



CITY OF FOWLER 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT

MARCH 2023

SCH NO. 2021110053

Prepared For:

The City of Fowler
Community and Economic Development Department
128 S. 5th Street
Fowler, CA 93625

Prepared By:
PROVOST & PRITCHARD CONSULTING GROUP
455 W. FIR AVENUE
CLOVIS, CA 93611



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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.). It represents the independent judgement of the City of Fowler, the Lead Agency.

According to CEQA Guidelines Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- (b) Comments and recommendations received on the DEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies commenting on the DEIR;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the City of Fowler General Plan Update during the public review period, which began December 21, 2022, and closed February 15, 2023. In accordance with CEQA Guidelines Section 15132, the FEIR comprises this document and the circulated DEIR as revised .

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number for each commentor received from agencies and organizations and then assigned an alphabetical letter to identify each individual comment within each comment document. No letters were received from individuals/property owners regarding content of the DEIR. Three members of the public and the Fresno County Department of Public Health provided comment to the City via email. Emails were received from Kevin Johnston, on December 23, 2022, and Kenneth Hampian, on February 21, 2023, both requesting access portions of the DEIR. The third email was from Parmpreet Pannu on December 21, 2022, requesting that a parcel be included in the Fowler 2040 General Plan Sphere of Influence. Staff directed the requester to the appropriate information and determined that the parcel was already included in the planning area. Finally, an email received from Leila Gholamrezaei-Eha of the Fresno County Department of Public Health was received on March 2, 2023. The email requested a revision to the wording of one of the General Plan Policies. These emails

were informational requests or comments of the General Plan itself and are not considered formal comments as part of the public comment period for the DEIR. Therefore, these emails have not been included as a part of the FEIR.

Section 3. Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the DEIR. City of Fowler staff reviewed this material and determined that none of the comments constitutes new significant information that would change the findings of the circulated DEIR and therefore, does not require recirculation per CEQA Guidelines Section 15088.5. None of this new material indicates that the Project would result in new significant environmental impacts that have not been previously disclosed in the DEIR. Additionally, none of the comments indicate a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 REVIEW AND CERTIFICATION OF THE FINAL EIR

Consistent with Public Resources Code 21092.5, responses to agency comments will be forwarded to each commenting agency at least 10 days prior to the public hearing. At the same time, responses will be distributed to all commenters who provided an address. The Final EIR is available for public review on the City of Fowlers website <http://www.fowlercivcity.org>. For additional information please contact Thomas W. Gaffery IV, Community & Economic Development Director by email at tgaffery@ci.fowler.ca.us or by phone at (559) 834-3113.

1.4 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of DEIRs should:

“focus on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated.”

Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of the DEIR is determined in terms of what is reasonably feasible. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort of full disclosure is made in the DEIR.”

CEQA Guidelines Section 15204(c) further advises:

“Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant

in the absence of substantial evidence.”

Section 15204(d) also states,

“Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.”

Section 15204 (e) states:

“This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

CEQA Guidelines Section 15088 requires the Lead Agency to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written comments received on the DEIR and the responses from the Lead Agency to each comment. Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies that submitted comments on the DEIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment
1	Fresno Irrigation District	February 3, 2023
2	California Department of Transportation	February 6, 2023
3	California Department of Fish and Wildlife	February 15, 2023
4	San Joaquin Valley Air Pollution Control District	February 16, 2023

LETTER 1 – Fresno Irrigation District (16 pages)



2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

February 3, 2023

Thomas W. Gaffery IV
Community & Economic Development Director
City of Fowler
128 S. 5th Street
Fowler, CA 93625

RE: Draft City of Fowler 2040 General Plan and DEIR
Impacted Facility: FID's Briggs No. 7

Dear Mr. Gaffery:

The Fresno Irrigation District (FID) has reviewed the Draft City of Fowler 2040 General Plan and DEIR for which the City looks to establish policies and land uses to guide growth and development as it looks ahead to the year 2040, and analyze and disclose the potential significant environmental impacts associated with implementation of the Draft General Plan.

The subject areas or portion thereof which are currently located within the boundaries of FID, are shown on the attached FID exhibit map. FID Board Policy 140-539 requires these areas be detached from FID and removed from the FID service area upon annexation to the City of Fowler. Although the area will no longer be within the boundaries of FID, FID retains its authority over any of its facilities which traverse the focus area. Upon annexation and development, the subject parcel(s) should be included under the agreement with the Consolidated Irrigation District (CID) to receive a surface water allocation through the South Kings GSA (SKGSA). FID is willing to serve agricultural areas under agreement until the parcel(s) is no longer used for agricultural production. FID has the following comments and conditions on future development within the annexation area:

Summary of Requirements:

- Review and Approve all Development Plans/Maps
- Grant of Easements, as necessary
- Drive Approaches per FID Detail No. 1-02
- Canal/Bank Improvements, as necessary
- Concrete Canal Lining, as necessary
- Pipeline Substitution for Open Canal w/ Tracer Wire, as necessary
- Pipeline Replacement and/or relocation w/ Tracer Wire, as necessary
- Execute Agreements, as necessary
- Project Fees
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

Canal Sections to Remain Open

1. FID requires that, within the limits of proposed projects [and their remainder], landowners grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. FID's District Canal Right-of-Way Requirements sheet is enclosed for your reference. The proposed easement (width) will depend on several factors including: 1) Width and flowrate of canal, 2) height of canal banks, 3) final alignment of canal, 4) additional space needed where roads/avenues intersect canal, etc.

FID requires that the Engineer/Land Surveyor use the inside top hinge of the canal to define the edge of FID's right-of-way such that FID has a minimum of 20-foot wide right-of-way along the top of bank to be built out full width, clear of obstructions, structures, vegetation, etc. to provide clear passage and full width at all points along the canal bank. There are no minimum or suggested numbers of survey shots to take, but there must be enough survey points such that the top inside hinge of the canal bank is properly identified. Before finalizing plans, the Engineer/Land Surveyor will need to stake both the inside top hinge and the right-of-way/property for FID Staff to field evaluate an adequate width. FID staff must field verify the right-of-way/property boundary and the hinge line edge before signing plans to ensure that there are enough survey points to properly define the canal. The canal right-of-way line should be consistent with adjacent properties so long as the 20 feet minimum width and right-of-way requirements are met.

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2. FID's Briggs No. 7 runs westerly and traverses the northern portion of the focus area, as shown on the attached FID exhibit map. Typically, for any type of development that impacts a large open canal or is adjacent to one such as the Briggs Canal, FID requires developers to improve the canal with either concrete lining, encasing the canal in a box culvert, or other approved means to protect the canal's integrity for an urban setting. FID does not have sufficient information to determine what kind of improvements will ultimately be required as part of development. The engineers working on the project and FID's engineering staff must meet to discuss specific requirements as discussed below. In order to meet the "urban" standards for canals, FID will require the following minimum conditions:

- a. Channel Stabilization: If proposed plans do not indicate any improvements to the Canal and the Developer is not willing to concrete line the Canal per FID Standard Detail 2-01 or place it underground within a box culvert, they must come up with another means acceptable to and approved by FID to protect the Canal's integrity. On similar projects, Developers typically propose the following:
 - i. Surrounding Development – All proposed building pad elevations must be a minimum of 12-inches above the canal's high water.
 - ii. Freeboard – FID typically requires between 1.0 to 1.5 feet of freeboard. Because the Canal is used to route stormwaters, and is one of the larger canals used to convey the stormwater, FID will require a minimum of 1.5

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feet of freeboard and a maximum of 2.0 feet. The Developer will be required to either import or export material to match FID's standards.

- iii. Maintenance – Canals do have a history of high loads of sediment deposits which requires periodic dredging. FID will typically dredge the Canal and deposit the spoils on top of the banks to dry out. Once the spoil has dried, FID will flatten the spoil as time permits. The hauling off of this material may occur several weeks after the it has been placed on the side of the canal, and the material may be considered a nuisance (sight and smell). If the Developer and/or City require a different level of maintenance effort, they will need to enter into an agreement for that purpose. The City and/or Developer will be responsible to fund the "higher level" of maintenance.

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b. Drive banks/maintenance roads and encroachments (both banks):

- i. Both banks must be of full-width 20-foot wide cross section to the outside limits of the canal easement.
- ii. Drive banks shall be built out to the required freeboard and elevation for the full width of the required Canal right-of-way width.
- iii. One or both of the drive banks must be sloped a minimum of 2% away from the canal, 4% maximum, with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
- iv. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
- v. Any drainage systems or swales proposed must be located outside FID's property/easement
- vi. One or both of the drive banks shall be overlaid with 3 inches of native/virgin Class II crushed aggregate base for all-weather access and for dust suppression.
- vii. Encroachments - All existing trees, bushes, debris, fencing, and other structures must be removed within FID's property/easement.

- 3. If a fence will be installed between a development and open canal, a block/masonry wall shall be required. Chain-link and wood fencing will no longer be accepted for urban developments.

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4. Should a trail or walkway be placed adjacent to the canal, FID will require a minimum 4 feet tall pedestrian barrier for this development, located outside of its right-of-way, on both sides of the canal, for the length of the development. As with most developments with trails proposed along the canals, FID will require the following:
 - a. FID will not allow the trail easement to be in common use with FID-owned property or easements.
 - b. FID requires all trail improvements be placed outside of FID-owned properties and easements.
 - c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.
 - d. FID's canals will not accept any drainage from the trail or the canal bank.
 - e. FID may require improvements be made to the canal depending on the existing canal condition, the proposed trail, and the adjacent development.
 - f. FID requires the canal right-of-way to be graded to provide a smooth uniform drive surface and cleared of all encroachments including, but not limited to, trees, bushes, brush, pipes, stand pipes, wells, miscellaneous debris, etc.
5. The Developer/Applicant shall be responsible for disconnecting from, removing and/or abandoning any existing facilities that currently provide or have previously provided water services to the subject property, including but not limited to any connection(s) to municipal water system within the boundaries of FID and any existing wells located on the subject property. The Developer/Applicant shall verify with FID that any existing facilities on the property have been appropriately disconnected, removed and/or abandoned before the future service is provided. FID shall retain the right to inspect such facilities to confirm the same.
6. Canal Access – In order to access the maintenance road with our larger equipment, FID requires a drive approach at all road crossings, wide enough to accommodate the equipment. FID requires a 50-foot wide drive approach narrowing to a 20 feet wide drive bank (See attached "Drive Approach in Urban Areas" Detail No. 1-02). The 50-foot width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access will be different and will be considered on a case by case basis. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.

Open Canal Sections to be Substituted for Pipeline or Non-conforming/Old pipelines

1. FID's existing facilities were developed for an agricultural setting. With the proposed land actions changing the land use from an agricultural to an urban setting, the Briggs Canal will be directly impacted once development begins to occur. Any open channel

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that can be contained within a 54-inch pipe or smaller shall be piped and any non-conforming or existing pipe past its useful life shall be piped to meet FID's current standards for urban development. In many cases, developers have found it economical to pipe canals even when larger pipe sizes are required because certain uses of that land are allowed. Therefore, a condition of land development in this area will be that the Briggs Canal shall be piped or improved to meet FID's current urban standards as part of the development. The improvements are necessary to provide public safety for urban areas.

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2. Additional easements and pipeline will be required for the area within the annexation, as the area continues to develop. Generally, easements dedicated to FID may be as wide as 40-feet wide for the new pipe alignment. However, the size and geometry of easements are subject to change based on pipe diameter and other factors. All existing turnouts and other necessary structures appurtenant to the canal shall be removed and/or replaced in order to continue providing the required maximum canal capacity and the same level of irrigation service to FID customers that currently exists.

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3. The Developer/Applicant shall be responsible for disconnecting from, removing and/or abandoning any existing facilities that currently provide or have previously provided water services to the subject property, including but not limited to any connection(s) to municipal water system within the boundaries of the FID and any existing wells located on the subject property. The Developer/Applicant shall verify with FID that any existing facilities on the property have been appropriately disconnected, removed and/or abandoned before the future service is provided. FID shall retain the right to inspect such facilities to confirm the same.

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4. FID requires Applicants/Developers replace existing pipelines and pipe applicable canal sections across the subject property with new ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and that the applicant enter into an agreement with FID for that purpose.

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5. Easement Requirements – The applicant shall grant to FID an exclusive pipeline easement. The width of the easement depends on several factors including pipe size, alignment, depth, etc. The applicant can expect the easement to be a minimum of 20 to 40 feet wide.

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6. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-water tight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. FID may require external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. This

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method involves using mastic material that can be externally applied to pipe joints to provide a permanent seal against root intrusion. The product that has been approved is known as MacWrap from Mar Mac. FID is open to other products, but they would need to be reviewed and approved by FID.

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7. FID requires the applicant and/or the applicant’s engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
8. FID pipelines will not be allowed to be placed in backyards of lots due to difficulties with future access and repair.
9. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID’s property/easement and the development project limits.
10. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID’s easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.

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General Comments

1. FID requires applicants and/or the applicant’s engineer contact FID at their earliest convenience to discuss specific requirements.
2. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing the final map.
3. FID does not allow FID owned property or easements to be in common use with public utility easements but will in certain instances allow for its property to be in common use with landscape easements and trails if the City of Fowler enters into the appropriate agreement.
4. FID requires applicants to submit for FID’s approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal/Pipeline, or result in drainage patterns that could adversely affect FID.
5. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Storm Water, Street, Landscaping, Dry Utilities, and all other utilities.
6. Footings of retaining walls shall not encroach onto FID property/easement areas.
7. FID requires its review and approval of all Private and Public facilities that encroach into FID’s property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.

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- 8. The above comments are not to be construed as the only requests FID will have regarding projects within the annexation area. FID will make additional comments and requests as necessary as projects progress.

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GSA Comments

- 1. FID recommends the City of Fowler work with CID and the SKGSA to ensure that the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area’s existing groundwater overdraft problem. FID is concerned that proposed development may negatively impact local groundwater supplies. The area was historically agricultural land and a significant portion of its water supply was imported surface water, supplemented by groundwater pumping. Under current circumstances the focus area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase.

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- 2. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. The City of Fowler, through the South Kings Groundwater Sustainability Agency (SKGSA), has an arrangement to obtain surface water from CID in order to balance and manage the groundwater basin within the SKGSA as well as the CID service area. This area will be completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Fowler should consider the impacts of development on the City’s ability to comply with requirements of SGMA.

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- 3. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Fowler and CID service area. As this project will “harden” or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project.

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- 4. The City of Fowler and CID have been working to address water supplies issues for development within the City of Fowler. We encourage the City to continue towards finding solutions to minimize the impacts of changes in land uses and to mitigate any existing adverse water supply impacts within development areas.

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Mr. Thomas W. Gaffery IV
Re:City of Fowler 2040 DGP/DEIR
February 3, 2023
Page 8 of 8

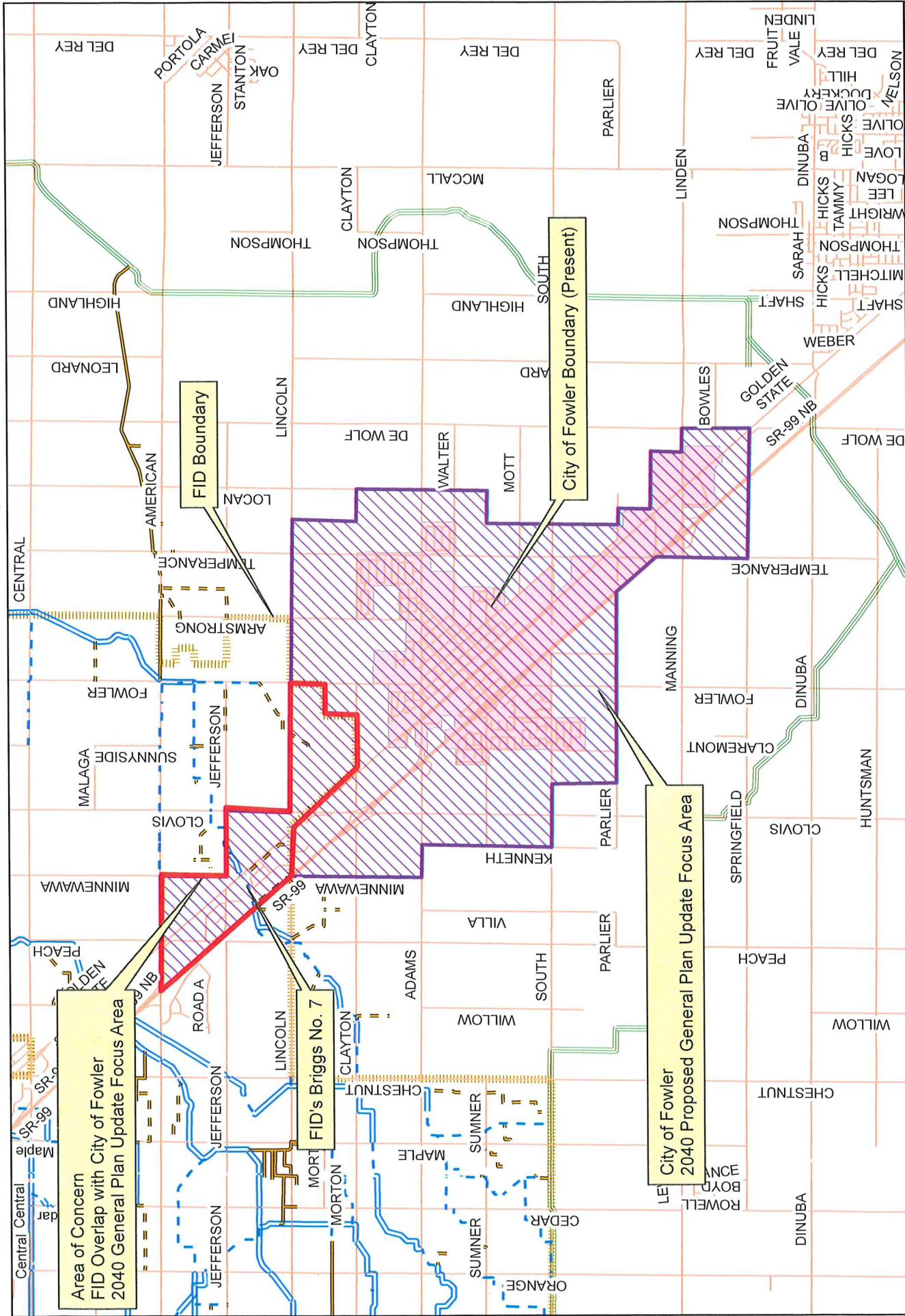
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed annexation. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,



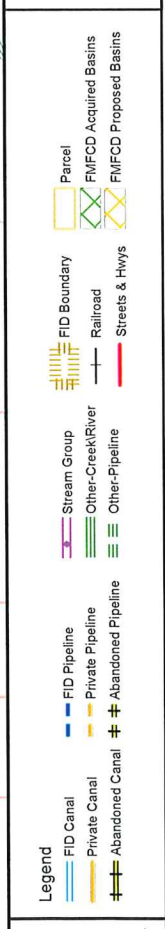
Laurence Kimura, P.E.
Chief Engineer

Attachment

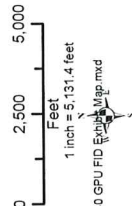


This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Path: G:\Agencies\Fowler\General Plan Update\2040 General Plan - Draft DEIR\2022\1215 City of Fowler_2040 GPU FID Focus Area Map.mxd
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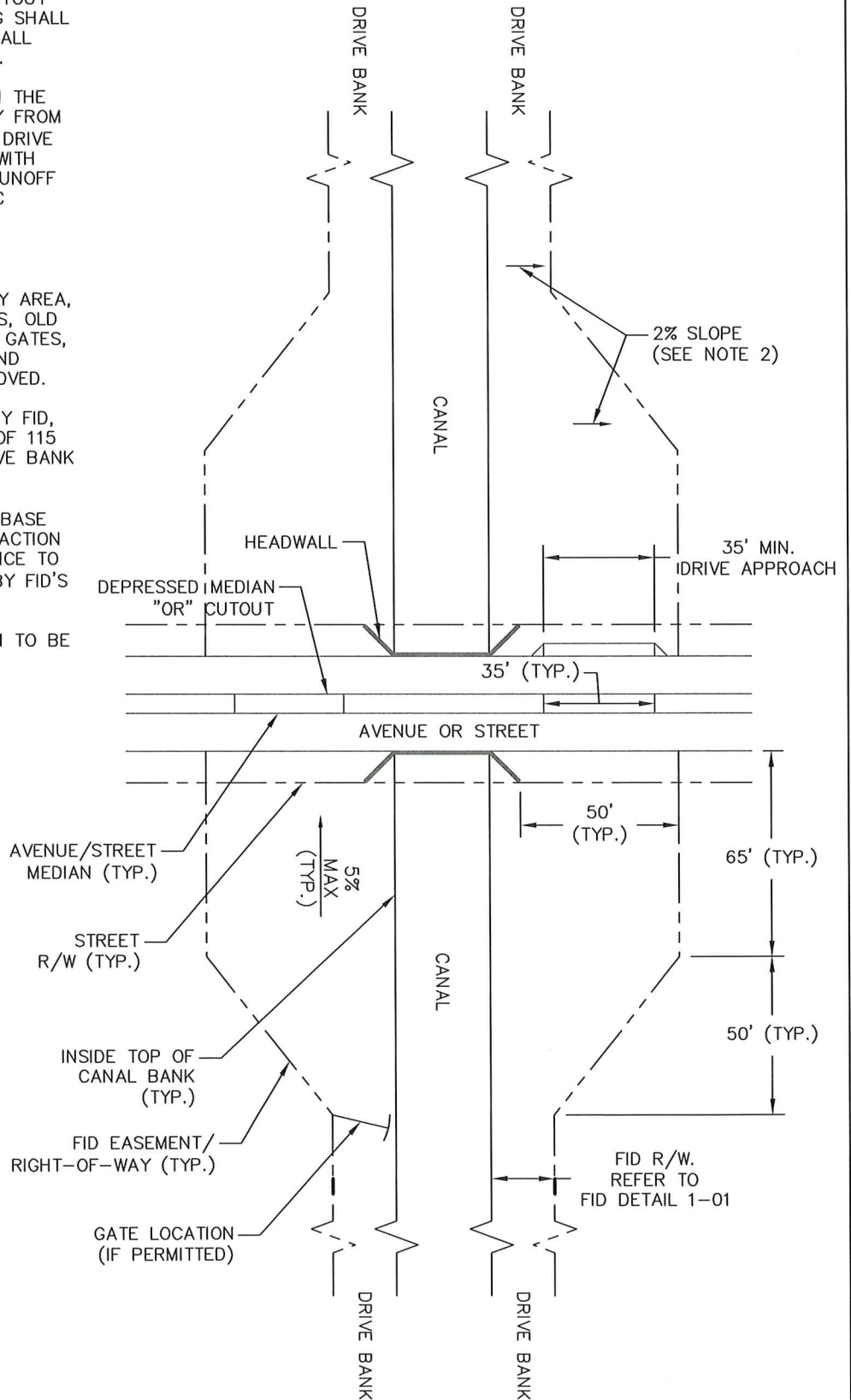


FRESNO IRRIGATION DISTRICT



NOTES:

1. DIMENSIONS AND NOTES ARE FOR LAYOUT PURPOSES ONLY. A SCALED DRAWING SHALL BE PREPARED AND SUBMITTED WITH ALL PLAN SETS PRIOR TO CONSTRUCTION.
2. DRAINAGE WILL NOT BE ACCEPTED IN THE CANAL AND SHALL BE ROUTED AWAY FROM FID PROPERTY/DRIVE BANKS. SLOPE DRIVE BANKS 2% AWAY FROM THE CANAL WITH PROVISIONS MADE FOR RAINFALL. RUNOFF TO BE CONVEYED TO NEARBY PUBLIC STREETS OR DRAINAGE SYSTEM BY DRAINAGE SWALES OR OTHER FID ACCEPTABLE ALTERNATIVES.
3. WITHIN FID EASEMENT/RIGHT-OF-WAY AREA, ALL EXISTING TREES, BUSHES, DEBRIS, OLD CANAL STRUCTURES, PUMPS, CANAL GATES, AND OTHER NON OR INACTIVE FID AND PRIVATE STRUCTURES MUST BE REMOVED.
4. IF AN ACCESS GATE IS PERMITTED BY FID, GATE MUST BE PLACED A MINIMUM OF 115 FEET AWAY FROM ROAD, WHERE DRIVE BANK NARROWS TO 20 FEET.
5. THREE INCH (3") THICK AGGREGATE BASE COMPACTED TO 93% RELATIVE COMPACTION SHALL BE REQUIRED AT THE ENTRANCE TO EACH DRIVE BANK AS DETERMINED BY FID'S ENGINEER. NO REGRIND ASPHALT.
6. DRIVEWAY APPROACH MINIMUM WIDTH TO BE 35 FEET.



FRESNO IRRIGATION DISTRICT

DRIVE APPROACH – URBAN AREAS

"Your Most Valuable Resource – Water"

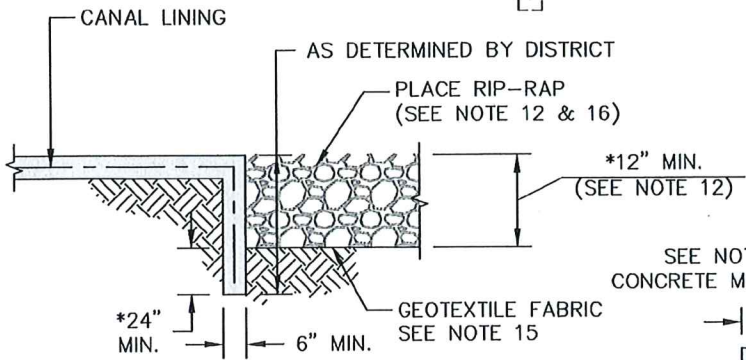
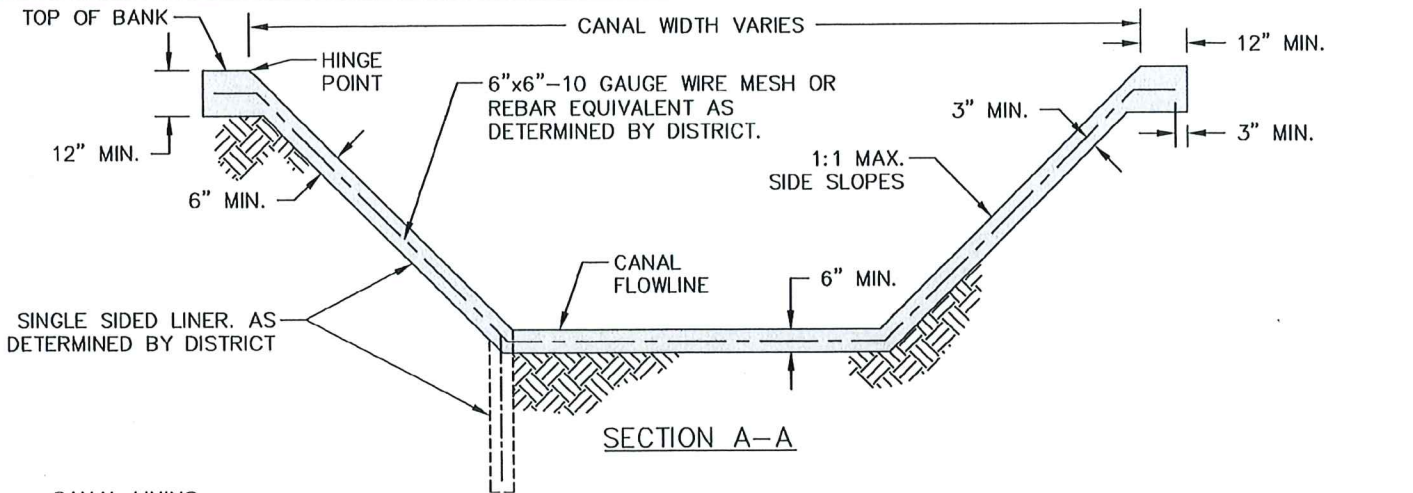
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STANDARD DETAIL

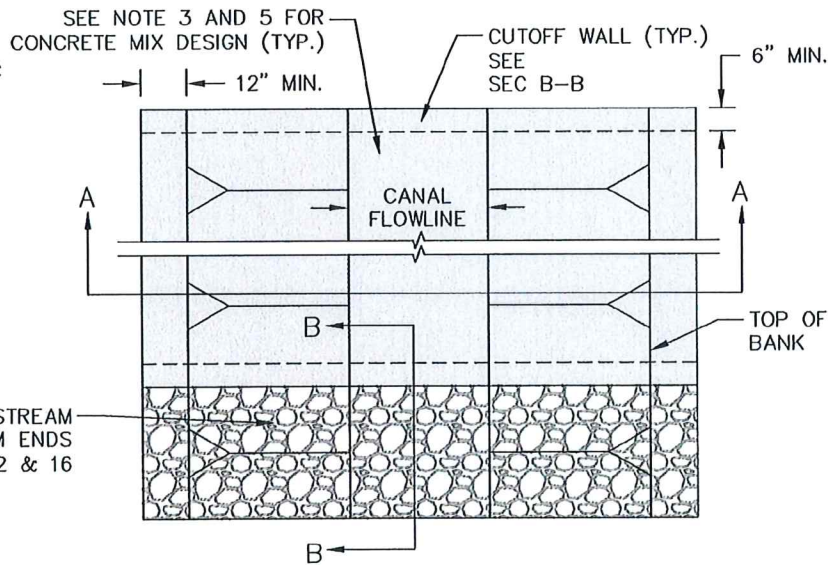
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1-02

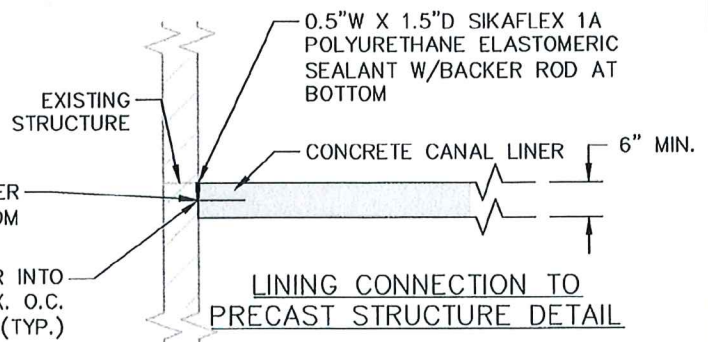
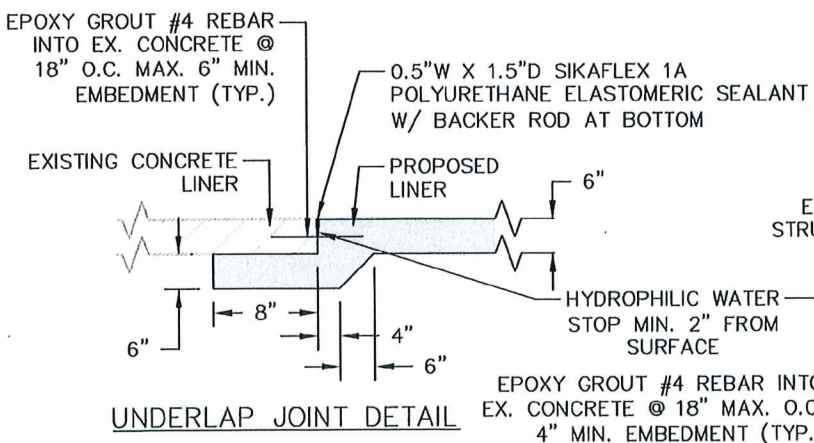
SHEET 1 OF 1



SECTION B-B
LINING CUTOFF WALL
*MIN. DEPTH SUBJECT TO FID ENGINEER



PLAN VIEW



FRESNO IRRIGATION DISTRICT

CANAL LINING

"Your Most Valuable Resource - Water"

SCALE: NOT TO SCALE
DATE: JANUARY 2018

STANDARD DETAIL

2-01

SHEET 1 OF 2

CANAL LINING NOTES:

1. LINING SHALL BE PLACED ON FIRM COMPETENT MATERIAL. IF THE UNDERLYING SOILS ARE NOT SUITABLE FOR CONCRETE PLACEMENT, CONTRACTOR SHALL OVER-EXCAVATE AND REPLACE WITH COMPACTED ENGINEERED FILL.
2. ALL DISTURBED SOILS TO HAVE MINIMUM OF 93% RELATIVE COMPACTION PER ASTM D-1557 IN FILL AREAS FOR A DISTANCE 5 FEET MINIMUM AROUND CONCRETE LINER.
3. CONCRETE LINING SHALL BE A MINIMUM OF 6-1/2 SACK WITH A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 3,500 PSI.
4. CONTRACTOR SHALL SUBMIT CONCRETE MIX DESIGN TO FID FOR APPROVAL PRIOR TO CONSTRUCTION.
5. FIBERCAST 500 OR EQUIVALENT CONCRETE FIBER REINFORCEMENT WITH FIBER LENGTHS BETWEEN 1.5 INCH TO 2 INCH. APPLICATION RATE SHALL BE AT A MINIMUM OF 1.5 POUNDS. PER CUBIC YARD AND BE INCLUDED IN THE CONCRETE MIX.
6. 6" X 6" - 10" X 10" GAUGE WIRE MESH MAY BE UNCOATED OR GALVANIZED.
7. INSTALL ACCESS/SAFETY LADDERS ON ALTERNATE SIDES OF CANAL 18 INCH ON CENTER AT 100 FEET INTERVALS PER CAL OSHA STANDARDS OR AS DETERMINED BY DISTRICT.
8. LINING CUTOFF WALLS TO BE CONSTRUCTED UPSTREAM AND DOWNSTREAM OF CONCRETE LINING. LINING CUTOFF DEPTH TO BE DETERMINED BY DISTRICT.
9. AS DIRECTED BY FID'S INSPECTOR OR ENGINEER, CONTRACTOR SHALL MAKE AVAILABLE 7 DAY AND 28 DAY COMPRESSIVE STRENGTH TEST RESULTS.
10. CONTROL JOINTS REQUIRED EVERY 10 FEET IN TRANSVERSE DIRECTIONS WITH CONCRETE JOINT SEAL AND BACKER ROD.
11. CONCRETE LINER REQUIRED FOR A MINIMUM OF 5 FEET IN LENGTH OR LIMITS OF DISTURBED SOIL, WHICHEVER IS GREATER.

RIP-RAP NOTES:

12. RIP-RAP REQUIREMENT AS DETERMINED BY FID ENGINEER AND/OR INSPECTOR.
13. CLASS 2 RIP-RAP WITH METHOD B PLACEMENT FOR A MINIMUM OF 5 FEET PER 2010 CALTRANS STANDARDS AROUND CHANNEL FLOOR AND SIDE SLOPES OR AS DETERMINED BY FID'S ENGINEER. PLACE WOVEN GEOTEXTILE FABRIC BENEATH RIP-RAP.
14. CUTOFF WALLS SHALL BE EXCAVATED TO A MINIMUM OF 3 FEET BELOW NATIVE GRADE AND 24 INCHES BELOW RIP-RAP SUBGRADE UNLESS OTHERWISE DETERMINED BY FID'S ENGINEER.
15. WOVEN GEOTEXTILE FABRIC SHALL BE MIRAFI FW500 OR APPROVED EQUIVALENT.
16. RIP-RAP REQUIRED FOR A MINIMUM OF 5 FEET ON UPSTREAM AND DOWNSTREAM ENDS OF CONCRETE LINING.



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource - Water"

CANAL LINING NOTES

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

2-01

SHEET 2 OF 2



City of Fowler
128 S. 5th Street
Fowler, CA 93625

**CITY OF FOWLER
NOTICE OF AVAILABILITY of the
DRAFT FOWLER 2040 GENERAL PLAN and
DRAFT ENVIRONMENTAL IMPACT REPORT, SCH # 2021110053**

Copies of the Draft Fowler 2040 General Plan (Draft GP) and associated Draft Environmental Impact Report (DEIR) are now available for public review. The review and comment period starts on Wednesday, December 21, 2022 and ends on Wednesday, February 15, 2023. More information on how to access the documents and submit comments is located below.

The California Government Code requires all California cities and counties to adopt a general plan. A general plan is a comprehensive, long-range planning document that envisions how a community will grow and forms the basis of land use decisions. The City of Fowler last updated its General Plan in 2004. The current update to the General Plan was initiated in 2018 with multiple opportunities for engagement and direction provided from the City of Fowler City Council.

Draft Fowler 2040 General Plan

The Draft Fowler 2040 General Plan (Draft GP) looks ahead to the year 2040, establishing policies and land uses to guide growth and development in Fowler over that planning horizon. Not all the General Plan's policies and action items may be implemented and completed by 2040; however, looking forward and identifying growth trends better enables the community to envision and identify goals for the City.

The Draft GP addresses all lands located within the City limits and areas beyond the City that, in the City's judgment, bear relation to its planning efforts (see Figure 2-3 in DEIR). This entire area is referred to as the General Plan planning area and encompasses approximately 5,690 acres, or roughly nine square miles, inclusive of public rights-of-way. Fowler has an interest in guiding land use and circulation decisions within the planning area because of the impacts that decisions made for these lands may have on the City. The General Plan sets policy for the City's planning area in case of future annexation and to help coordinate long-term development policy with adjacent jurisdictions.

Draft Environmental Impact Report

A Draft Environmental Impact Report (DEIR) has been prepared to analyze and disclose the potentially significant environmental impacts associated with implementation of the Draft GP. The DEIR evaluates the full buildout potential of the land uses identified for the planning area in the Draft GP. Buildout potential assumes a reasonable amount of development within a given land use designation range, rather than assuming land uses would build out to the maximum allowed density or intensity. The full buildout potential or capacity of the Draft GP includes

approximately 14,764 units and 25,616,946 square feet of commercial and industrial space, resulting in a population of 48,131 and 30,667 jobs. These numbers assume that development, or redevelopment, would occur consistent with the buildout assumptions for each land use designation on all parcels within the planning area.

Potentially Significant Environmental Impacts Identified

Analysis in the DEIR has identified potentially significant environmental impacts in the following areas: Aesthetics, Agriculture, Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas, Hazards and Hazardous, Hydrology and Water Quality, Noise, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities and Service Systems.

Known Hazardous Waste Sites

Pursuant to CEQA Guidelines Section 15807(c)(6) and 65962.5 of the Government Code the hazardous sites have been identified in the planning area and can be found summarized in Table 4-24 in the DEIR.

Availability of Documents for Review

Copies of the Draft GP and DEIR are available for review on the City of Fowler website at:

<http://www.fowlerciv.org>

Hard copies of the Draft GP and DEIR are also located for review at the following locations:

City of Fowler
128 S. 5th Street
Fowler, CA 93625
(559) 834-3113

Fresno County Library – Fowler Branch
306 S 7th Street,
Fowler, CA 93625

To Submit Comments on the Draft GP or the DEIR

The Draft GP and the DEIR have a review period of **57** days, starting on **December 21, 2022** and ending **February 15, 2023**. Any written comments on the Draft GP or the DEIR should be sent to the attention of:

City of Fowler

Attn: Thomas W. Gaffery IV,
Community & Economic Development Director
128 S. 5th Street
Fowler, CA 93625

or

Email: tgaffery@ci.fowler.ca.us

If applicable, responses should include the name of a contact person at your agency or organization.

Tentative Public Hearing Dates

The Draft GP and the DEIR are tentatively scheduled to be heard before the City of Fowler Planning Commission on March 28, 2023 and the City of Fowler City Council on April 18, 2023.

The City of Fowler Planning Commission meetings are generally held at 6:30 p.m. and the City Council meetings are generally held at 7:00 p.m. at the following address:

City of Fowler – City Council Chambers
128 S. 5th Street
Fowler, CA 93625

Please take notice that -- pursuant to Public Resource Code Section 21177, Government Code Section 65009, and other applicable law -- if you challenge the proposed action described above in court, then you may be limited to raising only those issues or objections you or someone else raised during the public comment period or the public hearing, or in written correspondence delivered to the City of Fowler within the review period, or to the Planning Commission or City Council during the public hearings.

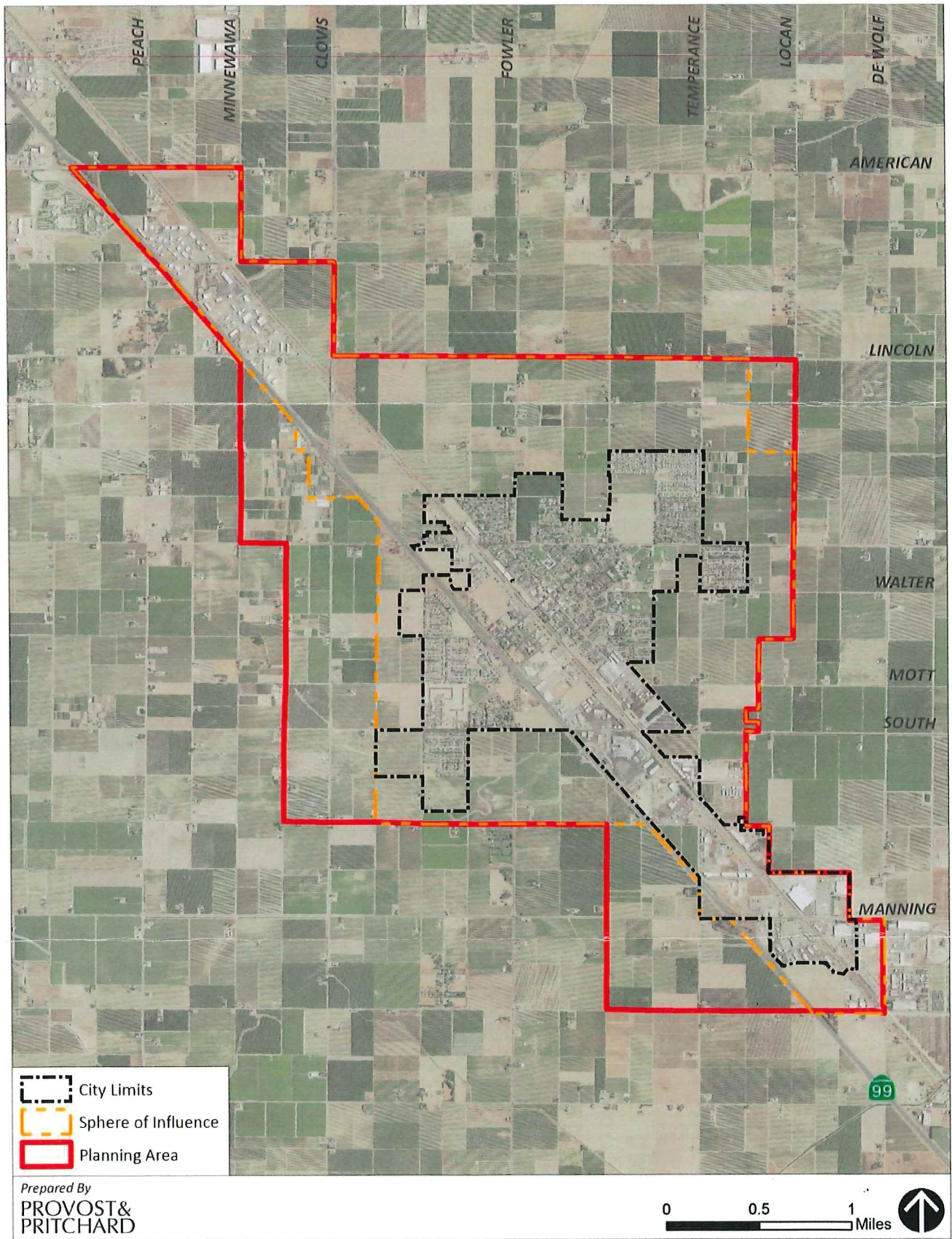


Figure 2-3 – Planning Area Boundary

1. Response to comments from Fresno Irrigation District dated February 3, 2023.

- 1A Individual projects within the City will continue to be routed to agencies and departments whose facilities may be affected, including FID. During this process, FID will have the opportunity to comment on projects and suggest conditions of approval or requirements for the City to implement. Project applicants whose project may affect FID facilities will be made aware that they may be subject to FID requirements in addition to those of other City departments. Any conditions of approval returned to the City from FID during the project routing process will be taken under consideration by the City Planner and the City Engineer, with recommendations made to the decision-making body accordingly. Future projects are required to comply with local, State, and federal laws governing water storage and use within the City. During the project review process, FID staff may correspond and meet with the City in person to go over any of FID’s recommendations, requests, or concerns.
- 1B See Response 1A.
- 1C See Response 1A.
- 1D See Response 1A.
- 1E See Response 1A.
- 1F See Response 1A.
- 1G See Response 1A.
- 1H See Response 1A.
- 1I See Response 1A.
- 1J See Response 1A.
- 1K See Response 1A.
- 1L See Response 1A.
- 1M See Response 1A.
- 1N See Response 1A.
- 1O See Response 1A.
- 1P See Response 1A.
- 1Q See Response 1A.
- 1R See Response 1A.

- 1S See Response 1A.
- 1T See Response 1A.
- 1U See Response 1A.
- 1V See Response 1A.
- 1W See Response 1A.
- 1X See Response 1A.
- 1Y Future projects would be required to follow General Plan Policies and may undergo their own individual environmental analyses that would include a look into the project's effect on local groundwater supplies. Development is dependent on available water supplies and cannot occur without showing that increased water demand resulting from the project can be met. The City will continue to work with Consolidated Irrigation District and the South Kings Groundwater Sustainability Agency as necessary, routing projects to agencies whose facilities may affect or be affected by a project.
- 1Z Comment noted. The City will continue to monitor its water supply and its sources for long term sustainability.
- 1AA Comment noted. The availability of water supplies will determine the rate of development within the City. The City will continue to monitor its water supply and its sources for long term sustainability.
- 1AB The City will continue to work with FID in order to plan for long term sustainability of water supply within the City in order to serve future development.

LETTER 2 – California Department of Transportation (2 pages)

California Department of Transportation

DISTRICT 6 OFFICE
 1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
 (559) 908-7064 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



Governor's Office of Planning & Research

February 6, 2023

FEB 6 2023

STATE CLEARING HOUSE

FRE-GEN

GPU – Draft General Plan Update
 City of Fowler 2040 General Plan and DEIR
 SCH # 2021110053

<https://ld-igr-gts.dot.ca.gov/district/6/report/28605>

SENT VIA EMAIL

Thomas W. Gaffery IV, Community and Economic Development Director
 Community and Economic Development Department
 City of Fowler
 128 S. 5th Street
 Fowler, CA 93625

Dear Mx. Gaffery:

Thank you for the opportunity to review the Draft Fowler 2040 General Plan (GP) and the associated Draft Environmental Impact Report (DEIR). The Draft GP is a planning document that establishes policies and land uses that guide the growth and development for the City of Fowler specifically looking toward the planning horizon of 2040. The DEIR is a document that analyzes and discloses the potentially significant environmental impacts associated with the adoption of the Draft GP.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. It is understood that the City has adopted transportation impact criteria based on the Vehicle Miles Traveled (VMT) as presented in the Fresno Council of Governments' *Fresno County SB 743 Implementation Regional Guidelines*, as noted in the DEIR Appendix I, Traffic Study for the Draft GP. Caltrans encourages the City and project proponents of future developments coordinate with Caltrans in regard to projects that have the potential to impact the State Highway System (SHS), such as State Route (SR) 99 facilities.

2A

- 2. Appendix I – Traffic Study, Page 10, intersections identified for potential control improvements include SR 99 northbound and southbound ramps at Clovis Avenue as well as the SR 99 southbound on-ramp at Fowler Avenue. It is recommended that when these identified improvements are warranted for implementation that they be coordinated with Caltrans. Further analysis on these improvements will be required and includes processes such as Caltrans’ Intersection Control Evaluation (ICE) process. 2B
- 3. Please note that future further studies such as transportation impact studies, queueing analyses, or safety analyses may be needed for the land uses near the SR 99 interchanges within the City of Fowler. 2C
- 4. Chapter 9, Page 66, Policy MOB-6, shows Intelligent Transportation Systems abbreviated as “(ITA)”. This intended abbreviation might be referring to “(ITS)” instead of what is currently showed on this page. 2D
- 5. Caltrans encourages local agencies consider creating a VMT Mitigation Impact Fee to help reduce impacts to the SHS. 2E
- 6. Local agencies are also encouraged to consider implementing policies that support multimodal transportation systems (such as bicycle and pedestrian facilities and public transportation services) to provide connectivity of modes within communities which also help reduce VMT. 2F
- 7. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network. 2G

If you have any other questions, please call or email Christopher Xiong at (559) 908-7064 or Christopher.Xiong@dot.ca.gov.

Sincerely,



DAVID PADILLA, Branch Chief
Transportation Planning – North

C: State Clearinghouse

- 2. Response to comments from California Department of Transportation dated February 6, 2023.**
- 2A The City will continue to route individual projects to Caltrans when the project would be within the vicinity of Caltrans facilities, allowing Caltrans the ability to comment on each project and identify concerns and information needed to address Caltrans requirements.
- 2B See Response 2A.
- 2C See Response 2A. Caltrans, within its review of individual projects that have the possibility of affecting its facilities, may request that further traffic analysis be completed.
- 2D Comment noted.
- 2E The City will continue to consider updating its fee schedule as a whole, including the incorporation of a VMT Mitigation Impact Fee.
- 2F Comment noted. The proposed Fowler 2040 General Plan includes policies that would encourage active living and the expansion of both pedestrian and bicycle facilities within the City.
- 2G Comment noted.

LETTER 3 – California Department of Fish and Wildlife (16 pages)



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 15, 2023

Thomas Gaffery, Community and Economic Development Director
City of Fowler Planning and Community Development Department
128 South 5th Street
Fowler, California 93625
(559) 834-3113
tgaffery@ci.fowler.ca.us

**Subject: City of Fowler 2040 General Plan Project (Project)
Draft Environmental Impact Report (DEIR)
SCH No.: 2021110053**

Dear Thomas Gaffery:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Fowler for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ A Notice of Preparation (NOP) comment letter was written for this Project by CDFW in December 2021. Per a December 2022 memorandum from the City of Fowler, Figure 2-4 (Land Use Diagram) in the previous NOP document was incorrect in the information that was submitted to the State Clearinghouse (SCH), and a revised Figure 2-4 is included for reference.

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

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Thomas Gaffery, Community and Economic Development Director
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February 15, 2023
Page 2

projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Fowler

Objective: The 2040 General Plan (GP) would encompass the entire City of Fowler and the GP planning area, which is approximately 5,690 acres. The 2040 GP presents a framework of goals and policies that respond to issues of relevance to the community, strive to meet its imagined future, and maintain a high quality of life for its residents in the face of ever-changing environmental, economic, and social circumstances.

Location: Fowler is a part of Fresno County and is positioned 11 miles southeast of downtown Fresno. The Project area is located west of the Sierra Nevada Mountains, and Fresno County lies within the San Joaquin Valley. Fowler is part of the San Joaquin Valley Air Basin. There are several cities that are near Fowler in addition to Fresno. This includes Selma 5 miles to the southeast, Kingsburg 10 miles to the southeast, Reedley 13 miles to the southeast, Parlier 8 miles to the southeast, Sanger 8 miles to the northeast, and Kerman 22 miles to the northwest. Highway 99 bisects the City of Fowler into eastern and western portions. The City of Fowler shares a sphere of influence with the City of Selma to the southeast.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Fowler in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Thomas Gaffery, Community and Economic Development Director
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Page 3

Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are several special-status species that have been documented in the Project vicinity and may be present at individual Project sites in the Project area. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes.

CDFW special-status species that are present or could potentially be present within Project limits and/or adjacent areas include but are not limited to: the State and federally threatened (ST/FT) California tiger salamander (*Ambystoma californiense*); the State threatened Swainson's hawk (*Buteo swainsoni*); and the State species of special concern burrowing owl (*Athene cunicularia*), pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis californicus*), and coast horned lizard (*Phrynosoma blainvillii*).

Per 2023 Google aerial photography, the City of Fowler is bordered primarily by agriculture. Project mapping for Urban Growth Management Tiers shows that the planned expansion would include: Tier 1 to the west, which would add 697 acres, Tier 2 to the northeast would add 744 acres, and Tier 3 to the south would add an additional 287 acres.

In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted by a qualified biologist/botanist during the appropriate survey period(s) in order to determine whether any special-status species may be present at specific Project sites. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture, and to identify any Project-related impacts under CESA and other species of concern.

I. Environmental Setting and Related Impact

Would the Project 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 CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: California Tiger Salamander (CTS)

Issue: Review of aerial imagery (Google 2023) indicates that the Project area is bordered by and contains some patches of annual grassland. CTS may use these

Thomas Gaffery, Community and Economic Development Director
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Page 4

areas as upland refugia if small mammals and/or burrows are present, or they may disperse across them while moving to or from potential breeding sites.

Specific Impacts: The potential for ground- and vegetation-disturbing activities associated with the approval of the forthcoming EIR document could potentially result in the collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to potential breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, increased habitat fragmentation and edge effects, and direct mortality of individuals.

Evidence impact would be significant: Up to 75% of historic CTS habitat has been lost to urban and agricultural development (Searcy et al. 2013). Loss, degradation, and fragmentation of habitat are the primary threats to CTS in both the Central and San Joaquin valleys. Contaminants and vehicle strikes are also sources of mortality for the species (CDFW 2015, USFWS 2017a). The Project area is within the range of CTS and has suitable habitat (i.e., upland habitat). CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and have been documented to occur near the Project area (CDFW 2023).

Recommended Mitigation Measure 1: Focused CTS Protocol-level Surveys

CDFW recommends that a qualified biologist conduct a habitat assessment and protocol-level surveys for CTS as part of the biological technical studies conducted in support of the CEQA document for subsequent projects approved under this General Plan update. Surveys should be conducted in accordance with the USFWS “Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Recommended Mitigation Measure 2: CTS Avoidance

If CTS protocol-level surveys as described above are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site.

Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland/pond breeding no-disturbance buffers are intended to

3A
Cont.

Thomas Gaffery, Community and Economic Development Director
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Page 5

minimize impacts to CTS habitat and avoid take of individuals. Alternatively, the applicant can assume presence of CTS within the Project site and obtain from CDFW an Incidental Take Permit (ITP) in accordance with Fish and Game Code section 2081 subdivision (b).

Recommended Mitigation Measure 3: CTS Take Authorization

If through surveys, or other observations, it is determined that CTS are occupying or have the potential to occupy an individual Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of take authorization would be warranted prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081 subdivision (b). As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

3A
Cont.

COMMENT 2: Swainson's Hawk (SWHA)

Issue: CNDDDB (2023) information shows that Swainson's hawks utilize the agricultural fields surrounding the City of Fowler. SWHA have the potential to nest in areas with large, mature trees which are present both in the City of Fowler and in the surrounding area per Google aerials and Google Streetview (2023). SWHA foraging habitat exists within the Project area in the form of dryland pastures, grassy ruderal lots, alfalfa, and some irrigated crops due to a higher accessibility and relative abundance of prey. CDFW recommends that a qualified biologist conduct a habitat assessment and protocol-level surveys for SWHA as part of the biological technical studies conducted in support of any project approved under this General Plan update.

Specific impacts: SWHA exhibit high nest-site fidelity year after year in the San Joaquin Valley (CDFW 2016). The Project as proposed may involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, and reduced nesting success (loss or reduced health or vigor of eggs or young) from loss of foraging habitat, and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

3B

Evidence impact is potentially significant: Approval of the upcoming EIR may lead to subsequent ground-disturbing activities that involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment and loss of foraging habitat, significantly impacting local nesting SWHA.

Recommended Mitigation Measure 4: SWHA Surveys

SWHA are known to travel for miles to forage. Therefore, CDFW recommends surveys be conducted as part of the biological technical studies conducted for most projects that

Thomas Gaffery, Community and Economic Development Director
City of Fowler
February 15, 2023
Page 6

would result under this General Plan by a qualified biologist with knowledge of SWHA natural history and behaviors, following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000). Regardless of the initial survey effort, CDFW recommends that the survey be conducted by a qualified wildlife biologist again within the survey season immediately prior to project implementation. In addition, CDFW recommends that a qualified biologist determine if SWHA foraging habitat occurs on any individual Project site and/or if suitable nesting habitat is present within 0.5-mile of the site. If suitable SWHA nesting habitat is present within 0.5-mile of an individual Project-site, CDFW recommends consultation with CDFW to determine if SWHA nest surveys are warranted.

The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities. If suitable nesting habitat is within 0.5-mile of an individual Project site, SHWA nest surveys were warranted, and ground-disturbing activities will take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation to ensure that SHWA have not begun nesting immediately before Project activities begin.

Recommended Mitigation Measure 5: No-disturbance Buffer

CDFW recommends a minimum no-disturbance buffer of 0.5-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If a 0.5-mile no disturbance buffer from an active nest is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take.

Recommended Mitigation Measure 6: SWHA Take Authorization

If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 7: Loss of SWHA Foraging Habitat

If SWHA foraging habitat occurs on any individual Project site and will be impacted by the proposed project, CDFW recommends compensating for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.

3B
Cont .

Thomas Gaffery, Community and Economic Development Director
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- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acre of HM land for each acre of development is advised.

3B
Cont.

Recommended Mitigation Measure 8: SWHA Nest Trees

CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project area or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.

COMMENT 3: Burrowing Owl (BUOW)

Issue: BUOW may occur within and/or adjacent to the Project area. BUOW typically inhabit open grassland containing small mammal burrows, but are also known to occupy canal banks, ROWs, vacant lots, etc. containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW may also attempt to use “man-made burrows” such as the pipes or culverts. Patches of annual or ruderal grassland within and adjacent to the City of Fowler as well as the surrounding agricultural fields may support suitable habitat for BUOW. In addition, the Fowler area contains numerous canals including but not limited to: the dirt-lined Kirby Canal, Kirby Ditch, Norris Canal, and Wristen Canal. The ditches throughout the Project area could also provide BUOW with suitable burrow habitat present along the banks.

Specific impact: Potentially significant direct impacts associated with subsequent activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

3C

Evidence impact is potentially significant: BUOW rely on burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California’s Central Valley (Gervais et al. 2008). The Project site is bordered by some areas that could potentially provide nesting habitat, the remainder of the area is otherwise intensively managed for agriculture. Therefore, subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW’s “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Mitigation Measure 9: BUOW Surveys

CDFW recommends assessing presence/absence of BUOW at each Project site and its immediate vicinity by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium’s “Burrowing Owl Survey Protocol and Mitigation Guidelines” (CBOC 1993) and CDFW’s Staff Report on Burrowing Owl Mitigation”

Thomas Gaffery, Community and Economic Development Director
 City of Fowler
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(CDFG 2012). Specifically, CBOC and CDFW’s Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Recommended Mitigation Measure 10: BUOW Avoidance

CDFW recommends no-disturbance buffers, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Recommended Mitigation Measure 11: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

COMMENT 4: Special-Status Bat Species

Issue: Pallid bats and western mastiff bats have been documented to occur in the vicinity of the Project area (CDFW 2023). In addition, habitat features that have the potential to support species, including open areas, semi-arid conditions, suitable food sources, and water nearby, are present within/adjacent to the Project area.

Specific impact: Without appropriate avoidance and minimization measures for special-status bat species, potential significant impacts resulting from ground- and

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vegetation-disturbing activities associated with Project construction include habitat loss, inadvertent entrapment, roost abandonment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: Pallid bat and other bats are known to roost under bridges (Lewis 1994). Project activities on or around bridges have the potential to affect habitat upon which special-status bat species depend on for successful breeding, and the potential to impact individuals and local populations.

Recommended Mitigation Measure 12: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of any project approved under this General Plan to determine if an individual Project site or its immediate vicinity contains suitable habitat for special-status bat species.

Recommended Mitigation Measure 13: Focused Surveys

If suitable habitat is present, CDFW recommends assessing presence/absence of special-status bats by conducting protocol-level surveys during the appropriate seasonal period of bat activity.

Recommended Mitigation Measure 14: Consultation

Detection of special-status bat species warrants consultation with CDFW prior to any activity that may disturb bats. CDFW recommends submitting a Bat Eviction Plan to CDFW for written approval prior to project implementation, and that the Eviction Plan include details for excluding bats from the roost site, and a monitoring plan to ensure that all bats have exited the roost prior to the start of activity and will be unable to re-enter the roost until activity is completed. CDFW also recommends that Project or bat eviction activities be timed to avoid lactation and young-rearing.

COMMENT 5: Coast Horned Lizard (CHL)

Issue: Coast horned lizards have been known to occur in the vicinity of the Project area (CDFW 2023). Coast horned lizards occur in a wide variety of habitat types but require loose, fine soils for burrowing, open areas for thermoregulation, and shrub cover for refugia (Thomson et al. 2016). Review of aerial imagery and soil characteristics indicates that portions of the Project area could provide these requisite habitat features (CDFW 2023). CDFW recommends that a qualified biologist conduct a habitat assessment and surveys for CHL as part of the biological technical studies conducted in support of the CEQA document for Project's approved under this General Plan.

Specific impact: Without appropriate avoidance and minimization measures for coast horned lizards, potentially significant impacts associated with ground disturbance include burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

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Evidence impact is potentially significant: Habitat loss and fragmentation resulting from development is the primary threat to coast horned lizard (Thomson et al. 2016). The Project area is within the range of coast horned lizard and portions of it are comprised of and bordered by suitable habitat as mentioned previously. As a result, ground-disturbing activities associated with development of the Project area have the potential to significantly impact local populations of this species.

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Recommended Mitigation Measure 15: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if the Project area or its immediate vicinity contain suitable habitat for coast horned lizard.

Recommended Mitigation Measure 16: Focused Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for coast horned lizard and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance.

Recommended Mitigation Measure 17: Avoidance

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows.

COMMENT 6: Light Impact Analysis

Recommended Mitigation Measure 18: Light Output Analysis

Due to the addition of three new tiers for this Project that total 1,725 acres on the west, northeast, and south sides of the City of Fowler, the lead agency should submit information as part of the final EIR that note current light levels present during Pre-Project conditions and the predicted Project light levels that will be created upon completion of all Project's envisioned under this General Plan. If an increase in light output from current levels to the projected future levels is evident, additional avoidance, minimization or mitigation should be developed in coordination with the natural resource agencies to offset indirect impacts to State listed species such as California tiger salamander. For Projects approved under this General Plan that introduce new light sources or change the lumens or color of existing light sources, those project should include a light output and analysis. Within 60 days of Project completion the lead agency should conduct a ground survey that compares projected future light levels with actual light levels achieved upon completion of the Project. If an increase from the projected levels is discovered, additional avoidance, minimization or mitigation measures, and further coordination with the natural resource agencies may be warranted.

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Recommended Mitigation Measure 19: Light Output Limits

All LED's or bulbs installed as a result of any Project shall be rated to emit or produce light at or under 2700 kelvin that results in the output of a warm white color spectrum.

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II. Editorial Comments and/or Suggestions

Lake and Streambed Alteration: The Project contains features that may result in Project activities at individual Project sites being subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent, such as the unnamed stream within the Project site, as well as those that are perennial in nature.

For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593. It is important to note, CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement (LSAA). If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the project is complete. This may lead to considerable Project delays.

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, CTS. Take under FESA is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

Nesting birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a general habitat assessment for nesting birds be conducted as part of the biological technical studies conducted in support of the CEQA document. Depending on the results of that assessment, CDFW further recommends that the CEQA document for this Project include that a qualified wildlife biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the

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Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the project's CEQA documents be used to develop and modify the project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources should be mitigated to reduce impacts to a less than significant level, if feasible.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

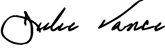
FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

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

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3194, or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment

ec: Patricia Cole (patricia_cole@fws.gov)
United States Fish and Wildlife Service

Linda Connolly
California Department of Fish and Wildlife

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Attachment 1**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING
PROGRAM (MMRP)****PROJECT: Draft Environmental Impact Report (EIR) 2021-0492–City
of Fowler General Plan Update Project****SCH No.: 2021110053**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: Focused CTS Protocol-level Surveys	
Mitigation Measure 2: CTS Avoidance	
Mitigation Measure 4: SWHA Surveys	
Mitigation Measure 5: SWHA No-Disturbance Buffer	
Mitigation Measure 7: Loss of SWHA Foraging Habitat	
Mitigation Measure 9: BUOW Surveys	
Mitigation Measure 11: BUOW Passive Relocation and Mitigation	
Mitigation Measure 12: Special-Status Bat Species Habitat Assessment	
Mitigation Measure 13: Focused Special-Status Bat Species Surveys	
Mitigation Measure 14: Consultation for Special-Status Bat Species	
Mitigation Measure 15: Coast Horned Lizard Habitat Assessment	
Mitigation Measure 16: Coast Horned Lizard Focused Surveys	
Mitigation Measure 18: Light Output Analysis	
Mitigation Measure 19: Light Output Limits	
<i>During Construction</i>	
Mitigation Measure 3: CTS Take Authorization	
Mitigation Measure 6: SWHA Take Authorization	
Mitigation Measure 8: SWHA Nest Trees	
Mitigation Measure 10: BUOW Avoidance	
Mitigation Measure 17: Coast Horned Lizard Avoidance	

3. Response to comments from California Department of Fish and Wildlife dated February 15, 2023.

- 3A Future development within the City of Fowler and individual project impacts to biological resources within the City would be considered on a case-by-case basis at the time an application is received by the City. Any applicable future environmental analysis would consider potential impacts not already discussed within the DEIR. A project must comply with the mitigation measures outlined in the DEIR and if warranted provide a project-specific biological evaluation for potentially-affected species. At that time a qualified biologist would provide the City additional specific mitigation measures (such as the mitigation measures outlined in the comment letter) prior to the approval of a project. The City is required to meet all local, State, and federal laws and regulations governing the protection and conservation of biological resources within its jurisdiction. When applicable, the City will continue to route individual projects to CDFW and USFWS for comment.
- 3B See Response 3A.
- 3C See Response 3A.
- 3D See Response 3A.
- 3E See Response 3A.
- 3F See Response 3A.
- 3G See Response 3A.

LETTER 4 – San Joaquin Valley Air Pollution Control District (17 pages)

February 16, 2023

Wilma Tucker
City of Fowler
128 South 5th Street
Fowler, CA, 93625

Project: Draft Environmental Impact Report for the City of Fowler 2040 General Plan Update

District CEQA Reference No: 20221690

Dear Ms. Tucker:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Fowler (City) for the City of Fowler 2040 General Plan Update. Per the DEIR, the project consists of an outline the City goals, polices, and action items intended to guide the future development of Fowler to full buildout through the year 2040 (General Plan). At full buildout, the City of Fowler General Plan accommodates 15,530 dwelling units and 25,822,662 square feet of non-residential development (i.e. commercial, industrial, etc...). The General Plan is for the City of Fowler which covers the northern expansion between Minnewawa and Kenneth Avenues, southern expansion between Temperance Avenue and Manning Avenue south to Springfield Avenue and State Route 99.

The District offers the following comments regarding the General Plan:

1) Land Use Planning

Nearly all development projects within the San Joaquin Valley Air Basin, from the General Plan to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality. The District recommends that the General Plan incorporate strategies that reduce VMTs and require the cleanest available Heavy Heavy-Duty (HHD) trucks and vehicles, including zero and near-zero technologies. VMTs can be reduced through

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encouragement of mix-use development, walkable communities, etc. Additional design element options can be found at:

<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

In addition, the District recommends that the General Plan incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of California Air Resource Board's (CARB's) Freight Handbook Concept Paper, to the extent feasible. This document compiles best practices designed to address air pollution impacts as "practices" which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities. The concept paper is available at:

https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf

2) Assembly Bill 617

Assembly Bill 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantage communities. The boundary of the area the General Plan lies near the South Central Fresno AB 617 community which was selected by the California Air Resources Board (CARB) under the Assembly Bill (AB) 617 (2017, Garcia) and has the potential to expose sensitive receptors to increased air pollution within the nearby impacted community. The South Central Fresno CERP was adopted by the District's Governing Board in September of 2019 and identifies a wide range of measures designed to reduce air pollution exposure. Therefore, in an effort to reduce air pollution exposure to the impacted disadvantaged community, the District recommends the City incorporate mitigation measures outlined in the South Central Fresno CERP for the areas of the General Plan that located near the South Central Fresno AB617 community. For more information regarding the CERP approved for South Central Fresno, please visit the District's website at:

<http://community.valleyair.org/selected-communities/south-central-fresno>

3) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, PM2.5 standards.

The District understands that the General Plan is a program-level project where future individual project-specific data may not be available at this time. As such, the DEIR and the General Plan should include a discussion of policies, which when

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implemented, will require assessment and characterization of project-level emissions, and subsequently require mitigation of air quality impacts to the extent feasible at the individual project-specific level.

Environmental reviews of potential impacts on air quality should incorporate the following items:

3a) Construction Emissions

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, future development projects should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

3b) Operational Emissions

For future development projects, operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:

<https://www.valleyair.org/transportation/GAMAQI.pdf>.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at:

<http://www.valleyair.org/transportation/Mitigation-Measures.pdf>.

3c) Recommended Model for Quantifying Air Emissions

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

4) Health Risk Screening/Assessment

Based on the DEIR, the potential health risk impacts are potentially significant. However, per the DEIR Toxic Air Contaminants (TACs) could not be quantified for individual projects at this time. The District recommend the City evaluate the risk associated with the future development projects for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and

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mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for future development projects. These health risk determinations should quantify and characterize potential TACs identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices.

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A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww3.arb.ca.gov/ch/handbook.pdf>.

5) **Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for any future development projects with emissions that exceed 100 pounds per day of any pollutant.

An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

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

6) **Allowed Uses Not Requiring Project-Specific Discretionary Approval**

In some cases, for future development projects, the City may determine that a project be approved as an allowed use not requiring a project-specific discretionary

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approval from the City. The District recommends the DEIR include language supported by policy requiring such projects to prepare a technical assessment in consultation with the District, and recommending that a VERA be considered for development projects determined to result in a significant impact on air quality. For example, this requirement would apply to large development projects (e.g., large residential project, large distribution center, large warehouse, etc.) that would have the potential to significantly impact air quality and is determined by the City to be allowed by use, not requiring a project specific discretionary approval from the City.

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7) Recommended Emission Reduction Strategies to Reduce Emissions from Future Development Projects

7a) Industrial/Warehouse Emission Reduction Strategies

The District recommends the City consider the feasibility of incorporating emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:

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- Ensure solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Ensure all landscaping be drought tolerant
- Orient loading docks away from sensitive receptors unless physically impossible
- Locate loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
- Incorporate signage and “pavement markings” to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Locate truck entries on streets of a higher commercial classification
- Ensure all building roofs are solar-ready
- Ensure all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Ensure power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods
- Incorporate bicycle racks and electric bike plug-ins
- Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available

- Prohibit the use of non-emergency diesel-powered generators during construction
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project

7b) Voluntary Emission Reduction Agreement

Future development projects within the General Plan could have a significant impact on air quality. The District recommends the DEIR include a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for future development projects that are determined to exceed the District's CEQA significance thresholds.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

7c) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California

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end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for future development projects.

7d) Electric Vehicle Chargers

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

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

7e) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Future development within the General Plan has the potential for industrial uses that would result in an increase in HHD truck trips.

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

7f) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. The District's CARB-approved 2018 PM2.5 Plan includes significant new reductions from HHD trucks, including emissions reductions by 2023 through

the implementation of CARB's Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NOx/bhp-hr by 2023. Additionally, to meet federal air quality attainment standards, the District's Plan relies on a significant and immediate transition of HHD fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NOx established by CARB.

Since the General Plan could include industrial/warehouse type of development which could generate a high volume of HHD truck traffic, there is the potential of HHD trucks traveling to-and-from the project location at longer distribution trip length distances. The District recommends for future development projects, that the following measures be considered by the City to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 g/bhp-hr NOx) technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

7g) Reduce Idling of Heavy-Duty Trucks

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

Since future development projects are expected to result in HHD truck trips, the District recommends the DEIR include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the District recommends the City consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

8) Electric On-Site Off-Road and On-Road Equipment

Future development projects may have the potential to result in increased use of off-road equipment (e.g., forklifts) and on-road equipment (e.g., mobile yard trucks with the ability to move materials). The District recommends that the City include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

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9) Under-fired Charbroilers

Future development projects have the potential to occupy restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM2.5 species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards. Therefore, the District recommends that the DEIR be revised to include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information, or visit: <http://valleyair.org/grants/rctp.htm>

10) Vegetative Barriers and Urban Greening

For future development projects within the Project area, and at strategic locations throughout the Project area in general, the District suggests the City consider incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residences, schools, healthcare facilities).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help

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improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

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11)Clean Lawn and Garden Equipment in the Community

Future development projects may consists of residential and commercial development, gas-powered residential and commercial lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

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12)District's Bikeway Incentive Program

Incorporating design elements (e.g., installing bikeways) within the General Plan that enhance walkability and connectivity can result in an overall reduction of vehicles miles traveled (VMT) and improve air quality within the area. Future development projects are expected to result in an overall reduction in VMT by installing bikeways, and may be eligible for funding through the District's Bikeway Incentive Program. The Bikeway Incentive Program provides funding for eligible Class 1 (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects. These incentives are designed to support the construction of new bikeway projects to promote clean air through the development of a widespread, interconnected network of bike paths, lanes, or routes and improving the general safety conditions for commuter bicyclists. Only municipalities, government agencies, or public educational institutions are eligible to apply. More information on the grant program can be found at:
<http://valleyair.org/grants/bikepaths.htm>

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Guidelines and Project Eligibility for the grant program can be found at:
http://valleyair.org/grants/documents/bikepaths/2015_Bikeway_Guidelines.pdf

13)Nuisance Odors

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The City should consider all available pertinent information to determine if future development projects could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration the

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proposed business or industry type and its potential to create odors, as well as proximity to off-site receptors that potentially would be exposed to objectionable odors. The intensity of an odor source's operations and its proximity to receptors influences the potential significance of malodorous emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor impact is defined as more than one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year averaged over a three-year period. An unconfirmed complaint means that either the odor or air contaminant release could not be detected, or the source of the odor could not be determined.

As the future development projects that will fall within the General Plan do not yet exist the City should and stipulate odor mitigation measures in the DEIR as conditions of approval for those business and industry types. An example would be for a project proponent whose project is determined to have a potentially significant odor impact to draft and implement an odor management plan as a mitigation measure in the DEIR.

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14) District Rules and Regulations

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

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

14a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of

emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the project proponents should submit to the District an application for an ATC.

Recommended Mitigation Measure: For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 shall be provided to the City before issuance of the first building permit.

For further information or assistance, project proponents may contact the District's SBA Office at (559) 230-5888.

14b) District Rule 9510 - Indirect Source Review (ISR)

Accordingly, future development projects within the General Plan may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

Table 1: ISR Applicability Thresholds

Development Type	Discretionary Approval Threshold	Ministerial Approval / Allowed Use / By Right Thresholds
Residential	50 dwelling units	250 dwelling units
Commercial	2,000 square feet	10,000 square feet
Light Industrial	25,000 square feet	125,000 square feet
Heavy Industrial	100,000 square feet	500,000 square feet
Medical Office	20,000 square feet	100,000 square feet
General Office	39,000 square feet	195,000 square feet
Educational Office	9,000 square feet	45,000 square feet
Government	10,00 square feet	50,000 square feet
Recreational	20,000 square feet	100,000 square feet
Other	9,000 square feet	45,000 square feet

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District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NOx or two tons of PM.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

In the case the individual development project is subject to District Rule 9510, per Section 5.0 of the rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. It is preferable for the applicant to submit an AIA application as early as possible in the public agency's approval process so that proper mitigation and clean air design under ISR can be incorporated into the public agency's analysis.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

14c) District Rule 9410 (Employer Based Trip Reduction)

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

Information about District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm.

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

14d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

Future development projects will be subject to District Rule 4002 since the Project will include demolition, renovation, and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements.

Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

Future development projects may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

14e) District Rule 4601 (Architectural Coatings)

Future development projects may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <http://www.valleyair.org/rules/currnrules/r4601.pdf>

14f) District Regulation VIII (Fugitive PM10 Prohibitions)

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

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Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

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14g) District Rule 4901 - Wood Burning Fireplaces and Heaters

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:

<http://valleyair.org/rule4901/>

14h) Other District Rules and Regulations

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

The following rules are specific to confined animal operations:

- Rule 4102 (Nuisance) – This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

- Rule 4550 (Conservation Management Practices) – The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites. These sites include areas of crop production, animal feeding operations and unpaved roads/equipment areas. The District’s CMP handbook can be found online at the District’s website at: http://www.valleyair.org/farmpermits/updates/cmp_handbook.pdf.
- Rule 4570 (Confined Animal Facilities) – District Rule 4570 was adopted by the District’s Governing Board on June 15, 2006. Dairies with greater than or equal to 500 milk cows are subject to the requirements of District Rule 4570. Therefore, a Rule 4570 application shall also be submitted to the District.

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15)Future Projects / Land Use Agency Referral Documents

Future development projects may require an environmental review and air emissions mitigation. A project’s referral documents and environmental review documents provided to the District for review should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District’s Guidance for Assessing and Mitigating Air Quality Impacts at: <https://www.valleyair.org/transportation/GAMAQI.pdf>

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

Sincerely,

Brian Clements
Director of Permit Services



For: Mark Montelongo
Program Manager

4. Response to comments from San Joaquin Valley Air Pollution Control District dated February 16, 2023.

- 4A The proposed Fowler 2040 General Plan includes policies that would encourage active living and the expansion of both pedestrian and bicycle facilities within the City. The City encourages the use of clean construction equipment and the implementation of project design that would limit impacts to the air basin. When future individual projects do not meet the thresholds applicable to the San Joaquin Valley Air Control District, the City would work with project proponents to lower projected emission totals in a variety of ways, including equipment use and project design.
- 4B Comment noted.
- 4C In the future, individual development projects would be analyzed under the appropriate level of environmental analysis required by the scope of a project. When applicable, analysis would include emissions modeling for construction- and operation-related emissions.
- 4D See Response 4C. When a proposed project may affect sensitive receptors, air quality modeling could include the completion of a Health Risk Assessment (HRA). In the event that an HRA is necessary, the completed HRA would be submitted to the District for review.
- 4E Comment noted. The City will work with project proponents whose project exceeds any applicable District threshold. In the event that a project's estimated emissions can't be reduced below a threshold, additional modeling and analysis may be used in order to better analyze the impacts that would result from implementation of a project.
- 4F Projects requiring only ministerial approval from the City should not be of such a scale that they would result in a significant impact to air quality resources and are likely to fall under the Districts Small Project Analysis Level (SPAL) program. For ministerial projects not meeting the SPAL requirements, the City will determine whether additional air quality analysis is needed despite the proposed use not being subject to discretionary action.
- 4G See Response 4A.
- 4H See Response 4A.
- 4I See Response 4A.
- 4J See Response 4A.
- 4K See Response 4A.
- 4L See Response 4A.
- 4M Comment noted. The City will take odor into consideration during the environmental analysis of future development projects. This consideration is addressed within the DEIR.
- 4N The City and future development projects are subject to all local, State, and federal laws and

regulations governing air quality resources and conservation. This includes District Rules and Regulations.

- 40 When applicable, the City will continue to route individual development projects to the District for its review and comment. During this process, the District may recommend mitigation measures or requirements for the City to impose on a project.

3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of DEIR publication; and/or (3) typographical errors. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO TECHNICAL AND TYPOGRAPHICAL ERRORS

The following has been revised in response to a technical error in the DEIR.

Page 2-13, Figure 2-4, *Land Use Diagram*, is hereby modified as follows:

Figure 2-4: Land Use Diagram depicts the land use designations within the City of Fowler. Within the DEIR, a Medium Density Residential area on this figure did not populate and therefore is not shown. The map has been revised to show this area on the map, and the revised map has been inserted to replace the one with the error. The land use acreage used throughout the DEIR was correct, but the map omitted this Medium Density Residential Area. The revision to this map to show the reader an accurate depiction of the General Plan land use designations within the City does not change any of the analysis contained within the DEIR. The revision simply serves to better visually support the reader. As a result, recirculation of the DEIR is not necessary.

The following text corrections were made in the DEIR.

Page 4-250, Section 4.21.3, *Methodology and Thresholds of Significance*, is hereby modified as follows:

“According to the CEQA Guidelines Appendix G, the proposed Fowler 2040 GP would have a significant impact related to ~~utilities and service systems~~ wildfire if it would.”