

DEPARTMENT OF TRANSPORTATION

DISTRICT 6

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AUG 07 2007

August 6, 2007

COMMUNITY DEVELOPMENT DEPARTMENT
RECEIVED2131-IGR/CEQA
6-FRE-99-6.512+/-
NOP/DEIR
ROCKWELL POND SPECIFIC PLAN
SCH 2007061098

Mr. Michael Gaston
City of Selma
Community Development Department
1710 Tucker Street
Selma, CA 93662

Dear Mr. Gaston:

We have completed our review of the Notice of Preparation to prepare a Draft Environmental Impact Report (DEIR) for the proposed development of a 229-acre site located along the western side of State Route (SR) 99 and bounded by Floral Avenue on the south and Dewolf Avenue on the west. The site is currently designated and zoned for agricultural and open space uses under the Fresno County General Plan. The site would need to be annexed and rezoned by the City of Selma in order to accommodate 1,053,853 sq.ft. of regional commercial uses, 430,000 sq.ft. of light industrial and business-park uses, and 60 to 120 units of residential housing. Caltrans has the following comments:

Previous traffic studies have already identified the need for improvements to the SR 99 northbound off-ramp to Floral/SR43 (add 2 lanes), the SR 99 southbound on-ramp from Floral/SR43 (left-turn from SB 43 to SB on-ramp), and the SR 43 intersection at Rose Avenue (signals and SB right-turn lane). Therefore, it is recommended that the traffic study should confirm the need for these and other improvements. The study should also identify the site's impacts to these facilities.

A recent operational analysis of the SR 99 ramp intersections at Floral/SR43 concluded that all of these intersections currently operate with a satisfactory level-of-service. It also concluded that all of these intersections would continue to operate with a satisfactory level-of-service given the projected future traffic volumes. However, the operational analysis did not appear to have adequately analyzed the queues. Due to this lack of a queue analysis, the traffic study did not identify the congestion that is commonly understood to exist at this interchange. The westbound to southbound left-turn lane at the intersection of the SR 99 southbound off-ramp to Floral appears to have inadequate storage and deceleration length to accommodate current and projected

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future left-turning volumes. The eastbound to northbound left-turn lane at the intersection of Floral and Highland Avenues also appears to have inadequate storage and deceleration length to accommodate current and projected future left-turning volumes. Due to the inadequate lengths of these left-turn lanes, the left-turn queues at these locations will bleed over and block the through movements and thus result in congestion. Nevertheless, it is currently not possible to lengthen these left-turn lanes due to the geometric constraints resulting from the configuration of the three SR 99 freeway structures crossing over Floral Avenue. In order to accommodate the lengthening of these left-turn lanes and other possible widening of this segment of Floral, the three freeway-structures would need to be completely reconstructed. An extreme alternative that would eliminate the congestion caused by the left-turn queue backup would be to eliminate and prohibit these two left-turn movements. However, the elimination of these two left-turn lanes could obviously have a negative impact to some private developments. The City may be able to mitigate some of the impact by reconfiguring some of the local roadway network to create alternate pathways to serve those developments that were negatively impacted. Additionally, a review of the projected future traffic volumes at the intersection of the SR 99 northbound off-ramp to Floral confirms the need for a northbound to eastbound right-turn lane. Therefore, it is recommended that the traffic study should analyze these queues and project the resulting effects on the off-ramps and the freeway mainline.

The southbound to eastbound left-turn lane from southbound Highland Avenue to the SR 99 southbound on-ramp appears to have inadequate storage and deceleration length to accommodate current and projected future left-turning volumes. Due to the inadequate length of this left-turn lane, the left-turn queues at this location will bleed over and block the southbound through movements and thus result in congestion. Nevertheless, it is currently not possible to lengthen this left-turn lane due to the geometric constraint resulting from the configuration of the southbound SR 99 freeway structure crossing over Highland Avenue. In order to accommodate the lengthening of this left-turn lane, the freeway structure would need to be completely reconstructed. Therefore, it is recommended that the traffic study should analyze this queue and project the resulting effects onto the off-ramps and the freeway mainline.

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council. If you have any questions, please contact me at (559) 445-5868.

Sincerely,



MICHAEL NAVARRO
Office of Transportation Planning
District 06

C: SCH



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

July 26, 2007

Michael Gaston, Director
City of Selma
Community Development Department
1710 Tucker Street
Selma, CA 93662

CITY OF SELMA
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JUL 27 2007

COMMUNITY DEVELOPMENT
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Project: NOP – City of Selma “Rockwell Pond Specific Plan”

Subject: CEQA comments regarding the Notice of Preparation

District Reference No: 200701198

Dear Mr. Gaston:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project for the development of 1,053,853 square feet of regional commercial; 430,000 square feet of light industries/business park and 60-120 residential units (medium density) on approximately 229 acres. The first phase of the development includes specific applications for property located south of Rockwell Pond. The developer/applicant, Mr. Cliff Tutelian, has submitted applications for a GPA, zone change (pre-zoning), SPR, and annexation for approximately 94-acres. Proposed Phase 1 development constitutes approximately 896,100 square feet and includes a regional retail center, a multi-story hotel, a sit-down restaurant, and new car sales. The remainder of the project area will develop in the future under policies of the specific plan and offers the following comments:

The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). This project would contribute to the overall decline in air quality due to construction activities in preparation of the site, and ongoing traffic and other operational emissions. Preliminary analysis, based on the information provided, indicates the project may exceed the District's Threshold of Significance for ozone precursors of 10 tons per year of reactive organic gases (ROG) and oxides of nitrogen (NOx).

Sayed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region

4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)

1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061
www.valleyair.org

Southern Region

2700 M Street, Suite 275
Bakersfield, CA 93301-2373
Tel: (661) 326-6900 FAX: (661) 326-6985

The District recommends that the air quality section of the EIR have four main components:

1. **A description of the regulatory environment and existing air quality conditions impacting the area.** This section should be concise and contain information that is pertinent to analysis of the project. The District has several sources of information available to assist with the existing air quality and regulatory environment section of the EIR. The District's "*Guide for Assessing and Mitigating Air Quality Impacts, 2002 Revision*" (GAMAQI) contains discussions regarding the existing air quality conditions and trends of the San Joaquin Valley Air Basin (SJVAB), including those pollutants of particular concern: ozone, PM10, and carbon monoxide. In addition, it provides an overview of the regulatory environment governing air quality at the federal, state, and regional levels. The current GAMAQI can be found at www.valleyair.org/transportation/ceqa_guidance_documents.htm. The most recent air quality data for the District is available on the District's website <http://www.valleyair.org/aqinfo/attainment.htm> or on the California Air Resources Board (ARB) website at <http://www.arb.ca.gov/html/aqe&m.htm>. The air quality section of EPA's Region 9 (which includes information on the SJVAB) can be found at <http://www.epa.gov/region09/air/index.html>. Additionally, this section should also contain a discussion regarding growth projections that the City of Selma provided to the District (through the Fresno COG) for inclusion in the Ozone and PM10 Attainment Plans and any impacts this project will have on Federal Conformity for Fresno County and the SJVAB. Lastly, this section should clearly describe the air pollution regulatory authority of the District and ARB for the various emission sources from the Rockwell Pond Specific Plan Project.
2. **Estimates of existing emissions and projected pollutant emissions related to the increase in project source emissions and vehicle use, along with an analysis of the effects of these increases.** The EIR should include the methodology, model assumptions, inputs and results for pollutant emissions. The cumulative impact analyses should consider current existing and planned development both within the project area and in surrounding areas. The EIR needs to address the short term and long term local and regional adverse air quality impacts associated with the operation of construction equipment (ROG, NOx, carbon monoxide [CO], and PM10) and emission generated from stationary and mobile sources. The EIR should identify the components and phases of the project. The EIR should provide emissions projections for the project at the build out of each phase (including ongoing emissions from each previous phase). The most current URBEMIS program may be used to quantify these emissions.

Ozone Precursors – The District recommends using the regional transportation model to quantify mobile source emissions, but in some cases it may be possible to use the most current URBEMIS program to calculate project area and operational emissions. Fresno COG may be able to provide assistance with the regional transportation model. The District recommends using the most current URBEMIS program to calculate project area and operational emissions and to identify

mitigation measures that reduce impacts. URBEMIS can be downloaded from <http://www.urbemis.com/> or the South Coast Air Quality Management District's website at <http://www.aqmd.gov/ceqa/urbemis.html>. If the analysis reveals that the emissions generated by this project will exceed the District's thresholds, this project may significantly impact the ambient air quality if not sufficiently mitigated. The project applicant or consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

Toxic Air Contaminants (TACs) – The air analysis should discuss any District or State regulations for identifying and reducing toxic air contaminants and should describe how the City of Selma would address future projects with sensitive receptors near existing sources that emit toxic air contaminants and the citing of new sources of toxic air contaminants in the plan area. Potential sources that emit toxic air contaminants include project operations, and vehicles (the ARB has designated diesel particulate emissions as a toxic air contaminant). Per the ARB's Advisory Recommendations, Air Quality and Land Use Handbook, avoid siting new sensitive land uses within 500 feet of a freeway. If residences are not set back 500 feet from the freeway, emissions from the freeway should be modeled to determine the health impact of Toxic Air Contaminants (TACs) on the residents. Access truck traffic serving the regional commercial area, light industries/business park and other toxic air contaminant sources and the health impact on the residential receptors, both within the project site and outside the project site, as well as the off-site worker sites. An HRA should include a discussion of the toxic risk associated with the proposed project, including project equipment, operations, and vehicles. The GAMAQI defines the significance levels for toxic impacts as a cancer risk greater than 10 in a million and/or a hazard index (HI) of 1.0 or greater for chronic non-carcinogenic or acute risks.

HRA guidelines promulgated by the California Office of Environmental Health Hazard Assessment (OEHHA) and OEHHA toxicity criteria must be used. In addition, the applicant should also refer to the "*Guidance for Air Dispersion Modeling*" document found on the District's web page for additional guidance. This document can be found at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

The project consultant should contact the District to review the proposed modeling approach before modeling begins. For more information on Toxic Air Contaminants (TACs) analysis, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org.

Carbon Monoxide Hotspot Analysis – Results of the traffic study should be used to identify intersections and corridors with high levels of congestion that may result in a CO hot spot. CO hot spots should be screened using a protocol developed by the Institute of Transportation Studies at University of California Davis entitled Transportation Project-Level Carbon Monoxide Protocol. Locations that are predicted by the CO Protocol to experience high levels of CO should be modeled

using the most current CALINE dispersion model. The procedure for using the current EMFAC model to calculate emission factors to be used in the CALINE modeling can be downloaded at the Caltrans Division of Environmental Analysis site <http://www.dot.ca.gov/hq/env/air/pages/calinesw.htm>.

Odor Analysis – The proposed project should be analyzed to see if it is considered near a location of sensitive receptors (including residences) and if odor is a concern. The procedure outlined in the GAMAQI includes the following:

- Identify the location of sensitive receptors (including residences).
- Compare the distance to the nearest sensitive receptor to the distances in Table 4.2 of the GAMAQI. If the sensitive receptors are further away than the distances given in Table 4.2, no further analysis is required. The results should be documented in the EIR.
- Obtain any odor complaints against the facility or similar facilities from the local District office and the county's environmental health department.
- Review the complaints to determine the location of complainants relative to the facility.
- Identify any sensitive receptors at similar distances.
- Determine if emissions of odoriferous compounds will increase or decrease with implementation of the project.
- Draw any reasonable conclusions as to the probability that the project will generate odor complaints based on this analysis of complaint history.

Note that the emission of odiferous compounds should be mitigated as much as feasible if it is anticipated that the project will have a significant impact. For more information on odor impact analyses, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org.

3. **Identify and discuss all existing District regulations that apply to the project.** The EIR should identify and discuss all existing District regulations that apply to the project. It would be appropriate to discuss proposed rules that are being developed that would apply to the proposed project. Current rules and regulations are available on the District's website at <http://www.valleyair.org/rules/1ruleslist.htm>. District rules and regulations are periodically revised, and new regulations are promulgated. The District strongly advises the City of Selma to contact the District for any rule updates and new rules when the project development begins. Current District rules and regulations applicable to the proposed project are requirements. The project will be subject to the following District rules:

Regulation VIII (Fugitive PM10 Prohibitions) Rules 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, landfill operations, etc. The District's compliance assistance bulletin for construction sites can be found at www.valleyair.org/busind/comply/PM10/Reg VIII CAB.pdf.

Rule 4002 (National Emission Standards for Hazardous Air Pollutants) In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). In accordance with CAL-OSHA requirements, a certified asbestos contractor must remove any identified ACBM having the potential for disturbance. If you have any questions concerning asbestos related requirements, please contact the District's Compliance Division at (559) 230-6000 or contact CAL-OSHA at (559) 454-1295. The District's Asbestos Requirements Bulletin can be found online at <http://valleyair.org/busind/comply/asbestosbuln.htm>.

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 4103 (Open Burning) This rule regulates the use of open burning and specifies the types of materials that may be open burned. Agricultural material shall not be burned when the land use is converting from agriculture to non-agricultural purposes (e.g., commercial, industrial, institutional, or residential uses). Section 5.1 of this rule prohibits the burning of trees and other vegetative (non-agricultural) material whenever the land is being developed for non-agricultural purposes. In the event that the project applicant burned or burns agricultural material, it would be in violation of Rule 4103 and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) This rule limits volatile organic compounds from architectural coatings by specifying architectural coatings storage, clean up and labeling requirements and applies to any person who supplies, sells, offers for sale, applies, or solicits the application of any architectural coating.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 9510 (Indirect Source Review) This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and potentially mitigate a portion of those emissions. Rule 9510 requires construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 when compared to the statewide fleet average or to pay an in lieu mitigation fee. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and

instruction, please contact the District's ISR staff by phone at (559) 230-5800 or by email at ISR@valleyair.org.

4. **Identify and discuss all feasible measures that will reduce air quality impacts generated by the project.** "Feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors: (California Code of Regulations (CCR § 15364)). CEQA requires that EIRs "describe measures which could minimize significant adverse impacts" (CCR §15126(c)). Additionally, the CCR requires that "a public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures that would substantially lessen any significant effects that the project would have on the environment " (CCR § 15021(a)(2)). For each potential adverse impact, mitigation measures should be identified to reduce impacts below air quality threshold levels of significance. Therefore, the EIR should identify which mitigation measures will be included in the project, and how each mitigation measure will be implemented. The reduction of air quality impacts from implementation of mitigation measures should be quantified to the extent possible. If a measure cannot be quantified a qualitative discussion should be provided explaining the benefits of the proposed mitigation measure. The EIR should discuss how project design modifications could reduce project impacts

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permits Services



for Arnaud Marjollet
Permit Services Manager

DW: gs

cc: File



**SELMA - KINGSBURG - FOWLER
COUNTY SANITATION DISTRICT**

DIRECTORS

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July 23, 2007

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JUL 24 2007

COMMUNITY DEVELOPMENT
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Mr. Michael S. Gaston A.I.C.P.
Community Development Director
City of Selma
1710 Tucker Street
Selma, CA 93662

**SUBJECT: City of Selma, Notice of Preparation of an EIR
"Rockwell Pond Specific Plan"**

Dear Mr. Gaston:

The conceptual commercial project is estimated at 685 Equivalent Single Family Residences (ESFR's). The estimated ESFR's are based on preliminary conceptual information provided by you. The actual ESFR's would be determined as the project may progress.

Sewer Infrastructure Plans - All information provided by the District to date has been provided as a preliminary response to describe District planning documents, policies or existing infrastructure. Discussions, information and this letter shall not be considered to be acceptance of any sewer infrastructure plans. Any interested party must submit to the District a detailed set of sewer infrastructure plans or floor and plumbing plans for all buildings. With regard to a detailed set of sewer infrastructure plans or floor and plumbing plans, District staff will review submitted plans, but plans will not be signed off until the annexation has been completed by LAFCo or the property is within the City boundaries. The plan check process is not complete until the District has signed off on the plans. All sewer improvements required for a project are identified at completion of the plan check process.

Design Standards and Master Plan - Sewer system facilities must be designed and constructed in accordance with the District's Collection System Construction Standards, the District's Sewer System Master Plan and other requirements as may be specified by the District. The Standards and the Master Plan may be viewed on the District's website at www.skfcsd.org.

Will Serve Letters - The Selma-Kingsburg-Fowler County Sanitation District will issue a "will serve letter" upon receiving a written request by the City of Selma for the subject project. The will-serve letter has a time limit of 2½ years from the origination date, or expiration of tentative map, whichever comes later. The will-serve letter is good for the life of a final map.

Fees and Connection Permit - Applicable District annexation fees must be paid prior to completion of annexation or, if the fees have been deferred, at the time the District issues a sewer connection permit. District capacity charges (connection fees) must be paid at the time the District issues a sewer connection permit. District capacity charges (connection fees) are subject to change and must be paid at the rates in effect at the time the sewer connection permit is issued by the District. Sewer system improvements must be constructed, tested and approved by the District prior to the issuance of a sewer connection permit. You must contact the City in which the project is located in order to pay the separate City sewer connection fee and to determine if there are applicable reimbursement fees to be paid.

New City Sewer Collection System Infrastructure Reimbursement - The District does not participate financially in the construction of new City sewer collection system infrastructure. Persons interested in possible reimbursement for such construction must make arrangements in writing with the City in which the infrastructure is constructed and such written arrangements must be made prior to the District signing off on plans.

New District Interceptor System Infrastructure Reimbursement - With regard to the construction of new District interceptor system infrastructure, persons interested in possible reimbursement must obtain agreements or District determinations, each in writing, from the District prior to the District signing off on plans.

Existing City or District Sewer System Infrastructure Reimbursement - With regard to the refurbishment or replacement of existing City or District sewer system infrastructure, persons interested in possible District financial participation must obtain agreements or District determinations, each in writing, from the District prior to the District signing off on plans.

If you have any questions, call the District office. Thanks.

Sincerely,



Veronica Cazares, PE
Supervising Engineer

Copies: R. H. Hargrove, General Counsel; Jaime Ruiz, Frank Hernandez, David Michel
City of Selma: Connie Cantu, Archie Moosakhanian, Bryant Hemby



State of California – The Resources Agency
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005

ARNOLD SCHWARZENEGGER, Governor



CITY OF SELMA
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JUL 26 2007

COMMUNITY DEVELOPMENT
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July 23, 2007

Michael Gaston
City of Selma
1710 Tucker Street
Selma, California 93662

Dear Mr. Gaston:

**Rockwell Specific Plan
Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)
SCH# 2007061098**

The Department of Fish and Game (Department) has reviewed the NOP for the above Project. Project approval would allow the development of approximately 229 acres adjacent to the City of Selma. The specific plan is proposed to provide for development of regional commercial, specialty commercial, Business Park, residential and open space land uses. The Project site incorporates Rockwell Pond and is bounded by Floral Avenue to the south, De Wolf Avenue to the west, and State Route 99 to the northeast.

Since the Project will be developed in phases, the Department recommends that the Specific Plan include the requirement for preconstruction biological surveys that occur immediately prior to each phase of construction. The State-threatened and Federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State threatened Swainson's hawk (*Buteo swainsoni*), and the State Species of Concern burrowing owl (*Athene cunicularia*) could potentially occur in the Project area; and avoidance, minimization, and mitigation measures should be developed and included in the DEIR prepared for this Project. In addition, implementation of the proposed Project would result in the fill of 20 acres of wetland, and, potentially, in the degradation of the remaining wetland habitat on-site. Our specific comments follow.

Trustee Agency Authority: The Department is a Trustee Agency with the responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise

Conserving California's Wildlife Since 1870

to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080. The State threatened and Federally endangered San Joaquin kit fox and the State threatened Swainson's hawk could potentially occur in the Project area.

The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct natural flow, change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the Department may require a Stream Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code. Issuance of a SAA is subject to CEQA review. The Department, as a Responsible Agency under CEQA, would consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the SAA.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, and Section 15380), it should be fully considered in the environmental analysis for the Project. The State Species of Special Concern burrowing owl (*Athene cunicularia*) could occur in the Project area.

Bird Protection: The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include Section 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). Since mature trees are present on the Project site and presumably will need to be removed for Project implementation, appropriate avoidance and minimization measures for raptors and other nesting birds potentially present in the Project area should be included in the DEIR prepared for the Project.

General Comments

Since the Project will be developed in phases, the Department recommends that the Specific Plan include the requirement that preconstruction surveys be timed so that they occur immediately prior to the start of construction for each phase. Surveys conducted too far in advance of ground disturbance may not provide an adequate representation of plant and animal resources within the Project area at the time of construction. The results of these surveys should be submitted to the Department well in advance of any ground-disturbing activities. This information is necessary to identify any mitigation, minimization, and avoidance measures and/or the need for additional focused surveys.

Potential Impacts and Recommendations

Wetland Habitat: Wetlands are of extreme importance to a wide variety of plant and wildlife species. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, impacts to wetlands should be compensated for with the creation of new habitat, preferably on-site, on a minimum of an acre-for-acre basis. Potential impacts to special status resources posed by wetland creation should also be considered. Man-made ponds as well as wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.

Approximately 20 acres of the 51.7 acre Rockwell Pond is proposed to be filled and converted to open space, thus creating two separate ponds totaling 31.7 acres. It is unclear what the water source will be for the smaller pond located at the northeastern border of the Project site. The DEIR should address the possibility that the pond will be hydrologically separated from the larger Rockwell Pond and the Consolidated Irrigation District and would no longer have the water supply to support the existing wetland habitat. This would result in an additional loss of wetland acreage that would need to be mitigated.

The DEIR should also address the impacts of development and land conversion around the remaining ponds. Potential project impacts to on-site wetlands and ponds and the

wildlife that depend on them include: increased sediment input from structure and road runoff and toxic runoff from household chemicals and septic systems. We recommend delineating all surface waters and wetlands with a minimum 50-foot no-disturbance buffer around the outer edge of these areas.

We recommend contacting Brian Erlandsen, Environmental Scientist, at (559) 243-4014, extension 231, regarding Project-related impacts to the Rockwell Pond and Section 1600 permit requirements.

Swainson's Hawk: Surveys should be conducted to determine presence of nesting Swainson's hawks. These surveys should follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys (2000). Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, consultation with the Department is warranted prior to taking any action and a determination of "take" potential under CESA or Fish and Game Code Sections 3503.5 and 3513 will be made.

San Joaquin Kit Fox: The Department recommends the United States Fish and Wildlife Service's (USFWS) "Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 1999), be followed in order to assess the potential impacts within the Project area. In the event that this species is detected, consultation with the Department is warranted to discuss how to implement the individual projects and avoid "take" under CESA. If "take" cannot be avoided, acquisition of a State Incidental Take Permit would be required prior to Project implementation.

Take under the Federal Endangered Species Act (FESA) is more stringently 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 resting. Consultation with USFWS, in order to comply with FESA, is also advised well ahead of Project implementation.

Burrowing Owl: Burrowing owls could occur within the Project area. Preconstruction surveys should be conducted no more than 30 days prior to ground disturbance. If owls or suitable burrows are detected during the preconstruction surveys, additional, more focused surveys should be conducted. All surveys should follow the guidelines presented in the Department's Staff Report on Burrowing Owl Mitigation (CDFG 1995).

If any ground-disturbing activities will occur in occupied habitats during the burrowing owl nesting season (approximately February 1 through August 31), implementation of

Michael Gaston
July 23, 2007
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avoidance measures is required. The Staff Report recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum distance of 250 feet, unless a qualified biologist approved by the Department 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. Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure.

The Staff Report also recommends that a minimum of 6.5 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.

Nesting Birds: The mature trees within the Project area likely provide nesting habitat for songbirds and raptors. If tree removal is unavoidable, it should occur during the nonbreeding season (mid-September through January). If construction activities or tree removal must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should 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 you have any questions regarding these comments, please contact Justin Sloan, Environmental Scientist, at the address or telephone number (extension 216) provided on this letterhead.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. E. Loudermilk", is written over a horizontal line. The signature is fluid and cursive.

W. E. Loudermilk
Regional Manager

cc: See Page Six

Michael Gaston
July 23, 2007
Page 6

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95812-3044

Brian Erlandsen
Department of Fish and Game

Michael Gaston
July 23, 2007
Page 7

Literature Cited

DFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. California Department of Fish and Game.

DFG. 1995. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000

USFWS 1999. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service.



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

July 23, 2007

CITY OF SELMA
ANNEX

JUL 25 2007

COMMUNITY DEVELOPMENT
RECEIVED

Michael Gaston, AICP, Director
Selma Community Development Department
1710 Tucker Street
Selma, CA 93662

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report
(DEIR) for the Rockwell Pond Specific Plan **SCH # 2007061098**

Dear Mr. Gaston:

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above NOP and offers the following recommendations for the DEIR with respect to the project's potential impacts on agricultural land.

The proposed project involves specific plan development for 229 acres northwest of Selma. Proposed land uses for the site include regional commercial, light industrial/business park, medium density residential (60-120 units), public open space; and the existing Rockwell Pond for flood control and water recharge. The site is currently used for vineyards and drainage. First phase approvals needed for the project include general plan amendment, zone change, site plan review, and annexation 94 acres of the project site. Future development will occur in accordance with the adopted specific plan.

The Division recommends that, at a minimum, the following items be specifically addressed in the DEIR to document and treat project impacts on agricultural land, land use, and lands under Williamson Act contract.

Agricultural Setting of the Project

The DEIR should describe the project setting in terms of the actual and potential agricultural productivity of the land. The Division's Fresno County Important Farmland Map, which defines farmland according to soil attributes and land use, can be used for this purpose. In addition, we recommend including the following information to characterize the agricultural land resource setting of the project.

*The Department of Conservation's mission is to protect Californians and their environment by:
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;
Conserving California's farmland; and Saving energy and resources through recycling.*

- Current and past agricultural use of the project area. Include data on the types of crops grown, and crop yields and farmgate sales values.
- To help describe the full agricultural resource value of the soils on the site, we recommend the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. State and Federal agencies such as the UC Cooperative Extension Service and USDA are sources of economic multipliers.

Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. This would include impacts from the proposed project as well as impacts from past, current and probable future projects.

Impacts on agricultural resources may also be quantified and qualified by use of established thresholds of significance (California Code of Regulations Section 15064.7). The Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model, a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website noted later in this letter.

Williamson Act Lands

A project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres [California Code of Regulations Section 15206(b)(3)]. Since lands under Williamson Act contract exist within and possibly adjacent to the project area, the Department recommends that the following information be provided in the DEIR:

- A map detailing the location of agricultural preserves and contracted land within each preserve. The DEIR should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project. Areas under contract non-renewal should also be shown on this map for information purposes.
- A discussion of Williamson Act contracts that may be terminated in order to accommodate the project. The DEIR should discuss the impacts that termination of Williamson Act contracts would have on nearby properties also under contract; i.e., growth-inducing impacts (in the sense that the removal of contract protection

not only lifts a barrier to development, but results in higher property taxes, and thus, an incentive to shift to a more intensive land use, such as urban development.)

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See *Sierra Club v. City of Hayward* (1981) 28 Cal.3d 840, 852-855). The City or County of jurisdiction must approve a request for contract cancellation, and base that approval on specific findings that are supported by substantial evidence (Government Code Section 51282). If Williamson Act contract cancellation is proposed, we recommend that a discussion of the findings be included in the DEIR. Finally, the notice of the hearing to approve the tentative cancellation, and a copy of the landowner's petition, must be mailed to the Director of the Department of Conservation ten (10) working days prior to the hearing. (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)

As noted previously, this project involves an action to annex the project site to the City of Selma. Since the area to be annexed may include land under Williamson Act contract, it should be noted that the Williamson Act requires the city to succeed to all rights, duties and powers of the county under the contract unless conditions in Government Code Section 51243.5 apply to give the city the option to not succeed to the contract. A Local Agency Formation Commission (LAFCO) must notify the Department within 10 days of a city's proposal to annex land under contract (Government Code Section 56753.5). A LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless specified conditions apply (Government Code Sections 51296.3, 56426, 56426.5, 56749 and 56856.5).

If contracted portions of the project area are to remain under contract after project completion, the DEIR should discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code Sections 51238-51238.3. Otherwise, contract termination (preferably through contract nonrenewal) must occur prior to the initiation of the land use.

Mitigation Measures and Alternatives

The Division recommends that feasible alternatives to the project's location or configuration that would lessen or avoid farmland conversion impacts be considered in the DEIR.

As a form of mitigation, the Division recommends the purchase of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth inducing and cumulative impacts on agricultural land.

We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under the California Environmental Quality Act (CEQA). Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project, or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. For example, the California Farmland Conservancy Program is authorized to accept donations of funds if the Department of Conservation is the designated beneficiary and it agrees to use the funds for purposes of the program in a county specified by the donor. Whatever the approach, the conversion of agricultural land should be deemed an impact of at least regional significance and the search for mitigation lands conducted regionally, and not limited strictly to lands within Fresno County.

Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is:

<http://www.conservation.ca.gov/DLRP/>


Other mitigation measures that could be considered include the following:

- Increasing home density or clustering residential units to allow a greater portion of the development site to remain in agricultural production.
- Protecting nearby farmland from *premature* conversion through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security Zone contracts (Government Code Section 51296) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.).
- Establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from incompatible urban uses.
- Investing in the commercial viability of the remaining agricultural land in the project area through a mitigation bank which invests in agricultural infrastructure, water supplies and marketing.

Michael Gaston, AICP, Director
July 23, 2007
Page 5

Thank you for the opportunity to comment on the NOP. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Leahy" with a stylized flourish underneath.

Brian Leahy
Assistant Director

cc: Excelsior/Kings River RCD
680 North Campus Drive, Suite E
Hanford, CA 93230

July 20, 2007

Mr. Michael Gaston
City of Selma
1710 Tucker Street
Selma, CA 93662

CITY OF SELMA
ANNEX

JUL 23 2007

COMMUNITY DEVELOPMENT
RECEIVED



WILDLANDS, INC.

**RE: State Clearinghouse Number 2007061098
Rockwell Specific Plan, City of Selma**

Dear Mr. Gaston:

We learned about the above referenced project through the California State Clearinghouse, which publishes information on projects currently under California Environmental Quality Act (CEQA) review. One of the potential conditions of your CEQA review may require the permit applicant to mitigate for any wetland, wildlife habitat or agricultural impacts. Wildlands, Inc. specializes in providing a cost effective and environmentally sound solution to meet these mitigation requirements.

Wildlands, Inc. owns and operates multiple mitigation and conservation banks throughout California. Credits may be currently available for sale for any project required to provide mitigation in your area.

Please feel free to contact me or our Sales Coordinator Julie Maddox at (916) 435-3555 to inquire about how Wildlands can solve your mitigation requirements.

Very truly yours,

Wildlands, Inc.


Brian Monaghan
Project Director



WILDLANDS, INC.

3855 Atherton Road
Rocklin, CA 95765

Brian Monaghan
Project Director

(916) 435-3555

Fax: (916) 435-3556

Cell: (916) 743-6633

bmonaghan@wildlandsinc.com

DEPOTS
CLOVIS
KINGSBURG
REEDLEY
SANGER
WESTSIDE

Consolidated Mosquito Abatement District

DISTRICT OFFICE
2425 FLORAL AVENUE
MAIL: P.O. BOX 278
SELMA, CALIFORNIA 93662
(559) 896-1085
(559) 888-2619
FAX (559) 896-6425

CITY OF SELMA
ADMIN

Mr. Michael Gaston, AICP
City of Selma
Community Development Director
1710 Tucker Street
Selma, Ca 93662

JUL 23 2007

July 20, 2007

COMMUNITY DEVELOPMENT
RECEIVED

Re: NOTICE OF PREPARATION (NOP)- City of Selma "*Rockwell Pond Specific Plan*"
EIR Pursuant to the Requirements of the California Environmental Quality Act (CEQA).

Dear Mr. Gaston,

The project site is within the boundaries of the Consolidated Mosquito Abatement District (District), which is responsible for protecting the public from nuisance and disease caused by mosquitoes. The District is concerned with the flood control, and summertime surface water runoff (nuisance water) retention aspect of Rockwell Pond. Immature mosquitoes develop in water habitats and flood control basins are a significant mosquito breeding source.

The NOP states that the Project site incorporates Rockwell Pond which is a flood control and water recharge area owned by the Consolidated Irrigation District (CID); and the Rockwell Pond specific Plan proposes the development of approximately 229 acres adjacent to northwest Selma. Groundwater recharge basins are typically not problematic for mosquito control, because large deep ponds greater than four feet deep usually do not provide mosquitoes with suitable breeding habitat. Currently, the City of Selma's use of the basin for flood control/nuisance water retention is providing mosquitoes with breeding habitat on a small scale. However, the District is concerned with the increased amount of nuisance water (e.g., from lawn and landscape irrigation) which could be a result of the proposed development. Excessive summertime nuisance water runoff into Rockwell Pond will enhance and expand mosquito breeding habitat, unless the flood control/nuisance water retention area is properly designed and managed.

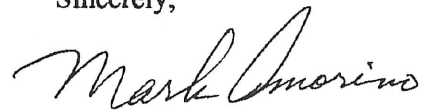
With the expected increase of summertime nuisance water runoff, the District anticipates a corresponding increase in mosquito breeding habitat. The basin floor of Rockwell Pond is irregular and undulating, with many isolated depressions. If water is allowed to meander throughout the basin, filling these depressions, conditions will quickly develop that will promote mosquito production.

Whether or not Rockwell Pond becomes problematic for mosquito control depends on several factors, including; water level, basin floor grade and vegetation management. The District recommends the following measures to mitigate the potential of this pond to produce large numbers of mosquitoes:

1. The pond, or nuisance water retention area, should be constructed and/or managed so that water depths are maintained in excess of four feet to preclude invasive emergent vegetation such as cattails.
2. Access must be provided. A free and unencumbered access roadway around the entire pond perimeter for pond maintenance and mosquito abatement activities is essential.
3. Ponds should be constructed with a low flow area, or sump, if water levels are subject to fluctuation during the summer mosquito breeding season. The low flow area should be located at the pond inlet and excavated to a minimum depth of four feet below the pond floor to preclude growth of emergent vegetation. The pond should be graded to drain into the low flow area.
4. Pond edges should be well managed and maintained free of excess vegetation that promotes mosquito breeding.
5. Ponds should be managed to control excess emergent vegetation to prevent harborage for mosquito breeding and so that mosquito fish and other predators are not inhibited.

In summary: When Rockwell Pond is filled to capacity during the summer and functioning as a groundwater recharge basin, mosquito breeding is minimal and easily controlled. When CID does not have sufficient water supplies to fill the basin, and all summertime inflows to the pond are a result of nuisance water, proper basin design and vegetation management are critical for effective mosquito control.

Sincerely,

A handwritten signature in black ink that reads "Mark Amorino". The signature is fluid and cursive, with the first name "Mark" and last name "Amorino" clearly distinguishable.

Mark Amorino
Source Reduction Specialist

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
www.nahc.ca.gov
da_nahc@pacbell.net



CITY OF SELMA
ANNEX

July 9, 2007

JUL 12 2007

COMMUNITY DEVELOPMENT
RECEIVED

Mr. Michael Gaston
City of Selma
1710 Tucker Street
Selma, CA 93662

Re: SCH# 2007061098: CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for Rockwell Specific Plan, City of Selma, Fresno County, California

Dear Mr. Gaston:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE),' and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the 'Information Center' nearest you is available from the State Office of Historic Preservation in Sacramento (916/653-7278). The record search will determine:
 - If a part or the entire (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF.
 - Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this

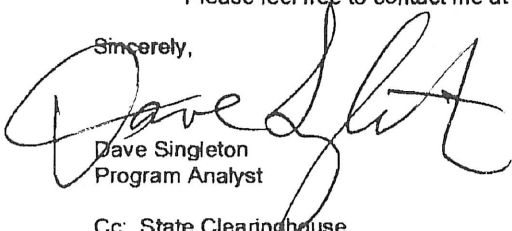
Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", is written over the typed name and title.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

Native American Contacts

Fresno County

July 9, 2007

Big Sandy Rancheria of Mono Indians
Connie Lewis, Chairperson
P.O. Box 337 / 7302 Rancheria Western Mono
Auberry, CA 93602
cl@bigsandyrancheria.com
(559) 855-4003
(559) 855-4129 Fax

Santa Rosa Rancheria
Clarence Atwell, Chairperson
P.O. Box 8
Lemoore, CA 93245
(559) 924-1278
(559) 924-3583 Fax

Table Mountain Rancheria
Lee Ann Walker Grant, Chairperson
P.O. Box 410
Friant, CA 93626-0177
(559) 822-2587
(559) 822-2693 FAX

Dunlap Band of Mono Indians
Florence Dick, Tribal Secretary
P.O. Box 344
Dunlap, CA 93621
tribecouncil@dunlapmono.org
(209) 338-2329

Dumna Tribal Government
Karin Wilson Kirkendal, Chairperson
1003 S. 9th St.
Fresno, CA 93702
559-681-7354

Dumna/Foothill
Choinumni

Traditional Choinumni Tribe
Angie Osborne
2787 N Piedra Road
Sanger, CA 93657
(559) 787-2434

Choinumni/Foothill

Sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. 125
Dunlap, CA 93621
lb2354@yahoo.com
(559) 338-2354

Mono
Foothill Yokuts

Kenneth Woodrow
1179 Rock Haven Ct.
Salinas, CA 93906
831-443-9702

Foothill Yokuts
Mono

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed
SFPD 07061086; CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for Rockwell Specific
Plan; City of Selma; Fresno County, California.

Native American Contacts
Fresno County
July 9, 2007

Dumna Tribal Government
Jim Redmoon - Cultural Resources Representative
535 W. Dayton Dumna/Foothill
Fresno , CA 93705 Choinumni
559-241-0226

Carol Bill - Tribal Administrator
Cold Springs Rancheria of Mono Indians
P.O. Box 209 Mono
Tollhouse , CA 93667
(559) 855-5043
(559) 855-4445 - FAX
coldsprgstrib@netpt

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007081098; CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for Rockwell Specific Plan; City of Selma; Fresno County, California.



County of Fresno

Department of Community Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

July 5, 2007

999999999
LU0013953
PE 2600

Michael Gatson, Community Development Director
City of Selma Community Development Department
1700 Tucker Street
Selma, CA 93662

Dear Mr. Gatson:

SUBJECT: Rockwell Pond Specific Plan, Notice of Intent for Preparation of an EIR
LOCATION: 229-acres northwest of the City of Selma

The Fresno County Department of Community Health, Environmental Health Division has reviewed the subject project and offers the following comments:

- The Fresno County Department of Community Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

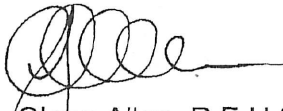
The Department of Community Health is available to provide consultation in cooperation with your city in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Ed Yamamoto, Environmental Health Specialist, Water Surveillance Program, at (559) 445-3357 for more information.

Michael Gatson
City of Selma NOP-EIR
July 5, 2007
Page 2

- This Department recommends that any existing rural residential parcel(s) be required to connect to the City of Selma sewer system (SKF) or an alternate system that is proposed for evaluation in the EIR in the event of a failure of the existing sewage system(s), and that no building permits be issued for repair of such a system whether or not the mandatory three (3) year connection requirement has expired.
- Although this Department's records do not indicate the use or storage of hazardous materials on the project site, it appears that the site has been used for agricultural purposes. Therefore this Department recommends that a Phase One site assessment be performed. This is in agreement with Department of Toxic Substances Control recommendations' for additional research to be conducted to determine if and where storage, mixing, rinsing, and disposal of pesticides may have occurred and whether contamination exists.
- This Department concurs with the proposal to conduct an acoustical analysis in order to identify the potential noise impacts and offer mitigation alternatives, consideration should be given to conformance with the applicable standards of the Noise Element of the City of Selma General Plan.

If I can be of further assistance, please contact me at (559) 445-3357.

Sincerely,



Glenn Allen, R.E.H.S.
Environmental Health Specialist III
Environmental Health Division

ga

cc: Ed Yamamoto, Environmental Health Division

Selma NOP-EIR Rockwell Pond Specific Plan



SELMA UNIFIED SCHOOL DISTRICT
3036 THOMPSON AVE., SELMA, CA 93662
(559) 898-6500 FAX (559) 896-7147

June 29, 2007

Mr. Michael Gaston, Community Development Director
City of Selma
1710 Tucker St.
Selma, CA 93662

CITY OF SELMA
ANNEX

JUL 03 2007

RE: Rockwell Pond Specific Plan

COMMUNITY DEVELOPMENT
RECEIVED

Dear Mr. Gaston:

I have received a copy of the Notice of Preparation (NOP) regarding the above-referenced project and the related environmental impact report. As mentioned on page 4 of the NOP, there is potential for significant growth in the plan area and the District appreciates the opportunity to participate in the planning process.

It is stated in the project description that up to 120 new residential units could be built inside the plan area within an unknown time frame. Given the pace of growth in Selma over the last three years, it seems reasonable to estimate that the plan area could be built out in five years.

The District commissioned a School Facilities Needs Analysis in March of 2007 to study our need for classrooms and other school buildings in the near future. Some of the findings made by the consultant and adopted by the Board of Trustees were:

1. The study was developed using the existing housing units within the District's boundaries plus ten housing developments that were approved by the City Council at that time. There were 775 new housing units within the ten approved developments.
2. The average number of students generated by each housing unit within Selma Unified is 0.81.
3. The District had 6,500 students in grades K-12 at the time of the study. The study determined that by 2010 the District's enrollment would be between 6,927 and 7,282, and increase of between 10% and 15% over six years.
4. The District's classrooms currently have a maximum capacity of 7,654. Depending upon the grade level, it appears we would have enough capacity to house all of the students living in existing housing units and in units already approved by the City for the next six years. However, this does not take into account any significant new housing developments. It also does not take into

Board of Trustees: John H. Lorona, Paul Green, Johnny L. Smith, John Hoyt, Larry Cruff

Superintendent: Mark G. Sutton
Equal Opportunity Employer

consideration the existing shortage the District has in non-classroom buildings, such as gymnasiums, restrooms, offices and libraries.

5. Using our student generation factor of 0.81 per home, we estimate that the number of students living in housing units within the Specific Plan area when it is built out will be 97 (120 units x 0.81).
6. The estimated minimum cost to construct elementary school classrooms is over \$16,000 per student.

There is a common misconception that the fee that school districts charge developers (called the Level II Developer Fee) covers the entire cost of building new schools. The fact is that the Level II fee was never intended to cover the entire cost. The fee charged on a 1,800 square foot home would only cover about half of the cost of the classroom space required by the 0.81 students generated by that home. The State expects districts to apply to Sacramento for construction funds, pass their own school bond measures, and/or enter into separate agreements with developers to make up the difference.

It should be noted that this development is within the Terry Elementary School attendance area. Terry is at full capacity, therefore K – 6 students living within this development will likely be assigned to another school in the District. You should also be aware that the homes in this development will be outside of the District's established maximum walking distance to any of the District's schools. Therefore, the District will be required to provide bus transportation for all of the students living in the development. This will necessitate the addition of one or two buses and drivers. The District may request that the developer provide an ongoing revenue source to the District to defray the additional annual cost of transporting the students living in this development.

Thank you for keeping the District apprised of the progress of this project. If you need any additional information, please feel free to phone me at (559) 898-6510.

Sincerely,



Larry Teixeira
Assistant Superintendent