majority of operational GHG emission increases associated with this project result indirectly from electrical usage (99.5%) delivered from a supplier subject to the Cap-and-Trade regulation.

**Table 3.4.8-2
CARB Strategies**

Strategy	Description of Strategy
Vehicle Climate Change Standards	AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by CARB in Sept. 2004.
Diesel Anti-Idling	In July 2004, CARB adopted a measure to limit diesel-fueled retail motor vehicle idling.
Other Light-Duty Vehicle Technology	New standards would be adopted to phase in beginning in the 2017 model year.
Alternative Fuels: Biodiesel Blends	CARB would develop regulations to require the use of 1% to 4% Biodiesel displacement of California diesel fuel.
Alternative Fuels: Ethanol	Increased use of ethanol fuel.
Heavy-Duty Vehicle Emission Reduction Measures	Increased efficiency in the design of heavy-duty vehicles and an educational program for the heavy-duty vehicle sector.

The proposed project will comply with all regulations and standards established by the SJVAPCD that have been designed to ensure that the region meets the goals of AB 32, SB 1078, SB 107 and Executive Order S-14-08.

Therefore, consistent with SJVAPCD Policies APR 2005 and APR 2025, the GHG emissions increases associated with this Project would have a less-than-significant individual and cumulative impact on global climate change.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.4.9 - 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?	☐	☒	☐	☐
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?	☐	☒	☐	☐
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site that 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

Discussion

The analysis presented in this section is based on available data and a Safety Action Plan prepared for this project (see Appendix C).

Impact #3.4.9a – Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***Project Construction***

Project construction-related activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction-related activities. As such, these materials are not anticipated to expose human health or the environment to undue risks associated with their use and no significant impacts will occur during construction activities.

Transportation, storage, use, and disposal of hazardous materials during construction activities will be required to comply with applicable federal, State, and local statutes and regulations. Transportation of hazardous materials is regulated by Department of Transportation and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release. In addition, Cal/OSHA is responsible for developing and enforcing workplace safety standards, including the handling and use of hazardous materials. Compliance of applicable federal, State and local regulations would reduce impacts during temporary construction activities to less-than-significant levels.

Project Operation

Biogas is a naturally occurring mixture of primarily methane and carbon dioxide. The biomethane will be transported via low-pressure gas pipelines from the digester to the onsite dewatering equipment and thence to the main gas upgrading biogas site. Methane is not toxic, but handling methane can be hazardous. In addition, methane can be flammable. Methane has an ignition temperature of 1,000 degrees Fahrenheit (°F) and is flammable at concentrations between five percent and 15 percent in air. Unconfined mixtures of methane in air are not explosive; however, a flammable concentration within an enclosed space in the presence of an ignition source can explode. Methane is buoyant at atmospheric temperatures and disperses rapidly in air. Hydrogen sulfide scrubbers will be installed at each dairy to remove that chemical before the gas is moved through the gathering pipeline. Unintentional releases of biogas from dairy digester facilities or pipelines could pose risks to human health and safety.

HYDROGEN SULFIDE (H₂S)

The gathering lines will not contain H₂S in quantities above those listed by OSHA as hazardous to human health. This is a requirement of the SB 1383 pilot project funding, which this project has received. The H₂S will be scrubbed out at each dairy before entering the pipeline. H₂S scrubbers at each dairy will be carbon (or similar) media based. These scrubbers are common, and the spent media is considered non-hazardous and can be transported to a local landfill for disposal.

METHANE (CH₄)

Methane makes up approximately 60-70 percent of the biogas -- the predominant balance of which is non-flammable carbon dioxide. Due to the amount of methane in the raw biogas (processed before injecting into the gathering pipeline) it is flammable only if mixed with air in certain proportions. Methane has an ignition temperature of 1,000 degrees Fahrenheit (°F) and is explosive at concentrations between five percent and 15 percent in air by volume. A mixture of methane and air where the concentration of methane is outside the range specified above are non-explosive; however, it is flammable at higher concentrations -- a leak could result in the gas mixing with atmospheric oxygen and thereby diluting into the range at which it could ignite, if there were an ignition source available, resulting in a flame (but without explosive force since it would no longer be confined. Otherwise, the leaked digester Gas would be expected to disperse rapidly in air.

PIPELINE SIZING AND SAFETY FACTOR

Pipeline sizes will range from four inches to 20 inches for the project. Dimension Ratio (DR) 17 and/or DR 21 pipe will be used, with a wall thickness ranging from 0.24 inches to 1.18 inches depending on the DR and the pipe size. The pipeline will utilize fusion-welded joints, and the pipeline system will be pressure tested during construction to ensure it is installed without leaks. Maximum design pressure in the pipeline system for this project is 20 psi. Maximum working pressure for DR 17 pipe is 100 psi and DR 21 is 80 psi, providing a factor of safety of at least 4.0. The blowers will be equipped with a pressure sensors which will detect the change in pressure during an unlikely event this information will be transmitted to SCADA system and programmable logic controller which will process the information, record and trigger safety (shut down of the raw biogas injection into the pipeline) as necessary to address the risk. The SCADA controlled blowers feeding the biogas from the digesters into the pipeline are designed to inject biogas into the pipeline at a maximum working pressure of 20 psi; therefore, likelihood of over pressurization is minimal. Also, each pipeline trench will be buried with a metallic tape/tracer wire, which will detect the location of the pipe on the surface.

SAFETY MEASURES

The following measures will be implemented in the design process to minimize accidental breaches of the pipeline:

- The pipeline will be registered with the Utility Services Alert (USA) system. All construction projects are required to notify the Utility Service Alert system which will locate the location of the pipeline, so that it can be protected in place during construction;
- Marker posts will be installed at maximum 700-foot intervals warning of the presence of the pipeline and providing contact information of the pipeline operator;
- Copper clad steel tracer will be installed with the pipeline to aid in the future location of the pipeline by the pipeline operator;

- Marker tape will be installed one foot above the pipeline to warn excavators that the pipeline is located below the marker tape; and
- The pipe will be installed with a minimum of four feet of cover, which is below the depth of normal farming activities. In some instances, depending on the topography, the pipeline will be up to eight feet below grade.

In the unlikely event of an accidental breach of the pipeline, the following procedures will minimize risk to the public.

- The blowers that pressurize the pipeline are controlled by the central SCADA system, which can remotely turn off all of the system blowers. All upstream blowers will be turned off, which would stop the flow of biogas into the pipeline;
- High performance butterfly valves are located throughout the pipeline network. The valves near the breached section of pipeline will be closed to isolate the breach from the rest of the system.; and
- Local emergency personnel will be notified to restrict access to the area adjacent to the breach and assist with any required evacuations

A Safety Action Plan (Plan) has been prepared for the project (Appendix C). This plan includes procedures to ensure the safety of digester/dairy personnel and the public. This includes procedures in the unlikely event of blower failure, high gas temperatures or pressure. The plan outlines the management of methane (CH₄) and hydrogen sulfide (H₂S), as well as the procedures to follow should there be a breach in the gathering pipeline system. The plan also provides contact information in case of emergencies.

Operation activities will comply with the California Building Code, local building codes, and gas pipeline regulations. The California Public Utilities Code regulates the safety of gas transmission pipelines. Standard safety measures for anaerobic treatment facilities that will minimize the potential of biogas release. If released to the environment, methane will be dispersed rapidly in air, thus minimizing the hazards of exposure. Biogas transmission pipelines will be designed, constructed, and operated consistent with Pipeline and Hazardous Materials Safety Administration (PHSMA) Standards to minimize the risk of rupture and accidental release. The air district will also review and issue a permit for the facility, which would include measures to reduce impacts if a release event occurred.

The standards that Pipeline and Hazardous Materials Safety Administration (PHSMA) incorporates are parts of standards and specs developed by standard developing organizations such as American Society for Testing and Materials (ASTM) and American Gas Association (AGA). The following professional organizations and the associated standards for pipelines and aerobic digesters include:

Gas Processors Suppliers Association (GPSA)

- GPSA Engineering Data book

American National Standards Institute (ANSI) ANSI GPTC Z380.1 – Guide for Gas Transmission, Distribution, and Gathering Piping Systems

- ANSI Z223.1/NFPA 54 – National Fuel Gas Code
- ANSI/CSA B149.6-15 Code for digester gas, landfill gas, and biogas generation and utilization

American Society of Mechanical Engineers (ASME)

- ASME B31.8 – Gas Transmission and Distribution Piping Systems

National Fire Protection Association (NFPA)

- NFPA 55 – Compressed Gases and Cryogenic Fluids Code
- NFPA 67 – Guide on Explosion Protection for Gaseous Mixtures in Pipe Systems

American Petroleum Institute (API)

- 6D – Specification for Pipeline and Piping Valves

Department of Transportation (DOT)

- DOT 49 CFR Part 192 – Transportation of Natural Gas and Other Gas by Pipeline: Minimum Federal Safety Standards

In addition, the American Society of Agricultural and Biological Engineers has been deemed administrator of the U.S. Technical Advisory Group for ISO/TC 255, Biogas. ISO/TC 255 oversees the development of international standards for anaerobic digesters, processing systems, environmental protection, and specific technical requirements of biogas production. These standards are in the process of being developed and are mentioned for reference.

- ANSI/CSA B149.6 - Significant sections from this standard are provided below. Section 8 is for Digester Gas, which is specific to municipal applications; Section 27 relates to Biogas.
- ANSI/CSA B149.6-15, Section 8.3.2
- ANSI/CSA B149.6-15, Section 8.3.2
- ANSI/CSA B149.6-15, Section 27.1.2

By adhering to the applicable laws, standards and policies related to buildings and materials practices, the operation of the project is not expected to expose human health or the environment to undue risks associated with their use and no significant impacts will occur during operational activities.

H₂S will be captured and absorbed at each dairy, so no excessive releases are possible in the pipeline or cleanup facility. With the scrubber facility that is needed for cleaning the biogas

to remove hydrogen sulfide located at each dairy, flushing of the scrubbers will produce sulfur biogas scrubber effluent. The effluent would be collected and dried, leaving a residue. One potential use of this effluent could be as a soil amendment. As a soil amendment, it would be subject to the California Department of Food and Agriculture Code covering fertilizing materials (Food and Agricultural Code Division 7, Chapter 5). Compliance with existing safety regulations and widely accepted industry standards will minimize the hazard to the public and the environment. As such, mitigation is proposed that would require the project applicant to file a Hazardous Materials Business Plan (HMBP) as a part of the proposed project to address the storage of diesel fuels onsite. With the implementation of MM HAZ-1, the project would have a less-than-significant impact.

MITIGATION MEASURE(S)

MM HAZ-1: Prior to operation, the project proponent shall submit to Kings County Department of Environmental Health Services, a Hazardous Materials Business Plan (HMBP) pursuant to Health and Safety Code Chapter 6.95, Sections 25500 to 25520. The HMBP shall outline the types and quantities of hazardous materials used onsite and indicate onsite safety measures to ensure such materials are properly handled and stored. A copy of the approved HMBP shall be submitted to the Kings County Community Development Agency.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.9b – Would the project 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?

Kings County Department of Environmental Health Services is the Certified Unified Program Agency (CUPA) for the County. The CUPA unifies and consolidates the various requirements for businesses handling hazardous materials, generating or treating hazardous wastes, or operating aboveground or underground storage tanks, under one roof. Pursuant to requirements of CUPA, the project proponent will be required to file a Hazardous Material Business Plan. The business plan will consist of the following items: Hazardous Materials Business Plan Certification Form, Business Activities Page, Business Owner/Operator Identification Page, Hazardous Materials Inventory Pages(s), Site Map Form, Emergency Response Plans and Procedures, and Employee Training Program. As previously discussed, the project could involve the transport and use of hazardous materials including fuels, oils, mechanical fluids, and other chemicals such as sanitizers, and disinfectants to be used during the operation of the project site. Hazardous materials including fuel and other motor lubricants would be used during construction and operation. The types and quantities of hazardous materials to be used and stored onsite would not be of a significant amount to create a reasonably foreseeable upset or accident. The handling and transport of all hazardous materials onsite would be performed in accordance with all applicable federal, State, and local laws and regulations.

As noted in Impact #3.4.9a above, the proposed project has prepared a Safety Action Plan, and will also develop a Spill Prevention and Management Plan (SPMP) (see Appendix C). This plan addresses upset conditions related to gas leaks and material spillage onsite. The SPMP outlines design features and actions that would be taken in the unlikely event of a spill. These include double-wall construction of the condensate storage tank to meet secondary containment requirements, a six-inch concrete curb around the tank to contain spills, continuous electronic sensor monitoring and the use of a remote alarm system of liquid levels. Staff would also respond to shut down the equipment and apply absorbent materials should a spill occur. With the implementation MM HAZ-2, the project would have a less-than-significant impact.

Construction and operational activities will also be required to comply with the California fire code to reduce the risk of potential fire hazards. All project plans would comply with State and local codes and regulation. The Kings County Fire Department will be responsible for enforcing provisions of the fire code.

With the implementation of MM HAZ-1 and MM HAZ-2, the proposed project would not 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 and would therefore result in a less-than-significant impact with mitigation incorporated.

MITIGATION MEASURE(S)

MM HAZ-2: Prior to operation, the project proponent shall submit to Kings County Department of Environmental Health Services, a Spill Prevention and Management Plan for review and approval.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.9c – Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is not located within 0.25 miles of an existing school. The nearest school to the project site is the Lakeside Elementary School located approximately 1.9 miles west of the project. As previously discussed, all hazardous materials would be properly handled in accordance with applicable standards. The proposed project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.9d – Would the project 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?

An online search was conducted on March 5, 2018, of the California Environmental Protection Agency (CAL EPA) website (Cal EPA, n.d.) for Cortese Act locations on or near the project site. The Department of Toxic Substances Control (DTSC) website, Envirostor, indicated that there are no hazardous or toxic sites in the vicinity (within one mile) of the project site and pipeline (Department of Toxic Substances Control, 2015). The State Water Resources Control Board website, GeoTracker, indicated that there are no Permitted Underground Storage Tanks, Leaking Underground Storage Tanks, or any other cleanup sites on or in the vicinity (within one mile) of the project site (California Water Resources Board, n.d.). The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment. The project site is not within the immediate vicinity of a hazardous materials site and would not impact a listed site. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.9e – Would the proposed project be 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 for people residing or working in the project area?

The project site and proposed pipeline route is not located within the Kings County Airport Land Use Compatibility Plan (ALUCP) (County of Kings, 1994), is not within two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area. The public airport covered under the ALUCP is the Hanford Municipal Airport, located approximately 5.5 miles northwest of the site. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.9f – Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Kings County has in place an emergency plan to cope with natural disasters that are statewide or happen locally. The County Fire Department and locally stationed California Department of Forestry (CDF) are well prepared to fight fires locally as well as statewide.

According to the Evacuation Routes identified within the Health and Safety Element of the 2035 Kings County General Plan (Figure HS-20, page HS-33), the proposed project is not located along a State Highway or designated arterial, which is used as an emergency evacuation route. The nearest designated evacuation route is SR 43, located approximately one mile west of the project site. The proposed pipeline route runs near emergency routes 6th Avenue and SR 198.

The proposed project does not involve a change to any emergency response plan. Access to the site is via a driveway from the 7th Avenue. The width of new driveway is 20 feet, which is sufficient for fire trucks and other emergency vehicles to enter and exit the site. As noted on the project site plan (Figure 2-5), the proposed project has a secondary access gate that would meet all emergency access requirements of Kings County. Construction of the proposed project would not create an obstruction to surrounding roadways or other access routes used by emergency response units. The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Therefore, no impact would occur.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.9g – Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires?

The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The project site is not located within the vicinity of wildlands and is in an area classified as having a fire hazard severity zone of non-wildland/non-urban and moderate (Cal Fire, 2012). Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

3.4.10 - HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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:	☐	☒	☐	☐
i. result in substantial erosion or siltation on- or off-site;	☐	☒	☐	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	☐	☒	☐	☐
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	☐	☒	☐	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Discussion

Impact #3.4.10a – Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Project construction would cause ground disturbance that could result in soil erosion or siltation and subsequent water quality degradation offsite, which is a potentially significant impact. Construction-related activities would also involve the use of materials such as vehicle fuels, lubricating fluids, solvents, and other materials that could result in polluted runoff, which is also a potentially significant impact. However, the potential consequences of any spill or release of these types of materials are generally small due to the localized, short-term nature of such releases because of construction. The volume of any spills would likely be relatively small because the volume in any single vehicle or container would generally be anticipated to be less than 50 gallons.

As required by the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit (No. 2012-0006-DWQ) for stormwater discharges associated with construction and land disturbance activities, the project proponent must develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices (BMPs) to prevent construction pollutants from contacting stormwater, with the intent of keeping all products of erosion from moving offsite. The project proponent is required to comply with the Construction General Permit because project-related construction activities result in soil disturbances of least one acre of total land area. MM HYD-1 below requires the preparation and implementation of a SWPPP to comply with the Construction General Permit requirements.

With implementation of MM HYD-1, the project would not violate any water quality standards or waste discharge requirements (WDRs) during the construction period, and impacts would be less than significant.

MITIGATION MEASURE(S)

MM HYD-1: Prior to ground-disturbing activities, the project proponent shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices, with the intent of keeping all products of erosion from moving offsite. The SWPPP shall include a site map that shows the construction site perimeter, existing and proposed manmade facilities, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site. Additionally, the SWPPP shall contain a visual monitoring program and a chemical monitoring program for non-visible pollutants to be implemented (if there is a failure of best management practices). The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:

- Stockpiling and disposing of demolition debris, concrete, and soil properly;
- Protecting any existing storm drain inlets and stabilizing disturbed areas;

- Implementing erosion controls;
- Properly managing construction materials; and
- Managing waste, aggressively controlling litter, and implementing sediment controls.

A copy of the approved SWPPP shall be submitted to the Kings County Community Development Agency.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10b – Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Water used during the anticipated 10 months of construction is estimated at approximately 100,000 gallons/day for 25 days and 1,000 gallons/day for 125 days. for a total of eight AF. Operation water usage is estimated at 1,000 gallons a day, or about 1.1 AF annually. Water would come from the site's existing onsite private well system. Typical water usage for crop irrigation on the project site is approximately 1.3 million gallons, four AFY (De Jong, 2019) . Therefore, once operational, the project would generate a significant decrease in water consumption needed for continued crop cultivation on the project site.

SB 610 was enacted to assist water suppliers, cities and counties in integrating water and land use planning. The adopted Guidelines (California Department of Water Resources, 2003) outlines a project that would be subject to the preparation of a Water Supply Assessment under the legislation. As noted in Footnote (5) the threshold is for a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area. The proposed biogas facility and approximately 37 miles of underground pipeline does not exceed this threshold, and therefore a Water Supply Assessment is not required.

The Tulare Lake Subbasin underlies the project site and it is estimated that 17 million acre-feet of groundwater is found within this subbasin to a depth of 300 feet below ground surface (Department of Water Resources, 2003). This subbasin as identified as being critically overdrafted and subject to Sustainable Groundwater Management Act (SGMA) requirements and the newly formed Groundwater Sustainability Agencies. SGMA consists of three legislative bills and the legislation provides a framework for a long-term sustainable groundwater management across California. Local stakeholders have until 2020 to develop, prepare, and begin to implement the plan. GSAs will then have the responsibility to achieve groundwater sustainability. However, at this time, no additional requirements or implementation measures are applicable since a GSP has not been adopted within the subbasin.

Project construction would require 0.000016 percent of the total available groundwater within the subbasin and operational needs per year would require 0.0011 percent of available water. Given that these percentages of the overall available groundwater in the subbasin needed for the project's construction and operations are nominal, the project's construction and operations would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.10c(i) – Would the project 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 that would result in substantial erosion or siltation onsite or offsite?

The project site is relatively flat and project grading would be minimal and consist of mostly grubbing the site to remove vegetation. The topography of the site would not appreciably change because of grading activities. The site does not contain any blue-line water features, including streams or rivers. The project would not develop significant areas of impervious surfaces that would significantly reduce the rate of percolation at the site or concentrate and accelerate surface runoff in comparison to the baseline condition. Like the existing site, stormwater would generally percolate to ground.

As noted previously, the gathering lines will cross several existing irrigation drainages and/or the Cross Creek canal. As proposed, the pipeline will be installed using either a jack and bore method under the drainages or an open cut method to traverse the drainages. If the jack and bore method is used, there would be no disturbance of the drainage bed and bank, and therefore impacts would be considered less than significant. If the open cut method is used, the project will comply with measures as required by MM BIO-9 and obtain the necessary permits prior to commencement of gathering pipeline construction. Implementation of MM BIO-9 would reduce impacts including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite to less than significant.

MITIGATION MEASURE(S)

Implementation of MM BIO-9.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10c(ii) – Would the project substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

See response #3.4.10c(i), above. The project site is not located within a 100-year floodplain and does not include the development of residences (Figure 3.4.9-1). The project site is within an area of minimal flood hazard as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0375C (Federal Emergency Management Agency, 2009). There are no development restrictions associated since these are areas determined to be outside the 0.2 percent annual chance floodplain.

The easterly portions of the pipeline route are located within 100-year floodplain (1% annual chance of flood hazard zone). However, the pipeline will be placed underground and would not impede or affect floodwaters. The Project is not anticipated to substantially alter the drainage pattern of the area, and there are no streams or rivers in the project area. With implementation of MM HYD-1, impacts would be less than significant.

MITIGATION MEASURE(S)

Implementation of MM HYD-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10c(iii) – Would the project 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 that would 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?

Please see response #3.4.10a above. Therefore, the project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. With implementation of MM HYD-1, impacts would be less than significant.

MITIGATION MEASURE(S)

Implementation of MM HYD-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10c(iv) – Would the project 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 that would impede or redirect flood flows?

See response #3.4.10c(i), above. The Project is not anticipated to substantially alter the drainage pattern of the area. With implementation of MM HYD-1, impacts would be less than significant.

MITIGATION MEASURE(S)

Implementation of MM HYD-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10d – Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The project site is not located near the ocean or a steep topographic feature (i.e., mountain, hill, bluff, etc.). Therefore, there is no potential for the site to be inundated by tsunami or mudflow. Additionally, there is no body of water within the vicinity of the project site. There is no potential for inundation of the project site by seiche¹.

Therefore, the project would not contribute to inundation by seiche, tsunami, or mudflow. There would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.10e – Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Please see response #3.4.10(b) above. At this time, a GSP has not been prepared for the Tulare Lake Subbasin so no additional requirements or implementation measures are applicable. There would be no impact.

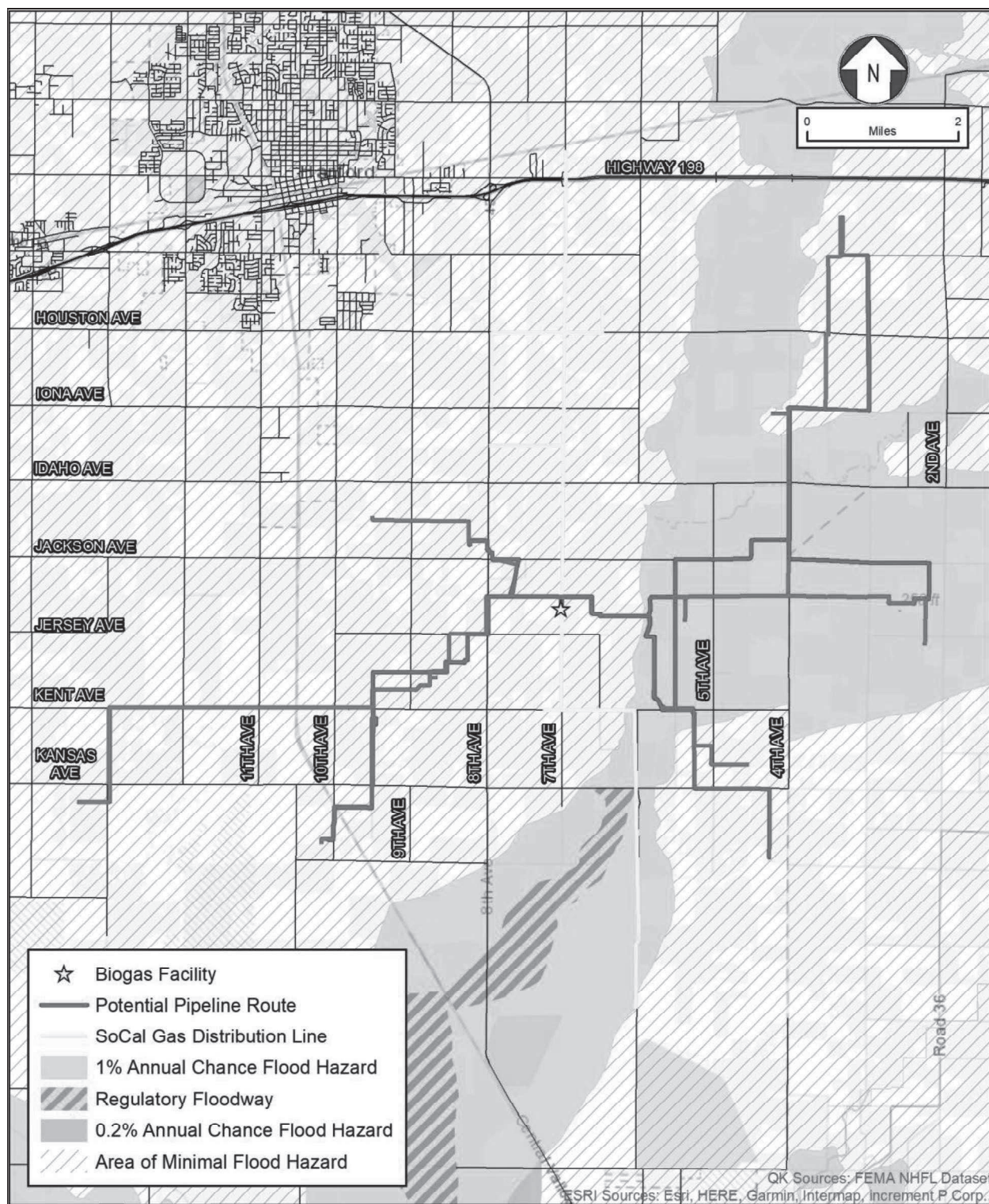
¹ A seiche is a standing wave in an enclosed or partially enclosed body of water that is often generated due to a significant seismic event.

MITIGATION MEASURE(S)

Implementation of MM HYD-1.

LEVEL OF SIGNIFICANCE

There would be *no impact*.



**Figure 3.4.10-1
FEMA**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.11 - LAND USE AND PLANNING

Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | 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? | ☐ | ☐ | ☐ | ☒ |

Discussion

Impact #3.4.11a – Would the project physically divide an established community?

The project is in a rural area with predominately cultivated fields, large dairies and other agriculturally related operations. The project proposed to construct and operate a biogas facility on a small portion of undeveloped land; gathering pipelines would be constructed within existing County road rights of way with approval of an encroachment permit, or on private property. The project does not include the construction of roads or any other physical barrier that would divide a community. The project would not result in any surrounding land use change; therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.11b – Would the project conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project site and pipeline route have a General Plan land use designation of General Agriculture (AG20) and is zoned General Agriculture-20 district (AG20) The pipeline would be installed underground and would not restrict or inhibit continued agricultural activities. According to Section 407 of the *Kings County Development Code, Land Use Regulations*-Table 4-1 of the Kings County Development Code, biogas facilities are permitted within the AG-20 (General Agriculture-20) zone district with approval of a CUP. Therefore, with approval of a CUP, the facility and pipeline would be consistent with applicable land use

policies and regulations and impacts would be less than significant. The proposed project would not conflict with an applicable land use plan, policy, or regulation of Kings County; therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.12 - 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

Discussion

Impact #3.4.12a – Would the project 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?

Neither the project site nor the surrounding area is designated as a Mineral Resources Zone by the State Mining and Geology Board (SMGB) of 2035 Kings County General Plan, nor is it currently being utilized for mineral extraction. The project is associated with existing agricultural purposes and the project design does not include mineral extraction. The project would not 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 and would therefore have no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.12b – Would the project 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?

The 2035 Kings County General Plan states that few commercial mining and mineral extraction activities occur in the County and currently, only limited excavation of soil, sand and some gravel is used for commercial purposes (Kings County, 2010). Additionally, the General Plan does not designate the site for mineral and petroleum resources activities. The project site and surrounding lands are zoned for agriculture uses. No mining occurs in the

project area or in the nearby vicinity and there are no anticipated mineral extraction activities to be conducted in the future as a result of the project. The project would not 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 and would therefore have no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.13 - 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 a local general plan or noise ordinance or applicable standards of other agencies? | ☐ | ☐ | ☒ | ☐ |
| b. | Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |

Discussion

The following analysis is based on data obtained from the certified EIR prepared for the Pixley Biogas Anaerobic Digester Project (Tulare County, 2013). Although the Pixley project included a much larger biogas facility than what is currently being proposed, the equipment analyzed in the Pixley Biogas Noise Impact Assessment would be similar in nature, location within a structure, and overall noise generation characteristics.

It is anticipated that the following pieces of equipment would be used during construction activities:

- | | |
|---|---|
| <ul style="list-style-type: none"> • Mini excavator • Scraper • Excavator • Self-propelled compactor • Grader • Water truck | <ul style="list-style-type: none"> • Mobile generator • Service truck • HDPE welding machine • Air compressor • trencher |
|---|---|

Impact #3.4.13a – Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

Few sensitive land uses are present within the surrounding project area. Land uses deemed sensitive by the State of California include schools, hospitals, rest homes, and long-term care and mental care facilities, which are considered to be more sensitive to ambient noise levels than others. The nearest sensitive land uses include agricultural residences located approximately 3,015 feet (0.6 miles) north and 2,757 feet (0.5 mile) south of the project site. The project site is near established dairies and agriculturally related businesses and noise generated by these uses are considered baseline. The agricultural residences in the vicinity are most likely utilized by farmers and agricultural workers who are accustomed to agricultural-related noise generated by the existing dairy facilities and agricultural operations.

The proposed project includes the installation and operation of a biogas upgrading facility. The upgrading facility will consist of moisture removal, H₂S scrubbing, CO₂ stripping, and biomethane compressors. Once constructed the facility would operate year-round and would continue to operate 24 hours a day, seven days a week. No full time, onsite staff will be at the facility and no visitors are permitted due to security restrictions. Noise generated by the proposed project would consist of employee traffic, delivery and service vehicles, and general facility operations. Operational activities associated with the project that would generate noise include maintenance vehicle circulation, delivery truck vehicle circulation, and the operation of certain mechanical equipment such as stationary pumps, motors, compressors, fans, heaters, and other equipment. All equipment with moving parts, except the effluent pump and the digester agitators, will be located inside an enclosed control room. Operation of pipelines would not result in any discernible noise.

Unmitigated Operational Noise Levels provided in Table 3.4.13-1 was calculated using the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) modeling program.

Table 3.4.13-1
Unmitigated Operational Equipment Noise Levels

Equipment Description	Noise Levels at home on agricultural use ~525 feet from site (dBA)		Noise Levels at home ~1,555 feet from site (dBA)	
	Lmax	Leq	Lmax	Leq
Loader	58.7	54.7	54.7	54.7
4 HP Blower	37.6	29.9	28.1	20.4
Digester Auger	39.6	31.9	30.1	22.4
Digester Pump	39.6	31.9	30.1	43.8
Compressor	57.2	53.3	30.1	43.8
Combined Noise Levels	57.2	57.1	49.3	47.7

Notes: *Reflects a 6 dBA drop in noise level for every doubling of the distance from the source.

Noise levels will be below threshold as noted in Table 3.4.13-1. Additionally, as the closest sensitive receptor is at least 2,700 feet from the site, noise levels during both construction and operation would be lower than shown.

The 2035 Kings County General Plan identifies that there are numerous active agricultural uses within the County protected by the County's Right-to-Farm Ordinance, which recognizes that "...agricultural activities and operations, including, but not limited to, equipment and animal noise...are conducted on a 24-hour a day, seven days a week basis..." in agricultural areas of the County (Kings County, 2010). The General Plan concludes that normal and usual agricultural operation creating elevated sound levels are not normally considered a nuisance. However, the Noise Element of the General Plan focuses on two goals to control fixed-source noise issues. These goals are to prevent the introduction of new noise-producing uses in noise-sensitive areas, and to prevent encroachment of noise-sensitive uses upon existing noise-producing facilities. Table N-8 of the Noise Element provides non-transportation noise standards.

This generated noise is consistent with the County's General Plan Noise Element, Noise Ordinance, and Right-to-Farm Ordinance. Operation of the facility would not generate noise levels above the existing levels in the project area as minimal equipment would be utilized and the project is within an area of similar and compatible agricultural uses.

There are no specific construction noise thresholds established by Kings County. However, the construction of the proposed project would be temporary and would generally occur between 7:00 a.m. to 6:00 p.m., five days a week for approximately four to five months. Additional hours may be necessary to make up schedule deficiencies, or to complete critical construction activities. Construction of the proposed expansion will mostly consist of site preparation, site excavation, grading and equipment installation. No demolition or pile-driving will occur during the construction phase of the project.

Given the existing agricultural nature of surrounding facility operations, noise levels are not anticipated to increase beyond a perceptible level by sensitive receptors. Therefore, these increases in ambient noise are considered less than significant and consistent with applicable standards.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.13b – Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?

The proposed project is expected to create temporary groundborne vibration as a result of the construction activities (during site preparation and grading). According to the U.S. Department of Transportation, Federal Railroad Administration, vibration is sound radiated through the ground. The rumbling sound caused by the vibration is called groundborne noise. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB). The background vibration velocity level in residential areas is usually around 50 VdB. A list of typical vibration-generating equipment is shown in Table 3.4.13-2. However, the project does not propose to use this specific equipment. The table is meant to illustrate typical levels of vibration for various pieces of equipment.

Table 3.4.13-2
Different Levels of Ground-borne Vibration

Vibration Velocity Level	Equipment Type
104 VdB	Pile Driver (impact), typical
93 VdB	Pile Driver (sonic), typical
94 VdB	Vibratory roller
87 VdB	Large bulldozer
87 VdB	Caisson drilling
86 VdB	Loaded trucks
79 VdB	Jackhammer
58 VdB	Small bulldozer

Source: (Federal Transit Administration , 2006)

Note: 25 feet from the corresponding equipment.

The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people.

Typical outdoor sources of perceptible ground-borne vibration are construction equipment and traffic on rough roads. For example, if a roadway is smooth, the groundborne vibration from traffic is rarely perceptible.

Typically, groundborne vibration generated by construction activity attenuates rapidly with distance from the source of the vibration. Therefore, vibration issues are generally confined to distances of less than 500 feet (U.S. Department of Transportation, 2005). Several residences are located within the surrounding area of the proposed project site. Potential sources of temporary vibration during construction of the proposed project would be minimal and would include transportation of equipment to the site, and operation of equipment during construction of the biogas upgrading facility and gathering pipelines.

Construction activity would include various site preparation, grading, in fabrication, and site cleanup work. Construction would not involve the use of equipment that would cause high ground-borne vibration levels such as pile-driving or blasting. Once constructed, the proposed project would not have any components that would generate high vibration levels.

Thus, construction and operation of the proposed project would not result in any vibration and impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.13c – 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?

The project site and underground pipeline route is not located within the Kings County Airport Land Use Compatibility Plan, nor within two miles of a public airport or public use airport (County of Kings, 1994). According to the Federal Aviation Administration website (Federal Aviation Administration, 2017), the nearest public airport is the Hanford Municipal Airport located approximately 5.2 miles northwest of the site. Therefore, the project would not expose people residing or working in the project area to excessive noise levels, and there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less- than Significant Impact	No Impact
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3.4.14 - 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)? | ☐ | ☐ | ☐ | ☒ |
| b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

Discussion

Impact #3.4.14a – Would the project induce substantial 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)?

Construction of the project is along existing roadways, private farmland and a small undeveloped portion of property. No demolition of existing structures is required. Construction will be of short duration, and existing local construction staff will be utilized to the extent possible.

During operation, the proposed biogas facility requires one-two permanent onsite staff. However, operations will be handled by staff from the nearby existing biogas facility. No increase in employees is required for the proposed expansion. The project would not induce substantial population growth in the area, either directly or indirectly and would therefore result in a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.14b – Would the project displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere?

The proposed project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere.

As discussed, operations and maintenance would be conducted by existing staff. The project will not require demolition of housing or encourage population growth. The proposed project would not displace substantial numbers of existing housing and would therefore result in no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.15 - PUBLIC SERVICES

Would the project:

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

i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

Discussion

Impact #3.4.15a(i) – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – fire protection?

Construction and operation of the proposed project would not be expected to result in an increase in demand of fire protection services leading to the construction of new or physically altered facilities. The Kings County Fire Department handles emergency and fire calls within the unincorporated County. According to the Fiscal Year 2016/2017 Final Budget, during the previous fiscal year (2015/2016), there were 4,784 calls for service, with 403 of those calls being fire-related (8.4 percent of all calls). This was an increase from the 4,663 calls for service received during the 2014/2015 fiscal year (County of Kings, 2016).

The proposed project is located within the unincorporated County and would likely receive service from either Station 2, located off of Excelsior Avenue just north of the city limits of Hanford, or Station 4 located east of the city limits of Hanford. The proposed construction of a biogas facility would be located adjacent to an agriculturally related business that is already served by the Kings County Fire Department.

The proposed use would construct new buildings in an area that would not directly impact the Kings County Fire Department's ability to continue to provide a similar level of protection throughout its service area. New construction will be required to pay impact fees, which aid in the construction of new capital facilities and purchase of equipment for public safety departments. The proposed project would result in a less-than-significant impact related to an increase in fire protection services that would necessitate the alteration or construction of fire stations or other infrastructure to combat fire.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.15a(ii) – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – police protection?

Construction and operation of the proposed project would not be expected to increase the demand for sheriff protection services leading to the construction of new or physically altered facilities. The Kings County Sheriff Department provides police protection in the unincorporated areas of Kings County and collaborates with other law enforcement agencies and the District Attorney's office on crime prevention. The Sheriff headquarters is at 1400 West Lacey, in Hanford.

According to the Fiscal Year 2016/2017 Final Budget, during the previous fiscal year (2015/2016), the Communications Division of the Sheriff Department, which handles dispatch responsibilities for numerous agencies throughout the County, received total 59,028 calls for service, of which 31,448 (53.2 percent) were directed to the Sheriff's Department deputies and officers. This was a slight increase from the 31,205 calls for service received during the 2014/2015 fiscal year (County of Kings, 2016).

The proposed project is located within the unincorporated County and would likely receive service from officers operating within the appropriate area. The proposed biogas facility would be located adjacent to an agriculturally related business that is already served by the Kings County Sheriff Department.

The proposed project would not result in a change to the provision of law enforcement protection that would require the County to add personnel, new facilities or alter existing facilities. The proposed project would result in a less-than-significant impact related to an increase in demand for law enforcement services that would necessitate the alteration or construction of new or expanded facilities to maintain adequate service levels.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.15a(iii) – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – schools?

The proposed project would not significantly increase the number of residents in the County, since the project does not include residential units, nor does it employ a significant number of people necessitating housing construction. There are 46 schools and 15 school districts located throughout Kings County (Kings County Office of Education, 2019). These districts and schools vary in size and the number of students served countywide enrollment for the 2018 school year totaled 29,203 (Kidsdata.org, 2019). The proposed project lies within the Lakeside Union Elementary School District and the Hanford Joint Union High School District. The proposed construction of biogas facility and gathering pipeline route would not generate impacts to the school districts.

In Kings County, school fees are collected at the time of building permit issuance for any construction in order to ensure that a fair share contribution related to size and scale of the development pays towards education in the county. Since the proposed project would not increase the number of students attending public school, there would be no impact.

MITIGATION MEASURE(S)

No mitigation would be required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.15a(iv) – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause

significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – parks?

The proposed project would not significantly increase the number of residents in the County, since the project does not include residential units, nor does it employ a significant number of people necessitating housing construction. According to the 2035 Kings County General Plan, Kings County presently owns and maintains three parks (Burris, Hickey, and Kingston) which are located in the north portions of the County and surrounded by agricultural areas. Burris Park is located south of Clinton Avenue between 6th and 7th Avenues. Hickey Park is located north of Flint Avenue at 17th Avenue. Kingston Park is located north of Douglas Avenue between 12th Avenue and 13th Avenue. Both Hickey Park and Kingston Park are primarily open space with grass and trees. Burris Park has more recreational amenities and a museum. Hickey and Kingston Parks are within about a five-minute drive from cities and communities located in the north half of the County and Burris Park is about a 15-minute drive from Hanford. The General Plan also identifies natural resources, such as the Kings River, as recreational centers within Kings County (Kings County, 2010).

As such, the proposed project would result in no impacts to these services and no mitigation would be required.

MITIGATION MEASURE(S)

No mitigation would be required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.15a(v) – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – Other Public Facilities?

The proposed project would not significantly increase the number of residents in the County, since the project does not include residential units or create a large number of new jobs. Kings County provides a wide range of public services to the public besides those services previously mentioned, above. The County also provides animal control services, refuse pick-up, library facilities, and drainage management. These services are generally funded through the general fund, usage fees, fines and penalties or impact fee collection.

In Kings County, all jurisdictions collect planning and building fees as well as impact fees for new development, as necessary. Since the demand for other public facilities is driven by population, the proposed project would not increase the demand for that service. As such,

the proposed project would result in no impacts to these services and no mitigation would be required.

MITIGATION MEASURE(S)

No mitigation would be required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.16 - 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? | ☐ | ☐ | ☐ | ☒ |
| b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |

Discussion

Impact #3.4.16a – Would the Project 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?

See Impact #3.4.15a(ii) above.

The proposed project expansion and associated improvements would not impact park or recreational facilities within Kings County. The project will utilize existing staff to help operate the facility and therefore would result in no increase in residential population in the County. The proposed project would not 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. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.16b – Would the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

The proposed project does not include or require the construction or expansion of recreational facilities. As such, the proposed project would result in no impacts to these services and no mitigation would be required.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.17 - TRANSPORTATION

Would the project:

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

Discussion

Potential transportation and circulation impacts that may result from the proposed project primarily involves determining whether a net change would occur in traffic generated by personnel commuting to or from the project site and by truck trips related to the expansion of facility operations.

Site access is currently provided by a driveway on 7th Avenue. Semi-trucks are used for large deliveries and exports to and from the site and standard pick-up trucks are used by employees to travel to and from the site. The County's network of interstate and State highways and local roads is relied upon to accommodate existing traffic demands. The roadways surrounding the project site include 7th Avenue and Jersey Avenue.

Impact #3.4.17a – Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?

The proposed project is located in a rural, sparsely populated area that does not have high traffic volume. As proposed, the project does not include the construction of new intersections, streets, highways and freeways, pedestrian and bicycle paths, or mass transit, nor would the project impact or degrade the existing transit infrastructure of the area.

Projected Trip Generation

CONSTRUCTION

Construction of the proposed project is temporary and would take approximately nine-10 months to complete and would typically be scheduled between 7:00 a.m. and 6:00 p.m., Monday through Friday. The workforce required for construction is expected to be drawn from local or regional labor pools. It is assumed that the average construction workforce would be between approximately 15 to 20 persons.

For this analysis, we have applied a conservative occupancy rate of 2.0 to trips generated by construction personnel. Therefore, we have assumed a maximum of 10 trips are generated in both the a.m. and p.m. periods due to construction personnel. However, as is typical with construction activities, trips are anticipated to be distributed over longer a.m. and p.m. periods and will not necessarily coincide with the traditional commuting peak periods of 7:00 a.m. to 9:00 a.m. or 4:00 p.m. to 6:00 p.m. It is anticipated the trips will be spread over four-hour periods, from 5:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

It is also anticipated there will be parts, materials and equipment delivered to the job site throughout construction, made by large heavy-haul transport trucks during the workdays. There is assumed to be one to two trucks per day (10 round trips) during the peak construction period.

OPERATION

Once operational, there will be no permanent staff at the facility. Routine maintenance and operations activities will be conducted by one-two staff, for a total of two daily round trips. Staff are anticipated to work a regular five-day a week schedule.

Diesel trucks will be delivering sodium hydroxide from Fresno or Bakersfield. The deliveries are expected no more than once a week. In addition to those deliveries, there may be one-two monthly deliveries of compressor oil and liquid nutrients via the same diesel trucks, for a total of approximately six roundtrips a month.

Based on the above analysis, it is anticipated that temporary construction traffic generated of 20 trips – 10 construction staff and 10 truck deliveries – the project does not generate significant traffic during any peak hour during construction. Once operational, the project would generate two daily trips, with an additional six-monthly delivery trips.

The Circulation Element of the 2035 Kings County General Plan designates a peak-hour level of service (LOS) of “D” as the threshold for acceptable traffic operations for the Kings County road network (Kings County, 2010). The project site is currently accessed via 7th Avenue. Construction and operational traffic would use 7th Avenue, a two-lane road, and the majority of traffic to the site would use SR 198 and SR 43. According to the Circulation Element Figure C6, SR 43 has an ADT of 10,800 and SR 198 has an ADT of 19,800.

Table C-4 of the Circulation Element does not have a set designation for 7th Avenue and it is considered a local road with no official thresholds or LOS designations. SR 43 where it intersects with SR 198 had a LOS of C in 2006 and is expected to be LOS D by 2035. However, the minimal increase of 20 daily trips anticipated by the proposed project during construction, or the two daily employee trips and up to six monthly delivery trips would not interrupt the flow of traffic or degrade the existing LOS condition.

The proposed project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system. The proposed project is consistent with the Kings County General Plan Circulation Element (County of Kings, 2010) and Kings County Regional Transportation Plan (LSC, 2015); therefore, the proposed project would have a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.17b – Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

As discussed in Impact #3.4.17a, the proposed expansion project would not result in degrading the current LOS condition. There would be a slight increase in ADT during short-term construction and a minimal increase in ADT for operations activities. This increase is considered nominal as it would not result in a lower LOS for the surrounding roadway system. The proposed project would not conflict with an applicable congestion management program or other standards established by the county congestion management agency for designated roads or highways. Therefore, the impact would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.17c – Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project would utilize existing roadways and no new roads are being proposed as part of the project design. The project design does include two new private drive approaches on 7th Avenue to provide access to and from the project site. The drive approaches would be designed according to all applicable County Improvement Standards. Therefore, the project would not substantially increase hazards due to a design feature or incompatible uses and would have a less-than-significant impact.

The pipeline will be buried approximately four to eight feet below grade, which is deeper than what would be turned over during typical agricultural tilling or disking activities. However, if the pipeline encroaches on the public ROW, implementation of TRANS-1 and TRANS-2 would greatly reduce the likelihood of pipeline rupture, thus reducing this impact.

MITIGATION MEASURE(S)

MM TRANS-1: A detectable underground warning tape will be installed above the pipeline where the pipeline crosses public ROW to notify anyone digging in the area of the deeper pipe. Signage will also be provided along the pipeline at half mile intervals to provide notice of the buried pipe.

MM TRANS-2: An Operations and Maintenance Program will be developed and followed to inspect and pressure-test the pipeline. Monitoring will occur during construction and on an annual basis during project operations.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.17d – Would the project result in inadequate emergency access?

Construction and operation of the proposed project would not interfere with emergency access for emergency vehicles or nearby uses as all activities would be conducted on the site and would not interfere with the adjacent street traffic. The project design includes new drive approaches along 7th Avenue, which would allow for improved access to the site. No facilities are proposed as part of the proposed project that would change emergency access to the site or that would affect access to nearby uses. The project would not result in inadequate emergency access and would therefore result in no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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1.1.2 - 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:

- 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

☐
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☐
☐

- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

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Discussion

Impact #3.4.18a(i) – 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 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)?

Please see response to Impact #3.4.5a above. The Lead Agency has consulted with the Santa Rosa Rancheria tribe regarding potential project impacts to tribal cultural resources. With implementation of Mitigation Measures MM CR-1 and MM CR-2, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources.

MITIGATION MEASURE(S)

Implementation of MM CR-1 and MM CR-2.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant with mitigation incorporated*.

Impact #3.4.18a(ii) – 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 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.

Please see response to Impact #3.4.5a above. With implementation of Mitigation Measures MM CR-1 and MM CR-2, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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.

MITIGATION MEASURE(S)

Implementation of MM CR-1 and MM CR-2.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant with mitigation incorporated*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.18 - 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 of existing facilities, the construction or relocation of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | ☐ | ☐ | ☒ | ☐ |
| c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| e. Comply with federal, State, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |

Discussion

Impact #3.4.19a – 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 of existing facilities, the construction or relocation of which could cause significant environmental effects?

The project will not cause significant environmental effects impacting or affecting applicable wastewater treatment requirements during construction or operations activities. See also Impact #3.4.10 for a discussion of wastewater disposal and compliance with RWQCB requirements. The project would not necessitate the RWQCB to expand their facilities

because of the project. The project would not exceed wastewater treatment requirements of the applicable RWQCB.

The project will require up to 20 employees during temporary construction-related activities, and one-two maintenance employees will work at the site during day-to-day operations. A bathroom facility with a septic system will be constructed onsite. The septic system will be designed to meet County septic system requirements.

As shown in Table 3.4.19-1, water usage for dust control during construction-related activities will be minimal due to the small footprint and short duration of construction-related activities of the proposed project. Water used in the operational process will be maintained onsite and minimized using best management practices. All applicable local, State, and federal requirements and best management practices will be incorporated into construction-related activities of the project.

**Table 3.4.18-1
Proposed Water Demand for Biogas Gather Facility Project**

	Daily Water Demand (gallons)	Period of Performance	Total (AFY)
Construction	2.65 million	10 months	8
Operation	365,000	1 year	1.1
Total			9.1

Source: Maas Energy Works AFY = acre-feet per year

During construction, temporary, portable toilet facilities will be provided for construction-workers and disposed of at an approved site in compliance with Kings County Environmental Health Department policies. The applicant will contract with a local service provider to dispose of the wastewater at an approved wastewater treatment plant. It is estimated that there would be one portable toilet with a 50-gallon tank at the project site during construction-related activities.

Impacts would be considered less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*

Impact #3.4.19b – Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The project will obtain its water from an existing onsite private well system. Typical water usage for crop irrigation on the project site is approximately 1.3 million gallons, four AFY (De Jong, 2019) . Therefore, once operational, the project would generate a significant decrease in water consumption needed for continued crop cultivation on the project site.

As noted in Impact #3.4.10b, project construction would require 0.000016 percent of the total available groundwater within the subbasin and operational needs per year would require 0.0011 percent. of available water. Given that these percentages of the overall available groundwater in the subbasin needed for the project's construction and operations are nominal, the project's construction and operations would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*

Impact #3.4.18c – Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The increase in onsite stormwater runoff from the proposed project will be minimal and is the result of a small increase in impervious surfaces from the equipment room, and the paved driveway. The remainder of the site will be unpaved and therefore allows for water to percolate back into the ground.

The site engineering and design plans for the proposed project would be required to implement BMPs, comply with requirements of the Kings County Code of Building Regulations, as well as with Kings County Development Standards and compliance with the NPDES General Permit. Implementation of MM HYD-1 and MM HAZ-1 would reduce impacts to less than significant.

MITIGATION MEASURE(S)

Implement MM HYD-1 and MM HAZ-1.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant with mitigation incorporated*.

Impact #3.4.18d – Would the project 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?

As outlined in the Project Description and Impact #3.4.10, the project would utilize an estimated three AF of water during construction and 2.8 acre-feet per year from the proposed project via an onsite well system. Bottled water for employees will be brought to the project site as well. Project construction would require 0.000016 percent of the total available groundwater within the Tulare Lake Subbasin and operational needs per year would require 0.0011 percent of available water. Impacts would be less than significant.

Water will be obtained from persons with existing entitlements to water, and no new entitlements will be required. No surface water entitlements are needed to service the project as the existing groundwater resources are available and adequate to service the site. Although not anticipated, any wells that would be repaired, replaced or added would be required to be permitted through the health department prior to installation in order to ensure compliance with local and State regulations. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*

Impact #3.4.18e – Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

The proposed project would generate solid waste during construction and operation, thus requiring the consideration of a waste reduction and recycling measure. The 1989 California Integrated Waste Management Act (AB 939) requires Kings County to attain specific waste diversion goals. In addition, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the proposed project design. The project would comply with the 1989 California Integrated Waste Management Act, the 1991 California Solid Waste Reuse and Recycling Access of 1991, as amended. As well as the rules of the contracted waste franchise, which is the Kings Waste and Recycling Authority. The project is also subject to Chapter 13 of the Kings County Municipal Code that regulates all solid waste activities from disposal, sorting and recycling of materials.

According to CalRecycle, the implementation of the local requirements has led to Kings County meeting their required diversion and disposal targets. Therefore, the implementation and compliance with the local regulations would lead to a less-than-significant impact for the project (California Department of Resources Recycling and Recovery, 2017). The proposed project would be required to comply with all federal, State,

and local statutes and regulations related to the handling and disposal of solid waste. Therefore, implementation of the proposed project would result in less-than-significant impacts.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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3.4.19 - 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion

Impact #3.4.20a – If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

See response #3.4.9f. The project is not located in or near State Responsibility Areas or lands classified as very high fire hazard severity zone. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.20b – Would the project 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?

The project area is flat, with little topography. The surrounding area is rural, and predominantly under agricultural cultivation or developed with agri-businesses. It is not located in or near State Responsibility Areas or lands classified as very high fire zones. Therefore, there would be *no impact*.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.20c – Would the project 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?

The project does not require the installation or maintenance of infrastructure that would result in temporary or permanent impacts to the environment. The 37 miles of gathering pipeline will be installed four to eight feet below ground and not pose a potential threat. The gathering pipeline system is considered as a Class 1 pipeline (due to the low population density within which it traverses) and is classified as non-jurisdictional gathering per the PHMSA regulations.

The biomethane captured at the digester will be transported via low-pressure gas pipelines from the digester to the biogas upgrading facility's onsite dewatering equipment and thence to the main gas upgrading equipment. All portions of the project will comply with Pipeline and Hazardous Materials Safety Administration (PHMSA) Guidelines, 49 CFR Part 192, and with the CPUC's Safety Enforcement Division (SED) purview, CPUC General Order 112-F. Therefore, there impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*.

Impact #3.4.20d – Would the project 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?

As noted in Impact #3.4.20b, the project site and surrounding area is relatively flat with no slopes or steep inclines that would cause flooding or landslides, slope instability of drainage changes. The upgrading facility is located on flat land adjacent to an existing agribusiness operation. The gathering pipeline route will be located on either existing ROW or private land that is flat. The pipe will be underground and therefore not create any permanent change in topography or drainage. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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3.4.20 - MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | | |
|----|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. | Does the project 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? | ☐ | ☒ | ☐ | ☐ |
| b. | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | ☐ | ☒ | ☐ | ☐ |
| c. | Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☐ | ☐ |

Discussion

Impact #3.4.21a - Does the project 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?

As evaluated in this IS/MND, the proposed project would not 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; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory. Mitigation measures have been included to lessen the significance of

potential impacts. Similar mitigation measures would be expected of other projects in the surrounding area, most of which share similar cultural paleontological and biological resources. Consequently, the incremental effects of the proposed project, after mitigation, would not contribute to an adverse cumulative impact on these resources. Therefore, the project would have a less-than-significant impact with mitigation incorporated.

MITIGATION MEASURE(S)

Implementation of MM BIO-1 through MM BIO-9, MM CR-1 and MM CR-2, MM HAZ-1, MM HYD-1, MM TRANS-1 and MM TRANS 2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.21b - Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

As described in the impact analyses in Sections 3.4.1 through 3.4.18 of this IS/MND, any potentially significant impacts of the proposed project would be reduced to a less-than-significant level following incorporation of the mitigation measures listed in Appendix D – Mitigation Monitoring and Reporting Program. All planned projects in the vicinity of the proposed project would be subject to review in separate environmental documents and required to conform to the 2035 Kings County General Plan, the Kings County Development Code, mitigate for project-specific impacts, and provide appropriate engineering to ensure the project meets all applicable federal, State and local regulations and codes. As currently designed, and with compliance of the recommended mitigation measures, the proposed project would not contribute to a cumulative impact. Thus, the cumulative impacts of past, present, and reasonably foreseeable future projects would be less than cumulatively considerable.

MITIGATION MEASURE(S)

Implementation of MM BIO-1 through MM BIO-9, MM CR-1 and MM CR-2, MM HAZ-1, MM HYD-1, MM TRANS-1 and MM TRANS-2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.21c - Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?

The ways in which people can be subject to substantial adverse effects from projects include: potential exposure to significant levels of local air pollutants; potential exposure to seismic

and flooding hazards; potential exposure to contamination from hazardous materials; potential exposure to traffic hazards; and potential exposure to excessive noise levels. The risks from these potential hazards would be avoided or reduced to less than significant levels through compliance with existing laws, regulations, or requirements. All of the project's impacts, both direct and indirect, that are attributable to the project were identified and mitigated to a less than significant level. As shown in the *Mitigation Monitoring and Reporting Program*, the project proponent has agreed to implement mitigation substantially reducing or eliminating impacts of the project.

Therefore, the proposed project would not either directly or indirectly cause substantial adverse effects on human beings because all potentially adverse direct impacts of the proposed project are identified as having no impact, less-than-significant impact, or less than significant impact with mitigation incorporated.

MITIGATION MEASURE(S)

Implementation of MM BIO-1 through MM BIO-9, MM CR-1 and MM CR-2, MM HAZ-1, MM HYD-1, MM TRANS-1 and MM TRANS-2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

SECTION 4 - LIST OF PREPARERS

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- Alejandro Hernandez- Planner

4.2 - QK

- Jaymie L. Brauer- Principal Planner/Lead Author
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- Robert Parr, MS, RPA- Cultural Resources
- Dave Dayton, Senior Biologist- Biological Resources

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APPENDIX A
AIR QUALITY IMPACT ANALYSIS

APPENDIX B
CULTURAL RESOURCES RECORDS SEARCH MEMO

APPENDIX C
SAFETY ACTION PLAN

APPENDIX D
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
MM AQ-1: During project construction the following measures shall be implemented: • Implement the Dust Control Plan required to be approved for the project by the San Joaquin Valley Air Pollution District under District Rule 8021 prior to ground disturbing activity. • When exposure to dust is unavoidable for workers who will be disturbing the top two-12 inches of soil, provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)." • Identify a health care provider for occupational injuries and illnesses who is knowledgeable about the diagnosis and treatment of Valley Fever. • Train workers and supervisors about the risk of Valley Fever, the work activities that may increase the risk, and the measures used onsite to reduce exposure. Also train on how to recognize Valley Fever symptoms. • Encourage workers to report Valley Fever symptoms promptly to a supervisor. Not associating these symptoms with workplace exposures can lead to a delay in	During Construction	Lead Agency		

appropriate treatment.	diagnosis	and
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MM BIO-1: Prior to ground-disturbing activities, a qualified wildlife biologist shall conduct a biological clearance survey no more than 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, Tipton kangaroo rat, San Joaquin kangaroo rat, burrowing owl, other special-status species or signs of, and sensitive natural communities. The pre-construction survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the project site and the 50-foot buffer, where feasible.

Prior to Construction

Lead Agency

Exclusion zones for kit fox shall be placed in accordance with U.S. Fish and Wildlife Service (USFWS) Recommendations using the following:

- Potential Den: 50-foot radius
- Known Den: 100-foot radius
- Natal/Pupping Den (Occupied and Unoccupied): Contact USFWS
- Atypical Den: 50-foot radius.

Buffer zones shall be considered Environmentally Sensitive Areas (ESAs) and no ground-disturbing activities shall be allowed within a buffer area. The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be contacted upon the discovery of any natal or pupping dens.

Potential kit fox dens may be excavated provided that the following conditions are satisfied: (1) the den has been monitored for at least five consecutive days and is deemed unoccupied by a qualified biologist; (2) the excavation is conducted

by or under the direct supervision of a qualified biologist. Den monitoring and excavation should be conducted in accordance with the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (United States Fish and Wildlife Service, 2011).

MM BIO-2: Species awareness training shall be conducted for all employees, contractors, or other personnel involved with the project prior to the commencement of ground-disturbing activities. The training shall consist of a brief presentation by a qualified biologist and include the following: a description of special-status species with the potential to occur in the project area and their habitat needs, a report of occurrence of special-status species in the project area, an explanation of the listing status of said species, a list of avoidance and minimization measures to be implemented, and violations associated with the federal and State endangered species acts. A fact sheet conveying this information should be available to all personnel upon entering the project site and a sign-in sheet shall be maintained and made available to the district, USFWS, and CDFW.	Prior to Construction	Lead Agency
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MM BIO-3: During all construction-related activities, the following mitigation shall apply: • All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and	During Construction	Lead Agency
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removed at least once a week from the construction or project site.

- Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds should not exceed 20 miles per hour (mph) within the project site.
- To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two-feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four inches or greater that are stored on the project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.
- 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 four inches or greater that are stored at a construction site for one or more

overnight periods shall 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 shall not be moved until the 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.

- No pets, such as dogs or cats, shall be permitted on the project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
- Use of anti-coagulant rodenticides and herbicides in project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall 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 the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.
- A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified

during the employee education program and their name and telephone number shall be provided to the USFWS.

- The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin 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. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
- All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the USFWS at the address below.
- Any project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.

MM BIO-4: All fencing constructed on the project site shall be wildlife friendly. In	During Construction	Lead Agency
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order to allow wildlife safe passage, fencing shall have a five to seven-inch continuous gap with the bottom mesh material knuckled back along the bottom of the fence.

MM BIO-5: If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the project sites, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist in coordination with the California Department of Fish and Wildlife shall determine buffer distances and/or the timing of project activities so that the proposed project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed project remains in compliance with the Migratory Bird Treaty Act and applicable State regulations.	Prior to Construction	Lead Agency
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MM BIO-6: If construction of the project occurs during Swainson's hawk breeding season (February 1 through September 15), no more than 10 days prior to the commencement of construction, the following shall be implemented:	Prior to construction	Lead Agency
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- Protocol nesting surveys for Swainson's hawk shall be conducted by a qualified biologist within 0.5 miles of the project site and pipeline route. The survey methodology shall be consistent with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000). At a minimum, two sets of surveys shall be conducted between

March 20 and April 20. If no nests are observed, no further action is necessary.

- If active Swainson's hawk nests are observed within 0.5 miles of the project, appropriate avoidance and minimization measures shall be implemented under direction of a qualified biologist in coordination with the California Department of Fish and Wildlife. A copy of the survey results shall be submitted to the Kings County Community Development Agency.

MM BIO-7: If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent with those included in the California Department of Fish and Game Staff Report on Burrowing Owl Mitigation (CDFG 2012). If occupied burrowing owl burrows are observed outside of the breeding season (September 1 through January 31) and within 500 feet of proposed construction activities, a passive relocation effort may be instituted in accordance with the guidelines established by the California Burrowing Owl Consortium (1993) and the California Department of Fish and Game (2012). During the breeding season (February 1 through August 31), a 250-foot (minimum) buffer zone shall be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Prior to
Construction

Lead Agency

MM BIO-8: The measures listed below shall be implemented prior to and during construction at the project site, to protect

Prior to and
during
construction

Lead Agency

the Tipton and San Joaquin kangaroo rat and other special-status small mammals:

- All construction activity shall occur during daylight when kangaroo rats are less active;
- A biologist shall inspect areas with a potential for kangaroo rat burrows within 14 days prior to construction. If potential burrows are found in construction areas, trapping shall be conducted for a minimum of three nights with at least one trap per active burrow. If Tipton kangaroo rats are captured, consultation with California Department of Fish and Wildlife is required; and
- During operations, no small mammal burrows shall be removed without first being inspected by a qualified biologist. If it is essential to move a burrow, trapping shall occur for three consecutive nights. If Tipton or San Joaquin kangaroo rats are observed, consultation with California Department of Fish and Wildlife shall occur to determine subsequent actions.

MM BIO-9: Prior to the issuance of building permits, if Cross Creek 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.

Prior to Construction Lead Agency

MM CR-1: The following measures shall be implemented, as necessary, in conjunction with the construction of the project:

During
Construction

- a) The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.
- b) The project proponent shall retain Santa Rosa Rancheria Cultural staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground disturbing activities, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found.
- c) The project proponent shall retain a professional archaeologist on an "on-call" basis during ground disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. Should previously unidentified cultural resources be discovered during construction of the project, the project proponent shall cease work within 100 feet of the resources, and Kings County Community Development Agency (CDA) shall be notified immediately. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique

archaeological resources under CEQA.

- d) If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the Kings County CDA. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the Santa Rosa Rancheria's Cultural and Historical Preservation Department. The archaeologist shall be required to submit to the County for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.
- e) Prior to any ground disturbance, the project proponent shall offer

the Santa Rosa Rancheria Tachi Yokut Tribe the opportunity to provide a Native American Monitor during ground disturbing activities during construction. Tribal participation would be dependent upon the availability and interest of the Tribe.

- f) Upon coordination with the Kings County Community Development Agency, any pre-historic archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.

MM CR-2: In order to avoid the potential for impacts to buried human remains, the following measures shall be implemented, as necessary, in conjunction with the construction of the project:

During Construction Lead Agency

- a) Pursuant to State Health and Safety Code Section 7050.5(e) and Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop in the vicinity of the find and the Kings County Coroner shall be notified immediately. If the remains are determined to be Native American, the Coroner shall notify the California State Native American Heritage Commission (NAHC), who shall identify the person believed to be the Most Likely Descendant (MLD). The project proponent and MLD, with the assistance of the archaeologist, shall make all reasonable efforts to

develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)). The agreed upon treatment shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(e) which states that "... the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

- b) Any findings shall be submitted by the archaeologist in a professional report submitted to the project applicant, the MLD, the Kings County Community Development Agency, and the California Historical Resources Information System, Southern San Joaquin Valley Information Center.

MM GEO-1: Prior to final design and issuance of building permits, a geotechnical study shall be prepared for the project site and recommendations of the study shall be incorporated into final design of the project. A copy of the report

Prior to Construction Lead Agency

shall be submitted to the Kings County Community Development Agency for review.

MM GEO-2: During grading and site preparation activities, if paleontological resources are encountered, all work within 50 feet of the find shall halt until a qualified paleontologist, in accordance with Society of Vertebrate Paleontology Standards can evaluate the find and make recommendations. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts from project implementation. The paleontologist shall notify the Kings County Community Development Agency, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement mitigation measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in PRC Section 21083.2.	Prior to and during construction	Lead Agency
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MM HAZ-1: Prior to operation, the project proponent shall submit to Kings County Department of Environmental Health Services, a Hazardous Materials Business Plan (HMBP) pursuant to Health and Safety Code Chapter 6.95, Sections 25500 to 25520. The HMBP shall outline the types and quantities of hazardous materials used onsite and indicate onsite safety measures to ensure such materials are properly handled and stored. A copy of the approved	Prior to operation	Lead Agency
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HMBP shall be submitted to the Kings County Community Development Agency.

MM HAZ-2: Prior to operation, the project proponent shall submit to Kings County Department of Environmental Health Services, a Spill Prevention and Management Plan for review and approval.	Prior to operation	Lead Agency
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MM HYD-1: Prior to ground-disturbing activities, the project proponent shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices, with the intent of keeping all products of erosion from moving offsite. The SWPPP shall include a site map that shows the construction site perimeter, existing and proposed manmade facilities, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site. Additionally, the SWPPP shall contain a visual monitoring program and a chemical monitoring program for non-visible pollutants to be implemented (if there is a failure of best management practices). The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:	Prior to construction	Lead Agency
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- Stockpiling and disposing of demolition debris, concrete, and soil properly;
- Protecting any existing storm drain inlets and stabilizing disturbed areas;
- Implementing erosion controls;
- Properly managing construction materials; and

- Managing waste, aggressively controlling litter, and implementing sediment controls.

A copy of the approved SWPPP shall be submitted to the Kings County Community Development Agency.

MM TRANS-1: A detectable underground warning tape will be installed above the pipeline where the pipeline crosses public ROW to notify anyone digging in the area of the deeper pipe. Signage will also be provided along the pipeline at half mile intervals to provide notice of the buried pipe.	Prior to operation	Lead Agency
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MM TRANS-2: An Operations and Maintenance Program will be developed and followed to inspect and pressure-test the pipeline. Monitoring will occur during construction and on an annual basis during project operations.	During construction and operation	Lead Agency
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APPENDIX E
PIPELINE ROUTE DETAIL

**AGREEMENT
IN CONNECTION WITH
APPLICATION FOR ENCROACHMENT PERMIT**

THIS AGREEMENT ("Agreement") is entered into as of this the 28th day of July, 2020, by and between the County of Kings, a political subdivision of the State of California, ("County") and Lakeside Pipeline, LLC, a California Limited Liability Company, with its principal place of business at 3711 Meadow View Drive, Redding, CA 96002 ("Applicant").

RECITALS

WHEREAS, Applicant has submitted an encroachment permit application ("Application") and plan set, Calgren Dairy Fuels Digester Project, Phase 4 Transfer Pipeline Plan Set, attached as **Exhibit A**, to County for a permit ("Permit") granting Applicant encroachment in the County right-of-way to install, operate, and maintain approximately 4.60 linear miles of pipeline, up to twenty (20) inches in diameter of HOPE pressure pipe ("Pipeline");

WHEREAS, Applicant has agreed to make certain covenants with County in connection with and to indemnify County for damages or claims related to the proposed Pipeline and Permit; and

WHEREAS, the covenants and agreement to indemnify the County are acceptable to the County.

NOW, THEREFORE, the Parties agree as follows:

1. REGISTRATION OF PIPELINE LOCATION

Upon completion of the construction and installation of the Pipeline, and prior to the acceptance of work in connection with the Permit, Applicant shall register the location of the Pipeline with USA North 811 within thirty (30) calendar days of construction completion, and shall renew the registration annually to continue to provide for underground service locating.

Applicant shall provide proof of registration as set forth in Paragraph 6. Failure to do so is grounds for County to revoke this Agreement pursuant to Paragraph 9. This obligation runs so long as the Pipeline exists and it is Applicant's obligation to ensure that any future owner/successor/permitted assignee of the Pipeline, Permit, and this Agreement maintains such proper registration.

2. PLANS

In connection with the Application, Applicant must submit a set of engineered plans

detailing the Pipeline construction and installation to County for review. Applicant's construction and installation of the Pipeline shall be in accordance with the approved set of plans and shall not deviate from said plans. Design and construction standards shall be substantially similar to gas pipeline installations or engineered equivalents. Upon completion of construction and installation, the Pipeline shall be marked per industry standards with a distinguishable sign indicating a gas pipeline is in the vicinity.

3. AS-BUILT PLANS

Upon completion of construction and installation, and prior to the Pipeline being placed into service, Applicant shall provide County with an as-built plan set which reflects the actual location of the Pipeline, its depth, and diameter as constructed and installed within County right-of-way. The as-built plan set shall be prepared by and stamped by a Registered Civil Engineer in good standing in the State of California. Applicant shall provide County with any supplemental surveys to reflect any subsequent corrections and/or changes to the Pipeline.

4. ACTIVE ABANDONMENT

If the Pipeline is ever actively abandoned, then it shall be capped and filled with flowable fill of a controlled low-strength material consisting of fluid mixture of cement, fly ash, aggregate, water and with admixtures as necessary to provide workable properties, all to the satisfaction of the County. An encroachment permit issued by County Public Works shall be required to perform this work.

5. PASSIVE ABANDONMENT

Applicant shall provide County an irrevocable line of credit or some other vehicle acceptable to the County for use in the event that the Pipeline is ever passively abandoned. The County shall use said source of funds to remove the encroachment from the Public Right of Way. The initial monetary value of the credit shall be equal the cost of removing the encroachment and returning the Right of Way to its previous condition. The cost shall be calculated and stamped by a Civil Engineer licensed to practice in the State of California. An annual inflation rate of 3% shall be included in the line of credit. Line of credit shall be presented to and approved by County prior to the issuance of an encroachment permit.

6. ENCROACHMENT FEE AND REGISTRATION

Applicant shall pay a one-time encroachment fee prior to issuance of the encroachment permit for processing the permit and construction inspection in the amount of \$1,500.

Additionally, applicant, its successors, and assignees (if any), shall pay to the County an annual franchise (encroachment) fee equal to 2% of the total value of all natural gas injected into the SoCalGas pipeline at the project hub as metered by SoCalGas equipment and documented by Lakeside Pipeline to King's County. The value of the natural gas shall be

calculated as the average SoCal Border natural gas price for that year, times the number of MMBtus metered during the year. Applicant shall remit payment to the County beginning 12 months after the execution of this agreement and annually thereafter within 30 days of the month and day of this agreement, and shall include proof of then-current registration with USA North 811 or an equivalent underground service locating organization with said payment.

7. INDEMNIFICATION

Applicant, its successors, and permitted assignees (if any), shall hold harmless, defend and indemnify County, its elected officials, agents, officers, employees, and assigns from and against any and all liability, claims, actions, costs (including reasonable attorney's fees), damages or losses of any kind, including death or injury to any person and/or damage to property, including County property, arising from, or in connection with this Agreement, the Permit, and the Pipeline, including but not limited to, construction, installation, maintenance, repair, rehabilitation, replacement, or removal of the Pipeline, any actual, alleged or threatened spill, leak, or other release of waste or water related to operation of the Pipeline. This indemnification obligation shall continue so long as the Pipeline exists.

Applicant, its successors, and permitted assignees (if any) shall indemnify, defend and hold harmless the County from and against any and all claims, actions, or proceedings against the County to attach, set aside, void, or annul any findings, entitlements, certification of California Environmental Quality Act ("CEQA") or other environmental review, and/or approvals by the County given in regard to the Permit or Pipeline, this Agreement, and/or any other related proceedings, or to impose personal liability against such County officials, agencies, departments, commissions, agents, officers, or employees resulting from their official involvement in any Permit, Pipeline, or Agreement proceedings, including any claims and actions for attorneys' fees, private attorney general fees and/or costs awarded to any party and against the County.

8. TERM

This Agreement shall become effective as of the date first above written and shall terminate in 30 years.

9. REVOCATION

This Agreement and the Permit may be revoked by the County if Applicant fails to adhere to their terms. To revoke this Agreement and the Permit, County shall give written notice to Applicant as set forth in Paragraph 12 below. If this Agreement and the permit are revoked, the Applicant or its successors, and permitted assigns (if any), shall commence removal within thirty (30) days of permit revocation. Applicant shall be solely responsible for the removal of Pipeline from the County right-of-way at no cost to the County. If applicant fails to perform within the timeline specified herein, the Pipeline shall be deemed passively abandoned and County shall utilize the Irrevocable Line of Credit to permanently remove the encroachment.

10. AMENDMENT

This Agreement shall not be modified or amended except by means of a writing signed by each of the Parties to this Agreement.

11. ASSIGNMENT

Applicant shall not assign this Agreement or transfer its rights or obligations under this Agreement or the Permit without the prior written consent of County subject to any required state or federal approval.

12. NOTICES

Any notice necessary to the performance of this Agreement shall be given in writing by personal delivery or by prepaid first-class mail addressed as follows:

COUNTY:

Kings County Dept. of Public Works
C/O Mr. Kevin McAlister
1400 W. Lacey Blvd.
Hanford, CA 93230

APPLICANT:

Lakeside Pipeline, LLC
C/O Mr. Daryl Maas
3711 Meadow View Drive
Redding, CA 96002

If notice is given by: a) personal delivery, it is effective as of the date of personal delivery; b) first-class mail, it is effective as of five (5) days following the date of mailing or the date of delivery reflected upon a return receipt, whichever occurs first.

13. POWER TO GRANT

The Parties acknowledge that the County may authorize an encroachment permit under Streets and Highway Code § 1460 et seq.. The Parties also acknowledge that the encroachment permit is not a lease and that under Streets and Highways Code § 1463, the permit may be revoked on five (5) days' notice.

14. INSURANCE

Applicant shall carry insurance in the amount equal to the following; Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$5,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence

Contractors' Pollution Legal Liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000

per occurrence or claim, and \$2,000,000 policy aggregate. Endorsements shall be submitted on an annual basis along with the franchise fee. Failure to provide this information on the mutually agreed upon due date shall be grounds for permit revocation.

15. MAINTENANCE AND REPAIRS

Applicant will be responsible for all maintenance, monitoring, repair and up-keep of the Pipeline ensuring that it is safe and leak-free. Applicant will make all repairs on the Pipeline as soon as is possible. If Applicant has not commenced a repair referred to in a written notice from County to Applicant within five (5) days after date of notice, County will have the right to repair or contract to repair and to be reimbursed by Applicant. The full amount of the reimbursement is to be paid within thirty (30) days after County's delivery to Applicant or a written statement or bill evidencing the cost of the repair.

16. DAMAGES

Applicant is solely responsible for any damages to the Pipeline and any subsequent repairs to the Pipeline and the County's facilities including, but not limited to, road shoulder, and pavement in the County right of way should any excavation, construction, or road work, either by County or any entities permitted by the County to work in County right of way, damage the Pipeline.

17. CONFLICT WITH LAWS

This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

18. CHOICE OF LAW

The parties have executed and delivered this Agreement in the County of Kings, State of California. The parties agree that the laws of the State of California shall govern the validity, enforceability or interpretation of this Agreement and Kings County shall be the venue for any action or proceeding, in law or equity that may be brought in connection with this Agreement. Applicant hereby waives any rights it may possess under Section 394 of the Code of Civil Procedure to transfer to a neutral county or other venue any action arising out of this Agreement.

19. ENTIRE AGREEMENT; CONTRIBUTIONS OF BOTH PARTIES; IMAGED AGREEMENT

This Agreement, including its Recitals and Exhibits which are fully incorporated into and are integral parts of this Agreement, constitutes the entire agreement between the parties and there are no inducements, promises, terms, conditions or obligations made or entered into by County or Contractor other than those contained herein.

The parties agree that each party had had an opportunity to review this Agreement and consult with legal counsel and it is expressly agreed and understood that the rule stated in Civil Code section 1654, that ambiguities in a contract should be construed against the drafter, shall have no application to the construction of the Agreement.

An original executed Agreement may be imaged and electronically stored. Such imaged Agreement may be used in the same manner and for the same purposes as the original. Neither party may object to the admissibility of the imaged Agreement on the basis that it was not originated or maintained in documentary form.

20. AUTHORITY

Each signatory to this Agreement represents that it is authorized to enter into this Agreement and to bind the party to which its signature represents.

IN WITNESS WHEREOF the parties have executed this Agreement the day and year first written above.

COUNTY OF KINGS

LAKESIDE PIPELINE, LLC

By: Doug Verboon
Doug Verboon, Chairman *mtg on*
Signed on 10/17/2020 7/28/2020

By: Daryl Maas
Daryl Maas, Manager

ATTEST:

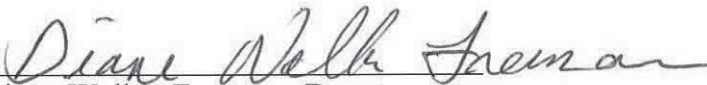
Catherine Venturella
Catherine Venturella, Clerk to the Board

Approved and Endorsements Received:


Sande Huddleston

APPROVED AS TO FORM:

Lee Burdick, County Counsel

By: 
Diane Walker Freeman, Deputy

Exhibits/Attachments:

Exhibit A: 2.04 Lakeside Cluster (Pipeline ROW Map)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Shasta

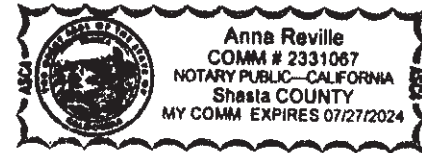
On September 18, 2020 before me, Anna Reville
(insert name and title of the officer)

personally appeared Daryl Maas,
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 Anna Reville (Seal)





P.O. Box 5110
Denver, Colorado 80217 USA
6340 S. Fiddlers Green Cir
Greenwood Village, CO 80111 USA
303-740-4000
fax 303-224-2758
SWIFT NBFCUS55

COBANK LETTER OF CREDIT NO. 00652932

DATE OF ISSUE: SEPTEMBER 22, 2020

BENEFICIARY:
UNITED STATES OF AMERICA
COUNTY OF KINGS
1400 LACEY BLVD.
HANFORD, CA 93230

APPLICANT:
GOLDEN STATE FARM CREDIT ACA
F/A LAKESIDE PIPELINE, LLC
3711 MEADOW VIEW DR.
REDDING, CA 96002

WE HEREBY OPEN IN YOUR FAVOR OUR IRREVOCABLE STANDBY LETTER OF CREDIT BY THE ORDER OF GOLDEN STATE FARM CREDIT ACA, F/A LAKESIDE PIPELINE LLC FOR A SUM OR SUMS NOT EXCEEDING A TOTAL OF US DOLLARS TWO HUNDRED SIXTY FOUR THOUSAND TWO HUNDRED AND 00/100 (USD264, 200.00) EFFECTIVE SEPTEMBER 22, 2020 EXPIRING IN GREENWOOD VILLAGE, COLORADO ON OCTOBER 18, 2021.

CREDIT AVAILABLE BY DRAFTS (Exhibit A) DRAWN ON COBANK, ACB AT SIGHT MARKED "DRAWN UNDER COBANK STANDBY LETTER OF CREDIT NO. 00652932 DATED SEPTEMBER 21, 2020" ACCOMPANIED BY THE FOLLOWING DOCUMENT(S):

1. THE ORIGINAL OF THIS STANDBY LETTER OF CREDIT AND ANY AMENDMENTS THERETO.
2. BENEFICIARY'S SIGNED AND DATED STATEMENT THAT "LAKESIDE PIPELINE LLC HAS FAILED TO COMPLY WITH THE PASSIVE ABANDONMENT CLAUSE IN THE ENCROACHMENT AGREEMENT BETWEEN LAKESIDE PIPELINE LLC AND KINGS COUNTY DATED JUNE 16, 2020 AND THEREFORE FUNDS ARE DUE AND PAYABLE TO US."

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE DEEMED AUTOMATICALLY EXTENDED, WITHOUT AMENDMENT FOR ONE YEAR FROM THE EXPIRY DATE HEREOF, OR ANY FUTURE EXPIRATION DATE, UNLESS AT LEAST NINETY (90) DAYS PRIOR TO ANY EXPIRATION DATE WE NOTIFY YOU BY COURIER THAT WE ELECT NOT TO CONSIDER THIS LETTER OF CREDIT RENEWED FOR ANY SUCH ADDITIONAL PERIOD. IN NO EVENT SHALL THIS LETTER OF CREDIT BE EXTENDED

BEYOND OCTOBER 18, 2051 WHICH WILL BE CONSIDERED THE FINAL EXPIRATION DATE. ANY REFERENCE TO A FINAL EXPIRATION DATE DOES NOT IMPLY THAT WE ARE OBLIGATED TO EXTEND THE EXPIRATION DATE BEYOND THE INITIAL OR ANY EXTENDED DATE THEREOF.

FOR EACH YEARLY PERIOD THAT THIS LETTER OF CREDIT IS AUTOMATICALLY EXTENDED BEYOND THE CURRENT EXPIRATION DATE, THE AMOUNT OF THIS LETTER OF CREDIT SHALL BE INCREASED BY AN ADDITIONAL 3% OF THE OUTSTANDING BALANCE.

THE AMOUNT OF THIS LETTER OF CREDIT WILL BE AUTOMATICALLY REDUCED BY THE AMOUNT OF ANY DRAWINGS UNDER THIS LETTER OF CREDIT HONORED BY US.

THE AGGREGATE AMOUNT OF ALL DRAFTS PRESENTED TO US UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT ON OR BEFORE THE DATE ON WHICH THIS LETTER OF CREDIT EXPIRES MAY NOT EXCEED USD660,521.23.

UPON OUR SENDING YOU SUCH NOTICE OF NON-EXTENSION OF THE EXPIRATION DATE OF THIS LETTER OF CREDIT, YOU MAY ALSO DRAW UNDER THIS LETTER OF CREDIT, ON OR BEFORE THE EXPIRATION DATE SPECIFIED IN SUCH NOTICE, BY PRESENTATION OF THE FOLLOWING DOCUMENTS TO US BY OVERNIGHT COURIER AT OUR ADDRESS BELOW:

1. A DRAFT (Exhibit A) DRAWN ON US AT SIGHT MARKED "DRAWN UNDER COBANK STANDBY LETTER OF CREDIT NO. 00652932 DATED SEPTEMBER 21, 2020"
2. THE ORIGINAL OF THIS STANDBY LETTER OF CREDIT AND ANY AMENDMENTS THERETO.
3. BENEFICIARY'S SIGNED AND DATED STATEMENT THAT "WE HAVE RECEIVED WRITTEN NOTIFICATION FROM COBANK THAT THE LETTER OF CREDIT NO. 00652932 WILL NOT BE EXTENDED PAST ITS CURRENT EXPIRATION DATE. WE FURTHER CERTIFY THAT i) AS OF THE DATE OF THIS STATEMENT, KINGS COUNTY HAS NOT RECEIVED A LETTER OF CREDIT OR OTHER INSTRUMENT ACCEPTABLE TO IT AS A REPLACEMENT TO THE COBANK LETTER OF CREDIT; AND ii) KINGS COUNTY HAS NOT RELEASED LAKESIDE PIPELINE LLC FROM IT'S OBLIGATIONS TO KINGS COUNTY.

DRAWINGS MAY ALSO BE PRESENTED TO US BY FACSIMILE TRANSMISSION TO FACSIMILE NUMBER 303-224-2758 (EACH SUCH DRAWING, A "FAX DRAWING"); PROVIDED, HOWEVER THAT A FAX DRAWING WILL NOT BE EFFECTIVELY PRESENTED UNTIL YOU CONFIRM BY TELEPHONE OUR RECEIPT OF SUCH FAX DRAWING BY CALLING US AT TELEPHONE NUMBER 800-255-6190. IF YOU PRESENT A FAX DRAWING UNDER THIS LETTER OF CREDIT, YOU DO NOT NEED TO PRESENT THE ORIGINAL OF ANY DRAWING DOCUMENTS THEY WILL NOT BE EXAMINED BY US. IF A DRAWING IS THE FINAL DRAWING UNDER THIS LETTER OF CREDIT OR A DRAWING FOR THE FULL AMOUNT THEN AVAILABLE UNDER THE LETTER OF CREDIT, THE ORIGINAL LETTER OF

CREDIT AND ANY AMENDMENTS MUST BE RETURNED TO US BY OVERNIGHT COURIER WHEN THE FAX DRAWING IS MADE.

WE HEREBY ENGAGE WITH THE BENEFICIARY THAT ALL DRAFT(S) AND/OR DOCUMENTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS STANDBY LETTER OF CREDIT SHALL BE DULY HONORED UPON PRESENTATION IN OUR OFFICES, AS SPECIFIED.

PLEASE DELIVER THE REQUIRED DOCUMENTS TO OUR OFFICES LOCATED AT 6340 SOUTH FIDDLERS GREEN CIRCLE, GREENWOOD VILLAGE, CO 80111, ATTN: TRADE SERVICES AND LC OPERATIONS.

THE NUMBER, THE DATE OF THE CREDIT AND THE NAME OF OUR BANK MUST BE QUOTED ON ALL DRAFTS.

THIS LETTER OF CREDIT IS TO ACCOMPANY ALL DRAFT(S) AND/OR DOCUMENTS. WHEN COMMUNICATING WITH US PLEASE refer TO OUR LETTER OF CREDIT NUMBER SHOWN ABOVE.

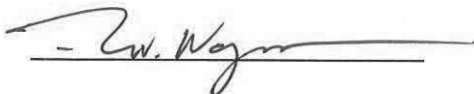
THIS LETTER OF CREDIT IS SUBJECT TO, AND ENGAGES US IN ACCORDANCE WITH THE TERMS OF, THE INTERNATIONAL STANDBY PRACTICES, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590, (THE "ISP98"), AND THE LAWS OF THE STATE OF CALIFORNIA; PROVIDED, HOWEVER, THAT IN THE CASE OF ANY CONFLICT BETWEEN CALIFORNIA AND ISP98, CALIFORNIA LAW WILL CONTROL, AND PROVIDED, FURTHER, THAT IF ANY PROVISION OF THE ISP98 OR THE LAWS OF THE STATE OF CALIFORNIA CONTRADICTS A PROVISION OF THIS LETTER OF CREDIT SUCH PROVISION OF THE ISP98 OR CALIFORNIA LAW (TO THE EXTENT PERMITTED BY CALIFORNIA LAW) WILL NOT BE APPLICABLE TO THIS LETTER OF CREDIT.

THE PARTIES HAVE EXECUTED AND DELIVERED THIS AGREEMENT IN THE COUNTY OF KINGS, STATE OF CALIFORNIA. THE PARTIES AGREE THAT THE LAWS OF THE STATE OF CALIFORNIA SHALL GOVERN THE VALIDITY, ENFORCEABILITY OR INTERPRETATION OF THIS AGREEMENT AND THE FRESNO COUNTY SUPERIOR COURT SHALL BE THE VENUE FOR ANY ACTION OR PROCEEDING, IN LAW OR EQUITY THAT MAY BE BROUGHT IN CONNECTION WITH THIS AGREEMENT. CONTRACTOR HEREBY WAIVES ANY RIGHTS IT MAY POSSESS UNDER SECTION 394 OF THE CODE OF CIVIL PROCEDURE TO TRANSFER TO A NEUTRAL COUNTY OR OTHER VENUE ANY ACTION ARISING OUT OF THIS AGREEMENT.

IN CASE OF NEED YOU MAY CONTACT US AT TRADESERVICES@COBANK.COM



(AUTHORIZED SIGNATURE)
Leslee E. Duran
Manager, Trade Services



(AUTHORIZED SIGNATURE)

Tuan Nguyen
Supervisor, Trade Services

Exhibit A
TO
Irrevocable Standby Letter of Credit No. [_____]
SIGHT DRAFT

[DATE]

CoBank, ACB
6340 S. Fiddlers Green Circle
Greenwood Village, CO 80111
Attention: Trade Services and LC Operations
Telephone: (xxx) xxx-xxxx
Email: tradeservices@cobank.com

Re: Irrevocable Standby Letter of Credit No. [_____] **dated (issue date)**

At Sight:

Pay to Kings County, in immediately available funds _____ Dollars
(\$ _____), pursuant to Irrevocable Standby Letter of Credit No. _____.

Kings County

By: _____
Name:
Title:

DRAWN ON: CoBank, ACB

Please wire draw proceeds per the following instructions:

TO:	_____
ABA OR ROUTING NUMBER:	_____
ATTN:	_____
REFERENCE:	_____
CREDIT ACCOUNT:	_____

ENCROACHMENT PERMIT APPLICATION

18/13 REVISION

PERMIT# _____

Reference _____

Permission is requested to encroach on the County Highway Right of Way as follows: (Please complete all items-use NA if not applicable).

Application is not complete until all required attachments are included.

Location: Road address and cross street 13 Perpendicular Road Crossings & Approximately 3 Miles of Parallel ROW	City Hanford
---	------------------------

Work to be performed by: ☐ TOWN FORCES ☒ CONTRACTOR LICENSE#: 873800 EXP DATE: 01/2022 PHONE: (559) 706-7661	Estimated Start Date: 10/20/20 Est. Completion Date: 10/20/20
---	--

Traffic Closure ☐ Road ☒ Lane ☐ N/A		City Hookup Fees Receipt ☐ Attached ☒ N/A		Proposed Pavement Restoration ☐ Attached ☒ N/A	
EXCAVATION (For Crossing)	Max. Depth 15ft.	Ave. Depth 3ft.	Ave. Width 3ft.	Length	Ex. Surface Type Pavement
PIPES	Type Biogas Pipeline	Diameter 24"	Voltage/PSIG 10-15PSI	USA Verification No. Usage (Gas/Water/etc.) Renewable Natural Gas	

FULLY DESCRIBE WORK WITHIN COUNTY RIGHT OF WAY IS ANY WORK BEING DONE ON APPLICANTS PROPERTY?

Attach complete plans (2 Sets), specs, calcs, maps, etc., - if applicable

☒ YES☐ NO

Include a signed Traffic Control Plan (Shall conform to the 2012 Ca. MUTCD)

Please see attached supplemental documents.

1. Encroachment Descriptions
3. Certificate of Insurance

☐ (E) ELECTRIC	☐ (I) IRRIGATION PIPE	☐ (RA) REGULATORY, WARNING & INFORMATION SIGNS	☐ (O) BLOCK PARTY
☒ (G) GAS	☐ (RA) SIDEWALK/GUTTERS	☐ (RA) MODIFICATION OF TRAFFIC CONTROL SYSTEMS	☐ (O) MOVIE, TV
☐ (T) TELEPHONE	☐ (RA) TRANSITION PAVING	☐ (O) SURVEY	☐ (O) EROSION CONTROL
☐ (W) WATER	☐ (RA) MAIL BOX	☐ (O) PARADES, CELEBRATIONS	☐ (O) GEOPHYS/VIBROSIS
☐ (SS) SANITARY SEWER	☐ (RA) MAINT EX LANDSCAPING		☐ (O) UNDESIREABLE
☐ (SD) STORM DRAIN	☐ (RA) MAINT, CONST, RECONST, RESURFACING OF DRIVEWAY OR ROAD APPROACH		
☐ (CTV) CABLE TV			

THE UNDERSIGNED AGREES THAT THE WORK WILL BE DONE IN ACCORDANCE WITH COUNTY RULES AND REGULATIONS AND SUBJECT TO INSPECTION AND APPROVAL

Organization or Applicant Lakeside Pipeline LLC	Phone (530) 410-0859	Architect, Engineer or Project Manager Anna Reville Maas Energy Works Inc.- Developer	Phone (602)399-2121
--	-------------------------	--	------------------------

Address
3711 Meadow View Dr. #100, Redding, CA 96002

Authorized Signature <i>Anna Reville</i>	Date 10/19/20	Title Environmental Permit Coordinator	Print Name Anna Reville
---	-------------------------	---	----------------------------

WORKERS COMPENSATION DECLARATION (Must Complete and Sign)

I hereby affirm under penalty of perjury one of the following declarations:

☒ I have and will maintain a certificate of consent to self-insure for workers compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☒ I have and will maintain workers compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers compensation insurance carrier and policy number are:

Carrier **Edgewood Partners Insurance Center**Policy Number **WC110087603**

☒ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers compensation laws of California, and agree that if I should become subject to the workers' compensation provision of section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Date **10/19/20**Applicant Signature *Anna Reville*

WARNING: Failure to secure worker's compensation coverage is unlawful and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensations and damages as provided for in Section 3706 of the Labor Code, interest and attorney fees

Encroachment Permit Application (Amended)
Proposed County ROW

Parallel: 4.6 Miles – See Attached Map (Blue Section)

Perpendicular Crossings:

<i>Hanford Armona Rd</i>
<i>Road 28</i>
<i>Hume Avenue</i>
<i>Houston Avenue</i>
<i>Idaho Avenue</i>
<i>Road 20 / 4TH Avenue</i>
<i>5th Avenue</i>
<i>5½ Avenue</i>
<i>7th Avenue (Already Included)</i>
<i>Jackson Avenue</i>
<i>Kent Avenue</i>
<i>Jersey Avenue</i>
<i>9th Avenue</i>
<i>Kent Avenue</i>
<i>Kansas Avenue</i>
<i>S. 10th Avenue</i>

General Notes
CONFIDENTIAL
Biogas Pipeline - Phase 1
Biogas Pipeline - Phase 1 - Kings County ROW (4.6mi)



MAAS
ENERGY WORKS

3711 Meadow View Dr.
Suite 100
Redding, CA 96002

707.526.0000
www.maasenergyworks.com

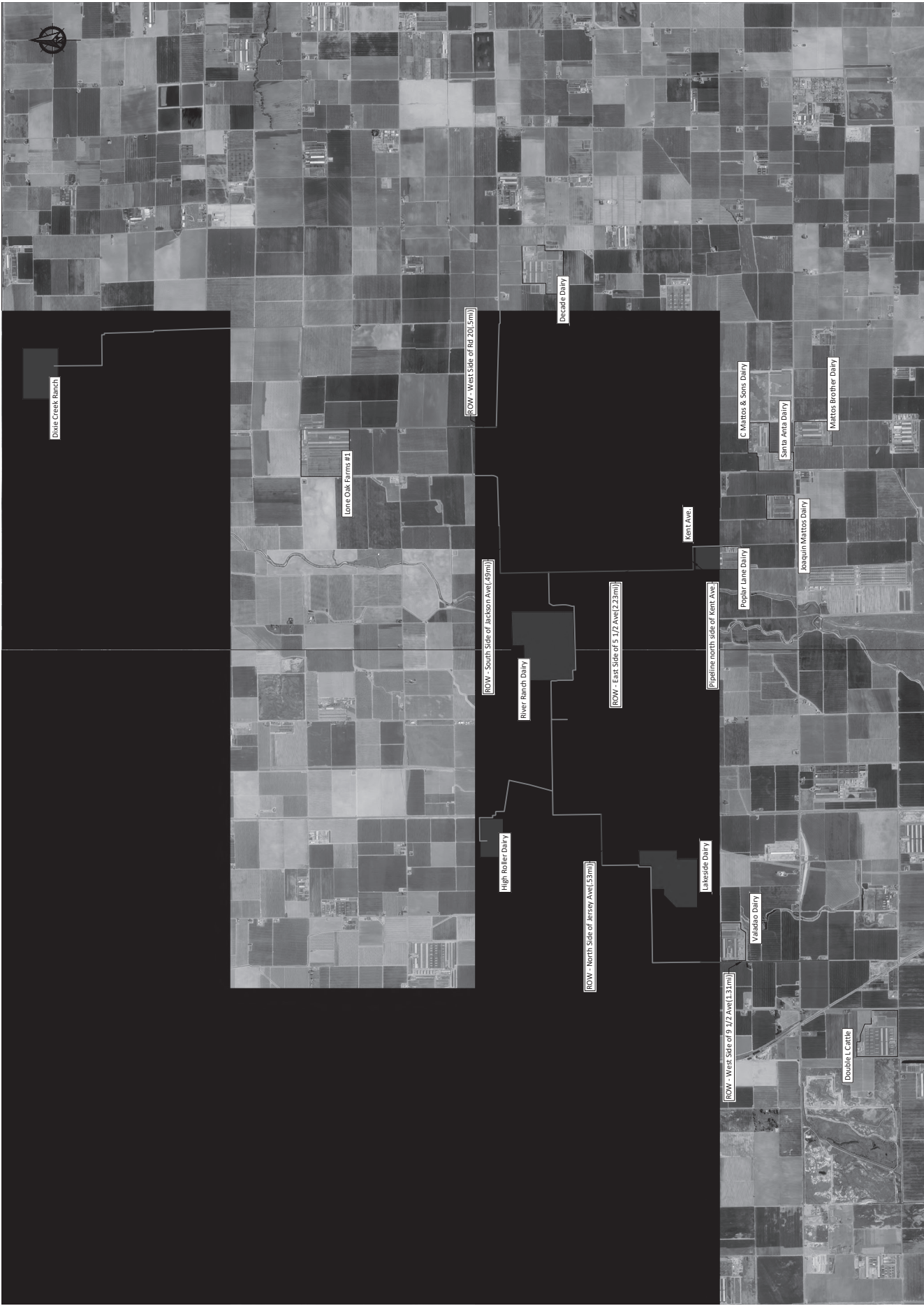
3711 Meadow View Dr.
Suite 100
Redding, CA 96002

LakeSide Pipeline Cluster
Tulare, CA

Scale: 1" = 100'

North Arrow

2.04





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/06/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER LIC #0B29370 1-559-451-3200 Edgewood Partners Insurance Center (EPIC) [Fresno Branch - Branch ID 15283] 5250 N. Palm Avenue, Suite 220 Fresno, CA 93704		CONTACT NAME: Certificates Department PHONE (A/C, No, Ext): 925-244-7700 FAX (A/C, No): 925-901-0671 E-MAIL ADDRESS: EPICcerts@epicbrokers.com	
INSURED Cal Valley Construction, Inc. 5125 N. Gates Avenue, Suite 102 Fresno, CA 93722-6414		INSURER(S) AFFORDING COVERAGE INSURER A: ZURICH AMER INS CO NAIC # 16535 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 59852965

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	X COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	X	X	GLO110087703	03/01/20	03/01/21	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 \$
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY	X	X	BAP110087803	03/01/20	03/01/21	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A	WC110087603	03/01/20	03/01/21	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Permit / Lakeside Pipeline project /
 ADDITIONAL INSURED: Kings County

Attached forms will apply when required by written contract.

CERTIFICATE HOLDER

Kings County

1400 W. Lacey Blvd.

Hanford, CA 93230

USA

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Brian J. Quinn

© 1988-2015 ACORD CORPORATION. All rights reserved.

SUPPLEMENT TO CERTIFICATE OF INSURANCE

DATE
10/06/2020

NAME OF INSURED: Cal Valley Construction, Inc.

Additional Description of Operations/Remarks from Page 1:

Additional Information:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR GOVERNMENTAL AGENCY OR SUBDIVISION OR POLITICAL SUBDIVISION – PERMITS OR AUTHORIZATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Governmental Agency Or Subdivision Or Political Subdivision:

Kings County

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.

However:

- a. The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

2. This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or
- b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

- B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NONCONTRIBUTORY – OTHER INSURANCE CONDITION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance** Condition and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) The additional insured is a Named Insured under such other insurance; and

- (2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization:

IF YOU ARE REQUIRED BY A WRITTEN CONTRACT OR AGREEMENT, WHICH IS EXECUTED BEFORE A LOSS, TO WAIVE YOUR RIGHTS OF RECOVERY FROM OTHERS, WE AGREE TO WAIVE OUR RIGHTS OF RECOVERY. THIS WAIVER OF RIGHTS SHALL NOT BE CONSTRUED TO BE A WAIVER WITH RESPECT TO ANY OTHER OPERATIONS IN WHICH THE INSURED HAS NO CONTRACTUAL INTEREST.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of **Section IV – Conditions:**

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

DESIGNATED CONSTRUCTION PROJECT(S) GENERAL AGGREGATE LIMIT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Designated Construction Project(s): A General Aggregate Limit applies to each construction project where the Named Insured is performing operations, however, a General Aggregate Limit does not apply to any construction project where the Named Insured is performing operations that are insured under a wrap up or any other consolidated or similar insurance program.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

- A.** For all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Section I – Coverage **A**, and for all medical expenses caused by accidents under Section I – Coverage **C**, which can be attributed only to ongoing operations at a single designated construction project shown in the Schedule above:
1. A separate Designated Construction Project General Aggregate Limit applies to each designated construction project, and that limit is equal to the amount of the General Aggregate Limit shown in the Declarations.
 2. The Designated Construction Project General Aggregate Limit is the most we will pay for the sum of all damages under Coverage **A**, except damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard", and for medical expenses under Coverage **C** regardless of the number of:
 - a. Insureds;
 - b. Claims made or "suits" brought; or
 - c. Persons or organizations making claims or bringing "suits".
 3. Any payments made under Coverage **A** for damages or under Coverage **C** for medical expenses shall reduce the Designated Construction Project General Aggregate Limit for that designated construction project. Such payments shall not reduce the General Aggregate Limit shown in the Declarations nor shall they reduce any other Designated Construction Project General Aggregate Limit for any other designated construction project shown in the Schedule above.
 4. The limits shown in the Declarations for Each Occurrence, Damage To Premises Rented To You and Medical Expense continue to apply. However, instead of being subject to the General Aggregate Limit shown in the Declarations, such limits will be subject to the applicable Designated Construction Project General Aggregate Limit.

- B.** For all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Section I – Coverage **A**, and for all medical expenses caused by accidents under Section I – Coverage **C**, which cannot be attributed only to ongoing operations at a single designated construction project shown in the Schedule above:
- 1.** Any payments made under Coverage **A** for damages or under Coverage **C** for medical expenses shall reduce the amount available under the General Aggregate Limit or the Products-completed Operations Aggregate Limit, whichever is applicable; and
 - 2.** Such payments shall not reduce any Designated Construction Project General Aggregate Limit.
- C.** When coverage for liability arising out of the "products-completed operations hazard" is provided, any payments for damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard" will reduce the Products-completed Operations Aggregate Limit, and not reduce the General Aggregate Limit nor the Designated Construction Project General Aggregate Limit.
- D.** If the applicable designated construction project has been abandoned, delayed, or abandoned and then restarted, or if the authorized contracting parties deviate from plans, blueprints, designs, specifications or timetables, the project will still be deemed to be the same construction project.
- E.** The provisions of Section III – Limits Of Insurance not otherwise modified by this endorsement shall continue to apply as stipulated.

Coverage Extension Endorsement



Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer No.	Add'l. Prem	Return Prem.
BAP 1100878-03	03/01/2020	03/01/2021		10280000	INCL	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the:

Business Auto Coverage Form
Motor Carrier Coverage Form

A. Amended Who Is An Insured

1. The following is added to the **Who Is An Insured** Provision in **Section II – Covered Autos Liability Coverage**:

The following are also "insureds":

- Any "employee" of yours is an "insured" while using a covered "auto" you don't own, hire or borrow for acts performed within the scope of employment by you. Any "employee" of yours is also an "insured" while operating an "auto" hired or rented under a contract or agreement in an "employee's" name, with your permission, while performing duties related to the conduct of your business.
- Anyone volunteering services to you is an "insured" while using a covered "auto" you don't own, hire or borrow to transport your clients or other persons in activities necessary to your business.
- Anyone else who furnishes an "auto" referenced in Paragraphs **A.1.a.** and **A.1.b.** in this endorsement.
- Where and to the extent permitted by law, any person(s) or organization(s) where required by written contract or written agreement with you executed prior to any "accident", including those person(s) or organization(s) directing your work pursuant to such written contract or written agreement with you, provided the "accident" arises out of operations governed by such contract or agreement and only up to the limits required in the written contract or written agreement, or the Limits of Insurance shown in the Declarations, whichever is less.

2. The following is added to the **Other Insurance** Condition in the Business Auto Coverage Form and the **Other Insurance – Primary and Excess Insurance Provisions Condition** in the Motor Carrier Coverage Form:

Coverage for any person(s) or organization(s), where required by written contract or written agreement with you executed prior to any "accident", will apply on a primary and non-contributory basis and any insurance maintained by the additional "insured" will apply on an excess basis. However, in no event will this coverage extend beyond the terms and conditions of the Coverage Form.

B. Amendment – Supplementary Payments

Paragraphs **a.(2)** and **a.(4)** of the **Coverage Extensions** Provision in **Section II – Covered Autos Liability Coverage** are replaced by the following:

- Up to \$5,000 for the cost of bail bonds (including bonds for related traffic law violations) required because of an "accident" we cover. We do not have to furnish these bonds.
- All reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to \$500 a day because of time off from work.

C. Fellow Employee Coverage

The **Fellow Employee** Exclusion contained in **Section II – Covered Autos Liability Coverage** does not apply.

D. Driver Safety Program Liability and Physical Damage Coverage

1. The following is added to the **Racing** Exclusion in **Section II – Covered Autos Liability Coverage**:

This exclusion does not apply to covered "autos" participating in a driver safety program event, such as, but not limited to, auto or truck rodeos and other auto or truck agility demonstrations.

2. The following is added to Paragraph **2.** in the **Exclusions** of **Section III – Physical Damage Coverage** of the Business Auto Coverage Form and Paragraph **2.b.** in the **Exclusions** of **Section IV – Physical Damage Coverage** of the Motor Carrier Coverage Form:

This exclusion does not apply to covered "autos" participating in a driver safety program event, such as, but not limited to, auto or truck rodeos and other auto or truck agility demonstrations.

E. Lease or Loan Gap Coverage

The following is added to the **Coverage** Provision of the **Physical Damage Coverage** Section:

Lease Or Loan Gap Coverage

In the event of a total "loss" to a covered "auto", we will pay any unpaid amount due on the lease or loan for a covered "auto", less:

- a. Any amount paid under the **Physical Damage Coverage** Section of the Coverage Form; and
- b. Any:
 - (1) Overdue lease or loan payments at the time of the "loss";
 - (2) Financial penalties imposed under a lease for excessive use, abnormal wear and tear or high mileage;
 - (3) Security deposits not returned by the lessor;
 - (4) Costs for extended warranties, credit life insurance, health, accident or disability insurance purchased with the loan or lease; and
 - (5) Carry-over balances from previous leases or loans.

F. Towing and Labor

Paragraph **A.2.** of the **Physical Damage Coverage** Section is replaced by the following:

We will pay up to \$75 for towing and labor costs incurred each time a covered "auto" of the private passenger type is disabled. However, the labor must be performed at the place of disablement.

G. Extended Glass Coverage

The following is added to Paragraph **A.3.a.** of the **Physical Damage Coverage** Section:

If glass must be replaced, the deductible shown in the Declarations will apply. However, if glass can be repaired and is actually repaired rather than replaced, the deductible will be waived. You have the option of having the glass repaired rather than replaced.

H. Hired Auto Physical Damage – Increased Loss of Use Expenses

The **Coverage Extension** for **Loss Of Use Expenses** in the **Physical Damage Coverage** Section is replaced by the following:

Loss Of Use Expenses

For Hired Auto Physical Damage, we will pay expenses for which an "insured" becomes legally responsible to pay for loss of use of a vehicle rented or hired without a driver under a written rental contract or written rental agreement. We will pay for loss of use expenses if caused by:

- (1) Other than collision only if the Declarations indicate that Comprehensive Coverage is provided for any covered "auto";
 - (2) Specified Causes Of Loss only if the Declarations indicate that Specified Causes Of Loss Coverage is provided for any covered "auto"; or
 - (3) Collision only if the Declarations indicate that Collision Coverage is provided for any covered "auto".
- However, the most we will pay for any expenses for loss of use is \$100 per day, to a maximum of \$3000.

I. Personal Effects Coverage

The following is added to the **Coverage** Provision of the **Physical Damage Coverage** Section:

Personal Effects Coverage

- a. We will pay up to \$750 for "loss" to personal effects which are:
 - (1) Personal property owned by an "insured"; and
 - (2) In or on a covered "auto".
- b. Subject to Paragraph a. above, the amount to be paid for "loss" to personal effects will be based on the lesser of:
 - (1) The reasonable cost to replace; or
 - (2) The actual cash value.
- c. The coverage provided in Paragraphs a. and b. above, only applies in the event of a total theft of a covered "auto". No deductible applies to this coverage. However, we will not pay for "loss" to personal effects of any of the following:
 - (1) Accounts, bills, currency, deeds, evidence of debt, money, notes, securities, or commercial paper or other documents of value.
 - (2) Bullion, gold, silver, platinum, or other precious alloys or metals; furs or fur garments; jewelry, watches, precious or semi-precious stones.
 - (3) Paintings, statuary and other works of art.
 - (4) Contraband or property in the course of illegal transportation or trade.
 - (5) Tapes, records, discs or other similar devices used with audio, visual or data electronic equipment.

Any coverage provided by this Provision is excess over any other insurance coverage available for the same "loss".

J. Tapes, Records and Discs Coverage

1. The Exclusion in Paragraph B.4.a. of **Section III – Physical Damage Coverage** in the Business Auto Coverage Form and the Exclusion in Paragraph B.2.c. of **Section IV – Physical Damage Coverage** in the Motor Carrier Coverage Form does not apply.
2. The following is added to Paragraph 1.a. **Comprehensive Coverage** under the **Coverage** Provision of the **Physical Damage Coverage** Section:

We will pay for "loss" to tapes, records, discs or other similar devices used with audio, visual or data electronic equipment. We will pay only if the tapes, records, discs or other similar audio, visual or data electronic devices:

- (a) Are the property of an "insured"; and
- (b) Are in a covered "auto" at the time of "loss".

The most we will pay for such "loss" to tapes, records, discs or other similar devices is \$500. The **Physical Damage Coverage Deductible** Provision does not apply to such "loss".

K. Airbag Coverage

The Exclusion in Paragraph **B.3.a.** of **Section III – Physical Damage Coverage** in the Business Auto Coverage Form and the Exclusion in Paragraph **B.4.a.** of **Section IV – Physical Damage Coverage** in the Motor Carrier Coverage Form does not apply to the accidental discharge of an airbag.

L. Two or More Deductibles

The following is added to the **Deductible** Provision of the **Physical Damage Coverage** Section:

If an accident is covered both by this policy or Coverage Form and by another policy or Coverage Form issued to you by us, the following applies for each covered "auto" on a per vehicle basis:

1. If the deductible on this policy or Coverage Form is the smaller (or smallest) deductible, it will be waived; or
2. If the deductible on this policy or Coverage Form is not the smaller (or smallest) deductible, it will be reduced by the amount of the smaller (or smallest) deductible.

M. Physical Damage – Comprehensive Coverage – Deductible

The following is added to the **Deductible** Provision of the **Physical Damage Coverage** Section:

Regardless of the number of covered "autos" damaged or stolen, the maximum deductible that will be applied to Comprehensive Coverage for all "loss" from any one cause is \$5,000 or the deductible shown in the Declarations, whichever is greater.

N. Temporary Substitute Autos – Physical Damage

1. The following is added to **Section I – Covered Autos**:

Temporary Substitute Autos – Physical Damage

If Physical Damage Coverage is provided by this Coverage Form on your owned covered "autos", the following types of vehicles are also covered "autos" for Physical Damage Coverage:

Any "auto" you do not own when used with the permission of its owner as a temporary substitute for a covered "auto" you do own but is out of service because of its:

1. Breakdown;
 2. Repair;
 3. Servicing;
 4. "Loss"; or
 5. Destruction.
2. The following is added to the Paragraph **A. Coverage** Provision of the **Physical Damage Coverage** Section:

Temporary Substitute Autos – Physical Damage

We will pay the owner for "loss" to the temporary substitute "auto" unless the "loss" results from fraudulent acts or omissions on your part. If we make any payment to the owner, we will obtain the owner's rights against any other party.

The deductible for the temporary substitute "auto" will be the same as the deductible for the covered "auto" it replaces.

O. Amended Duties In The Event Of Accident, Claim, Suit Or Loss

Paragraph **a.** of the **Duties In The Event Of Accident, Claim, Suit Or Loss** Condition is replaced by the following:

- a. In the event of "accident", claim, "suit" or "loss", you must give us or our authorized representative prompt notice of the "accident", claim, "suit" or "loss". However, these duties only apply when the "accident", claim, "suit" or "loss" is known to you (if you are an individual), a partner (if you are a partnership), a member (if you are a limited liability company) or an executive officer or insurance manager (if you are a corporation). The failure of any

agent, servant or employee of the "insured" to notify us of any "accident", claim, "suit" or "loss" shall not invalidate the insurance afforded by this policy.

Include, as soon as practicable:

- (1) How, when and where the "accident" or "loss" occurred and if a claim is made or "suit" is brought, written notice of the claim or "suit" including, but not limited to, the date and details of such claim or "suit";
- (2) The "insured's" name and address; and
- (3) To the extent possible, the names and addresses of any injured persons and witnesses.

If you report an "accident", claim, "suit" or "loss" to another insurer when you should have reported to us, your failure to report to us will not be seen as a violation of these amended duties provided you give us notice as soon as practicable after the fact of the delay becomes known to you.

P. Waiver of Transfer Of Rights Of Recovery Against Others To Us

The following is added to the **Transfer Of Rights Of Recovery Against Others To Us** Condition:

This Condition does not apply to the extent required of you by a written contract, executed prior to any "accident" or "loss", provided that the "accident" or "loss" arises out of operations contemplated by such contract. This waiver only applies to the person or organization designated in the contract.

Q. Employee Hired Autos – Physical Damage

Paragraph **b.** of the **Other Insurance** Condition in the Business Auto Coverage Form and Paragraph **f.** of the **Other Insurance – Primary and Excess Insurance Provisions** Condition in the Motor Carrier Coverage Form are replaced by the following:

For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

- (1) Any covered "auto" you lease, hire, rent or borrow; and
- (2) Any covered "auto" hired or rented under a written contract or written agreement entered into by an "employee" or elected or appointed official with your permission while being operated within the course and scope of that "employee's" employment by you or that elected or appointed official's duties as respect their obligations to you.

However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto".

R. Unintentional Failure to Disclose Hazards

The following is added to the **Concealment, Misrepresentation Or Fraud** Condition:

However, we will not deny coverage under this Coverage Form if you unintentionally:

- (1) Fail to disclose any hazards existing at the inception date of this Coverage Form; or
- (2) Make an error, omission, improper description of "autos" or other misstatement of information.

You must notify us as soon as possible after the discovery of any hazards or any other information that was not provided to us prior to the acceptance of this policy.

S. Hired Auto – World Wide Coverage

Paragraph **7a.(5)** of the **Policy Period, Coverage Territory** Condition is replaced by the following:

- (5) Anywhere in the world if a covered "auto" is leased, hired, rented or borrowed for a period of 60 days or less,

T. Bodily Injury Redefined

The definition of "bodily injury" in the **Definitions** Section is replaced by the following:

"Bodily injury" means bodily injury, sickness or disease, sustained by a person including death or mental anguish, resulting from any of these at any time. Mental anguish means any type of mental or emotional illness or disease.

U. Expected Or Intended Injury

The **Expected Or Intended Injury** Exclusion in Paragraph **B. Exclusions** under **Section II – Covered Auto Liability Coverage** is replaced by the following:

Expected Or Intended Injury

"Bodily injury" or "property damage" expected or intended from the standpoint of the "insured". This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property.

V. Physical Damage – Additional Temporary Transportation Expense Coverage

Paragraph **A.4.a.** of **Section III – Physical Damage Coverage** is replaced by the following:

4. Coverage Extensions

a. Transportation Expenses

We will pay up to \$50 per day to a maximum of \$1,000 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type. We will pay only for those covered "autos" for which you carry either Comprehensive or Specified Causes of Loss Coverage. We will pay for temporary transportation expenses incurred during the period beginning 48 hours after the theft and ending, regardless of the policy's expiration, when the covered "auto" is returned to use or we pay for its "loss".

W. Replacement of a Private Passenger Auto with a Hybrid or Alternative Fuel Source Auto

The following is added to Paragraph **A. Coverage** of the **Physical Damage Coverage** Section:

In the event of a total "loss" to a covered "auto" of the private passenger type that is replaced with a hybrid "auto" or "auto" powered by an alternative fuel source of the private passenger type, we will pay an additional 10% of the cost of the replacement "auto", excluding tax, title, license, other fees and any aftermarket vehicle upgrades, up to a maximum of \$2500. The covered "auto" must be replaced by a hybrid "auto" or an "auto" powered by an alternative fuel source within 60 calendar days of the payment of the "loss" and evidenced by a bill of sale or new vehicle lease agreement.

To qualify as a hybrid "auto", the "auto" must be powered by a conventional gasoline engine and another source of propulsion power. The other source of propulsion power must be electric, hydrogen, propane, solar or natural gas, either compressed or liquefied. To qualify as an "auto" powered by an alternative fuel source, the "auto" must be powered by a source of propulsion power other than a conventional gasoline engine. An "auto" solely propelled by biofuel, gasoline or diesel fuel or any blend thereof is not an "auto" powered by an alternative fuel source.

X. Return of Stolen Automobile

The following is added to the **Coverage Extension** Provision of the **Physical Damage Coverage** Section:

If a covered "auto" is stolen and recovered, we will pay the cost of transport to return the "auto" to you. We will pay only for those covered "autos" for which you carry either Comprehensive or Specified Causes of Loss Coverage.

All other terms, conditions, provisions and exclusions of this policy remain the same.

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT— CALIFORNIA

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

You must maintain payroll records accurately segregating the remuneration of your employees while engaged in the work described in the Schedule.

The additional premium for this endorsement shall be 0 % of the California workers' compensation premium otherwise due on such remuneration.

Person or Organization	Schedule Job Description
ALL PERSONS AND/OR ORGANIZATIONS THAT ARE REQUIRED BY WRITTEN CONTRACT OR AGREEMENT WITH THE INSURED, EXECUTED PRIOR TO THE ACCIDENT OR LOSS, THAT WAIVER OF SUBROGATION BE PROVIDED UNDER THIS POLICY FOR WORK PERFORMED BY YOU FOR THAT PERSON AND/OR ORGANIZATION	



Lumber Prices Skyrocket, Steel Provides Cost-Effective Solution

Lumber prices are up more than 340% since last spring, raising the price of an average new single-family home near \$36,000.

TOPICS Economics



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Updated May 3 and May 5, 2021

 **BuildSteel™** | Powered by the
Steel Framing Industry Association


According to the Wall Street Journal, lumber prices have shot to fresh records, defying the normal winter slowdown in wood-product sales in a sign that the pandemic building boom is bowling into 2021.

The last week of February (2021), the Random Lengths Framing Lumber Composite price rose to \$966 per thousand board feet, exceeding the \$955 high set in September (2020).



Lumber futures have climbed 49% over the past three weeks, to more than twice the price a year earlier. Lumber for March (2021) settled Tuesday at \$992.40 per thousand board feet, eclipsing a mark set in September (2020) as the highest closing price ever (view latest chart from Fortune – May 5, 2021).

BuildSteel price changes

Powered by the Steel Industry Trade Association

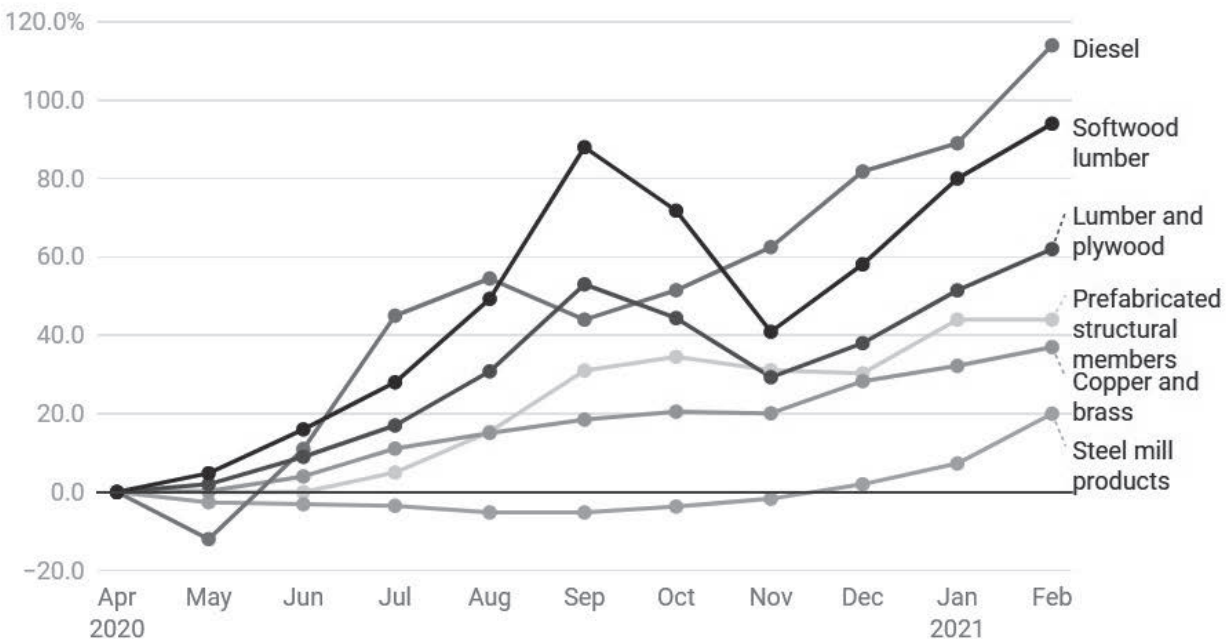


Chart: Zach Phillips | Construction Dive Source: BLS Producer Price Index Get the data Created with Datawrapper

According to Construction Dive, contractors have dealt with unprecedented volatility during the past 12 months.

One of the most notable impacts of the pandemic for construction has been the steep rise in prices of materials that have resulted from the domino effect of snafus in the global supply chain reverberating down to contractors. Steel mill products have had the least amount of volatility since April 2020.

Cost of Single Family Home Increases \$35,872

The National Association of Realtors reported that the median sale price of an existing home was almost \$304,000 in February 2021, up 14.1% from a year ago. The Marketplace states that one of the main factors in the price increase is the soaring cost of lumber. There are a lot of forces driving up the price of wood. COVID-related mill shutdowns and devastating wildfires have reduced the available supply, while demand for home-building and remodeling has only grown.

The surge in lumber prices in the past year has added \$35,872 to the price of an average new single-family home and \$12,966 to the market value of an average new multifamily home, according to the the National Association of Home Builders.

Baystreet reports that North American lumber prices will continue to rise this year as homebuilding and renovations cause demand for wood to outstrip production supply.

Forest Economic Advisors LLC forecasts that higher lumber prices could stifle the number of planned construction projects across North America and push prices for new homes even higher due to rising costs.



This 19,600-square-foot home near Toronto features high-performance building techniques, including steel framing.

Contractors Seek Steel Alternatives

A recent poll conducted by Construction Magazine Network revealed that 75% of contractors are interested in or are already pursuing alternative materials – including steel framing.

Home Innovations Research Lab concluded that the spike in lumber prices is causing many builders to rethink alternatives to lumber – including the use of steel framing. Cold-formed steel framing for interior partition wall framing is perhaps the easiest-to-implement option, says Home Innovations. They anticipate seeing aspects of advanced framing grow in popularity, including steel framing, due to the rising price of lumber.



Cost of Steel v. Wood

A recent study sponsored by the Steel Framing Industry Association (SFIA), “Costs to Build with Cold-Formed Steel Versus a Wood-Framed Building,” addresses framing costs on behalf of architects, building owners, and general contractors.

While the research was completed before the current spike in wood prices, “Costs to Build” establishes that CFS framing and wood framing costs in mid-rise structures are essentially the same, when construction insurance premiums associated with using the selected material are included.

- Request the Full Report

Of course, the current skyrocketing prices of lumber make CFS framing the clear favorite from a pricing point of view right now.

Therefore, SFIA gathered pricing information and has issued a bulletin associated with the “Costs to Build” report.

- Request the Bulletin





Steel Framing Industry Association

BuildSteel is powered by the Steel Framing Industry Association (SFIA) and is dedicated to educating building professionals on the use of cold-formed steel (CFS) framing as a sustainable and cost-effective building solution. Our job is to help you succeed in all of your CFS projects. Learn about SFIA's leadership in the CFS industry.

VIDEO & FACT SHEET

10 Ways Cold-Formed Steel Framing Can Lower Your Total Construction Costs

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