

**Final Program
Environmental Impact Report**

FOURTH EDUCATIONAL CENTER PROJECT

State Clearinghouse No. 2005101054

Clovis Unified School District

August 2008

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Preface

This document, together with the Draft Program Environmental Impact Report, dated April 2008, constitutes the Final Program Environmental Impact Report for the Clovis Unified Fourth Educational Center Project. The information presented in this document has been provided in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines and includes the following:

- Chapter 1 is the summary for the Final EIR. The summary has been revised to reflect comments received on the Draft EIR.
- Chapter 2 presents the Mitigation Reporting Program (MRP) for the project.
- Chapter 3 contains a list of the agencies and individuals who received a copy of the Draft EIR for review or a notice that the Draft EIR was available for review.
- Chapter 4 presents the comments that were received on the Draft EIR, together with Clovis Unified School District's responses to the comments.

Summary

Introduction

This chapter presents a revised version of the Draft EIR summary description of the proposed Clovis Unified Fourth Educational Center Project and its environmental consequences, including the following:

- Each significant effect of the project with proposed mitigation measures and alternatives that would reduce or avoid that effect;
- Areas of controversy known to the lead agency including issues raised by agencies and the public; and
- Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

Additions to the text of the Draft EIR are underlined and deletions are lined out.

Summary Project Description

Project Location and Description

The Clovis Unified School District (District) is proposing to undertake the Clovis Unified Fourth Educational Center project, which includes acquisition of a site, and the construction and operation of a high school, intermediate school, elementary school and related athletic/recreational facilities.

The 160.46-acre project site is located between N. Leonard and N. Highland Avenues on the north and south sides of the E. Clinton Avenue alignment, Fresno County, California (see Figures 2-1, 2-2, and 2-3). The site is located within Section 25, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, as shown on the *Clovis, Calif. 7.5 Minute Series USGS Quadrangle* (1964). The Fresno County Assessor's Parcel Numbers for the site are 310-310-14T, 310-310-39, 310-052-10T, and 310-320-01S through 08S.

The project consists of the acquisition of 160.46 gross acres by the District and the development and operation of an educational center on the site. The educational center will include a high school (2,900-student capacity), intermediate school (1,400-student capacity), elementary school (700-student capacity) and related athletic/recreational facilities. The project will also include an 8,000-seat football stadium.

The buildings to be included on the site will include classrooms, administrative offices, food service facilities, library/media facilities, gymnasiums, locker/shower facilities, shop buildings and a maintenance area. The project could potentially include a performing arts center. Adequate off-street parking for students, faculty and visitors will be provided.

In addition, to the football stadium, the outdoor recreational/athletic facilities on the site may include baseball and softball stadiums and fields, soccer fields, basketball courts, tennis courts and a swimming pool complex. All of these facilities may be lighted.

The project includes various street, water, sewer, and storm drainage improvements necessary to serve the site and eventual annexation of the site to the City of Fresno.

Construction of the facilities is expected to begin in approximately 5-7 years. The duration of construction is typically about 2 years; therefore, the facilities are anticipated to be completed and operational in approximately 7-9 years. The actual timing of construction will be dependent upon enrollment growth and funding availability.

Lead Agency

The Clovis Unified School District is the lead agency for Fourth Educational Center Project. The lead agency is the public agency that has the principal responsibility for carrying out or approving a project.

Responsible Agencies/Required Permits and Approvals

Responsible agencies and approvals required for the project are described in Draft EIR Chapter 2.

Significant Impacts of the Project

Impacts Presented

Listed in this section are the unavoidable and avoidable significant environmental effects of the proposed project. Impacts that were determined to be less than significant without mitigation are not listed but are discussed in the chapters of this EIR addressing specific resources and conditions.

Unavoidable Significant Environmental Impacts

The following significant environmental impacts cannot be avoided if the proposed project is implemented:

3.2 Impact: The project will conflict with existing surrounding agricultural land uses and could conflict with nearby rural residential uses.

Mitigation Measures: The District shall implement the mitigation measures recommended in subsequent chapters of this EIR for traffic, noise, air quality, and aesthetics. (MRP see subsequent specific mitigation measures)

- 5.1 Impact:** The project will convert approximately 11 acres of Prime Farmland and 9 acres of Farmland of Statewide Importance to non-agricultural use.

Mitigation Measures: There are no mitigation measures that would prevent the loss of agricultural land within the project site if the project is implemented.

- 5.2 Impact:** The project will conflict with existing agricultural operations, agricultural zoning and Williamson Act Contracts in its vicinity.

Existing Regulations

The following Fresno County Department of Agriculture conditions apply to the application of pesticides adjacent to school grounds (including the proposed project): (1) no pesticide application(s) are to occur within 1/8 mile of a school while school is in session or while the school grounds are occupied. (2) No pesticide with a worker safety re-entry interval greater than 48 hours shall be applied within 1/8 mile of a school during regular, summer, or night school sessions. In addition to the Department of Agriculture conditions, pesticide applicators must comply with any conditions/restrictions on the pesticide label that relate to applications(s) adjacent to school grounds.

Mitigation Measure:

5.2 Currently, all District campuses are closed, except for high school seniors in good standing. The District shall continue to operate closed campuses unless the Board determines that modifications to this practice will not cause significant off-campus problems. (MRP 2)

- 8.1 Impact:** The project will alter the existing rural and agricultural visual environment.

Discussion: Although the project site will be professionally designed and landscaped and will contain substantial open space, the alteration of the visual environment from rural to a large educational facility cannot be mitigated.

- 10.3 Impact:** Long-term emissions of ozone precursor pollutants will result from project operations.

Mitigation Measures:

10.3(a) Trees shall be selected and located to protect the buildings from energy consuming environmental conditions and to shade paved areas. Trees shall be deciduous to allow shading of structures during the summer months and increased solar heating during the winter months. Structural soil should be used under paved areas to improve tree growth: for Structural Soil see <http://www.hort.cornell.edu/uhl/outreach/csc> and for Tree Selection see <http://www.ufei.org>. (MRP 1)

10.3(b) The District shall work with the City of Fresno in designing the project site to facilitate safe and convenient pedestrian and bicycle connections to adjacent neighborhoods. (MRP 1)

10.3(c) Energy-conserving features shall be included in the project sufficient to exceed Title 24 requirements by 20 percent. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to): Increased energy efficiency (above California Title 24 Requirements) (see <http://www.energy.ca.gov/title24/>); energy efficient windows (double pane and/or Low-E); high-albedo (reflecting) roofing material; energy efficient lighting, appliances, heating and cooling systems; programmable thermostat(s) for all heating and cooling systems; awnings or other shading mechanism for windows; walkway overhangs; and installation of ozone-destruction catalysts on air conditioning systems (when available). (MRP 1 & 2)

10.3(d) Exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site. (MRP 1)

10.3(e) If public transit is provided on roadways located adjacent to the project site, transit stop improvements shall be incorporated on streets adjacent to the site to promote the use of transit to and from the project site during normal school hours, as well as during special events held at the campus. Examples of such improvements include providing information for posting of public transit schedules, benches, shelters, and lighting. (MRP 1 & 2)

10.3(f) To reduce neighborhood vehicle travel to nearby park facilities, general-use recreational facilities at the project site shall be made available for public use during the daytime hours when school is not in session (i.e., weekends), subject to District approval. (MRP 2)

Discussion: A majority of the project-generated emissions would be associated with the operation of mobile sources. Although measures to reduce mobile-source emissions, such as promotion of transit use to and from the site, have been included, emissions from mobile sources (including school buses) are regulated by the ARB. Measures incorporated to promote pedestrian access and transit use would reduce mobile-source emissions by approximately 1 percent (SMAQMD 2007). Area source emissions, such as the use of natural gas appliances and landscape maintenance activities would constitute less than approximately 5 percent of the total project-generated emissions. Various mitigation measures have, however, been incorporated to reduce onsite operational emissions from area sources. Such measures would reduce total operational emissions from area sources by approximately 5 percent. However, because project-generated operational emissions would be primarily associated with on-road mobile sources, mitigated emissions would still be anticipated to exceed SJVAPCD-recommended significance thresholds of 10 tons/year. As a result, this impact is considered significant and unavoidable.

10.5 Impact: The project will contribute cumulatively to regional and local air quality impacts and greenhouse gas emissions.

Mitigation Measure: With implementation of the Mitigation Measures listed under 10.1, 10.2 and 10.3, the project's contribution to cumulative air quality impacts and greenhouse gas emissions would be lessened. (MRP 1 & 2)

Discussion: Even with mitigation, operational emissions of ROG would still be anticipated to exceed the SJVAPCD's recommended significance threshold of 10 tons/year. Although localized concentrations of pollutants would not be anticipated to exceed applicable thresholds, with implementation of proposed mitigation measures, short-term construction-generated emission would still contribute, on a cumulative basis, to regional ambient concentrations of TACs, particularly diesel-PM. Given the regions existing and projected nonattainment conditions, this impact would be considered significant and unavoidable. With respect to greenhouse gas emissions, since there are currently no thresholds established under federal, state or local laws, this EIR takes a conservative approach and considers the cumulative contribution of the project to greenhouse gas emissions as a significant unavoidable impact.

11.2 Impact: The project will expose noise sensitive uses to on site stationary source noise.

Mitigation Measures:

11.2(a) Mechanical building equipment shall be shielded from public exposure by locating such equipment on rooftops, in equipment buildings or by the use of other methods of shielding. (MRP 1 & 2)

11.2(b) When a site plan is prepared for the educational center, the stadium, other athletic facilities and parking areas shall be designed and oriented to minimize noise levels in relation to any existing or planned noise sensitive land uses in the area. Possible methods include (1) location on the site to maximize the distance from noise sensitive uses (within feasible and appropriate site design constraints in relation to other facilities on the site); (2) the use of intervening building or other structures between noise-sensitive receptors and onsite noise sources; and (3) for the stadium, consideration of design features including but not limited to solid berm and/or concrete seating, concrete walls, lowering of the field surface, and a state of the art PA system. (MRP 1 & 2)

11.2(c) As part of the specific planning process for the Southeast Growth Area, the City of Fresno should plan and design land uses in the vicinity of the site in recognition of the features and characteristics of the educational center to minimize any potential noise impacts. (MRP 3)

11.2(d) The hours of operation for facility maintenance activities that could be deemed to impact nearby land uses shall be limited to between 7:00 a.m. and 9:00

p.m., Monday through Friday, and between the hours of 7:00 a.m. and 5:00 p.m., Saturday and Sunday, excepting emergency conditions. (MRP 2)

Discussion: Most on-site facilities should be able to be designed and mitigated such that any noise impacts are less than significant. However, it is possible that noise impacts from the football stadium or other facilities may not be able to be completely mitigated at all adjacent locations. The stadium would potentially subject nearby residences to high noise levels on a limited basis during late summer and fall evenings and limited occasions such as graduation and large track meets. If this were to occur, the noise impact would be considered significant and unavoidable.

Avoidable Significant Environmental Impacts

The following significant environmental impacts can be avoided or reduced to a level of insignificance if the mitigation measures listed with each impact are incorporated into the project:

3.1 Impact: The project is inconsistent with the Fresno County General Plan agricultural land use designation for the project site.

Mitigation Measures:

3.1(a) The City of Fresno should incorporate the project in the specific plan for the Southeast Growth Area. (MRP 3)

3.1(b) At such time as annexation is feasible, the District shall request that the City of Fresno annex the project site. “Feasible” for the purposes of this mitigation measure shall mean that the annexation will comply with applicable LAFCo policies and the City has complied with applicable requirements of the January 6, 2003 Memorandum of Understanding with the County of Fresno, including adoption of the specific plan. (MRP 2 & 3)

6.1 Impact: Project construction may result in direct mortality of special status raptors, Loggerhead Shrike, non-listed raptors, and various other bird species.

Mitigation Measures:

6.1(a) A pre-construction survey will be conducted by a qualified biologist for nesting raptors within 30 days prior to the on-set of construction or tree removal, if tree removal is to occur during the nesting season (February through August) or construction activity occurs within 250 feet of onsite trees during the nesting season. (MRP 1)

6.1(b) If pre-construction surveys undertaken during the breeding season (February through August) locate active nests within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) would remain off-limits to construction until the breeding season is over. Construction setbacks of 250 feet (or more) from occupied nests could be required. (MRP 1)

6.2 Impact: Project construction may result in direct mortality of Western Burrowing Owls.

Mitigation Measures:

6.2(a) A pre-construction survey will be conducted by a qualified biologist for burrowing owls within 30 days prior to the on-set of construction. This survey will be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 1995), which is standard for all burrowing owl surveys in California. (MRP 1)

6.2(b) If pre-construction surveys undertaken during the breeding season (February through July) locate active nest burrows within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) would remain off-limits to construction until the breeding season is over. Setbacks from occupied nest burrows of 100 meters or more could be required where construction would also result in the loss of foraging habitat. (MRP 1)

6.2(c) During the non-breeding season (August through January), resident burrowing owls may be relocated to alternative habitat. The relocation of resident owls must be according to a relocation plan prepared by a qualified biologist. Passive relocation would be the preferred method of relocation. This plan would provide for the owls relocation to nearby lands possessing available nesting and foraging habitat. Relocation only applies to burrowing owls, which may be resident in their nest burrows after the breeding season is over. (MRP 1)

6.3 Impact: Project construction may result in direct mortality of California Horned Lark.

Mitigation Measures:

6.3(a) If construction is to occur during the nesting season (March through July), a pre-construction survey will be conducted by a qualified biologist for nesting horned larks within 30 days prior to the on-set of construction. The area of this pre-construction survey will include all areas within 250 feet of construction activity. (MRP 1)

6.3(b) If pre-construction surveys undertaken during the breeding season locate active nests within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) will remain off-limits to construction until the breeding season is over. Construction setbacks of 250 feet (or more) from occupied nests could be required. (MRP 1)

6.4 Impact: Project construction may result in direct mortality of various bat species.

Mitigation Measures:

6.4(a) A pre-construction survey will be conducted by a qualified biologist for maternal bat roosts within 30 days prior to the on-set of construction, if construction is to occur during the maternal roosting season (March through August) and would occur within 250 feet of buildings potentially used as maternal roosting sites for bats. (MRP 1)

6.4(b) If pre-construction surveys undertaken during the breeding season (March through August) locate active maternal roosts within or near construction zones, these roosts, and an appropriate buffer around them (as determined by a qualified biologist) would remain off-limits to construction until the breeding season is over. Construction setbacks of 250 feet (or more) from occupied roosts could be required. (MRP 1)

7.1 Impact: Project construction activities could result in the loss of subsurface cultural or paleontological resources from the project site

Mitigation Measures:

7.1(a) All contractors and subcontractors for the project shall be informed, in writing, of the possibility that cultural or paleontological resources may be discovered during project activities. If any cultural or paleontological materials are uncovered during project activities, work in the area or any area reasonably suspected to overlie adjacent remains shall halt until a professional evaluation and/or data recovery excavation can be planned and implemented. Appropriate measures to protect remains from accidents, looting, and vandalism shall be implemented immediately. (MRP 1)

7.1(b) After they have been professionally recorded in their place of discovery, archaeological or paleontological materials shall be transferred to an appropriate regional repository for preservation, research, and/or use in interpretive exhibits. (MRP 1)

7.1(c) If human remains are discovered, the Fresno County Coroner must be notified immediately. The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission (NAHC) if the remains are Native American (Health and Safety Code Section 7050.5). Once the NAHC is notified, the procedures set forth in CEQA Guidelines Section 15064.5(d) and Public Resources Code Section 5097.98 shall be followed. (MRP 1)

8.2 Impact: The project will create a potential for litter and graffiti.

Mitigation Measure:

8.2(a) The District shall properly clean and maintain the school facilities, and shall support, encourage, and facilitate programs that encourage or require students keep the campus and surrounding environs clean. (MRP 2)

8.2(b) Currently, all District campuses are closed, except for high school seniors in good standing. The District shall continue to operate closed campuses unless the Board determines that modifications to this practice will not cause significant off-campus problems. (MRP 2)

8.2(c) The District shall provide security personnel to patrol the site and adjacent parking areas before, during and after the football games to discourage littering, graffiti writing and other undesirable activities. (MRP 2)

8.3 Impact: The project will increase light and glare in the project vicinity.

Mitigation Measure:

8.3(a) Stadium field lighting shall be designed in accordance with the Illuminating Engineering Society's Recommended Practice for Sports and Recreational Area Lighting, in effect at the time of design. (MRP 1)

8.3(b) Stadium field lighting, recreation facility lighting and security lighting for the buildings and parking areas shall be designed and oriented to minimize any impacts on adjacent property. Light spill resulting from any project lighting shall not exceed 1.5 footcandles at the property line. (MRP 1 & 2)

8.3(c) All parking area lighting shall be full cut-off type fixtures. A full cut-off type fixture is a luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the fixture. Full cut-off type fixtures must be installed in a horizontal position as designed. (MRP 1)

8.3(d) All external signs and lighting shall be lit from the top and shine downward except where uplighting is required for safety or security purposes. The lighting shall be shielded to prevent direct glare and/or light trespass. The lighting shall also be, as much as physically possible, contained to the target area. (MRP 1)

8.3(e) Exterior building lighting for building or security or aesthetics shall be full cut-off or a shielded type designed to minimize any upward distribution of light. (MRP 1)

- 9.1 Impact:** The project will cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

Mitigation Measure:

9.1 The project shall be required to perform a project-specific traffic impact study prior to submitting improvement plans for each phase of development, including the proposed stadium, in accordance with City of Fresno and County of Fresno requirements in place at that time. The City of Fresno currently requires any project expected to generate 100 or more peak-hour trips to perform a traffic impact study. The County of Fresno currently requires a traffic impact study for all intersections at which a project will generate 10 or more peak-hour trips or 100 or more daily trips. In addition, Caltrans may require analysis of state facilities. CUSD shall consult with the City of Fresno, County of Fresno, City of Clovis, and Caltrans prior to any new construction project to determine the requirements for a traffic impact study. The project shall be required to mitigate traffic impacts to the level of service and queuing requirements of the affected agencies current at the time the traffic study is performed. The future traffic impact studies shall not be based on the trip generation data or traffic counts presented herein, but shall be based on the best and most recent data available at the time the study is performed. (MRP 1 & 2)

- 9.2 Impact:** The project may result in localized traffic, parking, safety and emergency access issues related to site driveways, loading and unloading areas, parking lot locations, internal circulation and stadium use.

Mitigation Measure:

9.2 As part of the future site planning process for the project, a traffic and parking analysis shall be prepared that (1) evaluates and addresses potential traffic congestion where driveways intersect with adjoining public streets; (2) ensures that adequate parking is provided for students, faculty, staff, visitors, and athletic facilities, in accordance with accepted standards and practices for school facilities existing at the time of site plan preparation; (3) provides for separate off-street facilities for student drop-offs by parents and bus loading and unloading; and (4) ensures that adequate emergency access is provided to the project in accordance with local fire and law enforcement requirements. The above analysis shall be prepared in coordination with City of Fresno and County of Fresno planning and traffic engineering staffs, and City and County law enforcement and fire departments. (MRP 1 & 2)

- 10.1 Impact:** Short-term emissions of airborne particulate matter will result from project construction activity.

Mitigation Measures:

10.1(a) Demolition and construction activities shall comply with all applicable SJVAPCD Regulation VIII for the control of fugitive dust emissions. Demolition activities would also be required to comply with SJVAPCD Rule 4002 to identify

the presence of asbestos-containing building materials to be removed prior to demolition. In accordance with SJVAPCD Regulation VIII, a Dust Control Plan shall be prepared and submitted to the Air Pollution Control Officer (APCO) prior to the start of construction. Written notification to the APCO shall also be provided within 10 days prior to the commencement of earthmoving activities. The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity. SJVAPCD-recommended dust control measures include (but are not necessarily limited to) stabilization of all disturbed areas and unpaved construction roads; covering and wetting of transported materials; removal of accumulated dirt and trackout from adjacent streets; suspension of grading and excavation activities during periods of high winds; and limitations on visible dust emissions and the maximum daily area of ground disturbance. (MRP 1)

10.2 Impact: Short-term emissions of ozone precursor pollutants and diesel-exhaust particulates will result from project construction activity.

Mitigation Measures: The following SJVAPCD-recommended mitigation measures shall be implemented:

10.2(a) In accordance with SJVAPCD Indirect Source Review Rule (Rule 9510), exhaust emissions for construction equipment greater than fifty (50) horsepower used or associated with the development project shall be reduced by the following amounts from the statewide average as estimated by the ARB: (a) 20 percent of the total NO_x emissions, and (b) 45 percent of the total PM₁₀ exhaust emissions. For example, construction emissions may be reduced by using less-polluting construction equipment, which can be achieved by utilizing add-on controls, or by use of cleaner fuels (i.e., biodiesel, emulsified diesel), ARB-certified alternative fueled engines, or use of construction equipment that have engines that meet the current off-road engine emission standard (as certified by the ARB). Use of multiple technologies/emission reduction strategies may be required to achieve required emissions reductions. Additional information pertaining to ARB-certified emission reduction technologies can be obtained by contacting the SJVAPCD at (559) 230-5820 or the ARB's website at: <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. (MRP 1)

10.2(b) Prior to starting construction on the project, the District shall work with the SJVAPCD institute measures to reduce NO_x emissions such that the project falls within the SJVAPCD's significance threshold of 10 tons/year. These measures may include but are not limited to replacing fossil-fueled equipment with electrically driven equivalents; limiting the operational hours of heavy duty equipment and/or the amount of equipment in use at any one time; limiting the maximum daily area of ground disturbance; curtailment of construction activity during periods of high ambient pollutant concentration; and minimizing equipment idling time. (MRP 1)

10.4 Impact: The project could result in local mobile-source CO concentrations.

Mitigation Measures: The following measures are recommended to reduce short-term noise impacts to nearby land uses to a less than significant level:

10.4(a) The District shall be required to perform a project-specific traffic impact study prior to submitting improvement plans for each phase of development. Based on the findings of the traffic impact study to be prepared, an analysis of localized mobile-source carbon monoxide (CO) concentrations at adversely affected intersections that are projected to operate at unacceptable levels of service (LOS E, or worse) shall be conducted. Analysis of localized mobile-source CO concentrations shall be conducted in accordance with SJVAPCD-recommended methodologies. Appropriate traffic mitigation measures shall be incorporated, as deemed necessary, to ensure that predicted localized concentrations of CO would not exceed applicable ambient air quality standards at modeled receptor locations. (MRP 1 & 2)

11.1 Impact: Short-term noise will occur during project construction phases.

Mitigation Measures: The following measures are recommended to reduce short-term noise impacts to nearby land uses to a less than significant level:

11.1(a) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. (MRP 1)

11.1(b) When not in use, motorized construction equipment idling shall be minimized. (MRP 1)

11.1(c) Noise-generating construction activities shall comply with applicable noise ordinance requirements. Accordingly, construction activities shall be limited to between 7:00 a.m. and 9:00 p.m., Monday through Friday, and between the hours of 7:00 a.m. and 5:00 p.m., Saturday and Sunday. Construction activities shall be prohibited on Federal/State-recognized holidays. (MRP 1)

11.3 Impact: Noise sensitive uses/activities on the project site may be subject to high noise levels from adjacent streets

Mitigation Measure:

11.3 Proposed noise-sensitive exterior activity areas, including but not limited to patios and exterior classrooms/interpretive areas, shall not be located within the projected cumulative 60 dBA noise contours of adjacent roadways (Table 11-12), unless noise-reduction measures are incorporated sufficient to reduce noise levels within noise-sensitive exterior activity areas to below 60 dBA CNEL/L_{eq}. Noise-reduction measures may include use of setbacks or barriers. (MRP 1)

12.1 Impact: The project will increase local demand for water.

Mitigation Measures:

12.1(a) The availability of an adequate water supply to serve the project site shall be determined by the City of Fresno. The project site will not be developed without the City of Fresno having a water supply capable of meeting the water needs of the project. (MRP 1)

12.1(b) The District shall construct necessary City of Fresno water system improvements to ensure that the site will be adequately served in terms of water quantity and pressure. The extent of the water facilities that will need to be constructed will vary depending on the timing of the development of the Educational Center site relative to the timing of development of other land areas within the Southeast Specific Plan area. The District shall be responsible for funding its proportionate share of improvements by mutual agreement and to the extent required by law and shall be reimbursed by the City for water facilities installed by the District that have capacity to serve other developments. (MRP 1)

12.1(c) Subject to agreement by the Fresno Irrigation District and the City of Fresno, landscape irrigation water for the project shall be obtained from Fresno Irrigation District surface water supplies. The Kutner Colony Number 329 ditch currently supplies the site with irrigation water. Arrangements will need to be made with the Fresno Irrigation District to determine the quantity of water to be used for the site and the periods of delivery. (MRP 1, 2 & 3)

12.1(d) If a water supply well is determined to be needed on the project site, the District will offer a well lot to the City of Fresno for purchase, sized appropriately to allow for the inclusion of well head treatment facilities, or by mutual agreement, to participate with the City of Fresno on other viable supply options, as noted in 12.1(b). (MRP 1)

12.1(e) The water supply at the campus shall meet City of Fresno fire flow requirements. (MRP 1)

12.1(f) The District shall pay Water related charges as determined by Fresno Municipal Code. (MRP 1)

12.1(g) Prior to developing site specific improvement plans for water supply and distribution, the District shall consult with the City of Fresno Department of Public Utilities on the water source to be used for landscape irrigation and design the improvement plans accordingly.

12.2 Impact: Development of the project may damage existing Fresno Irrigation District facilities within the area of the project.

Mitigation Measure:

12.2 (a) All existing Fresno Irrigation District pipelines within the area of the project shall be removed and replaced with rubber gasket reinforced concrete pipe in accordance with FID standards and the District shall enter into a mutually acceptable agreement with FID for that purpose. (MRP 1)

12.2(b) Should the replacement pipelines be placed in a different alignment than presently exists, the District shall dedicate an easement to FID for the pipeline as required by FID. (MRP 1)

12.2(c) The District shall submit all project improvement plans to FID for review and approval relative to how such improvements may endanger the structural integrity of pipelines, easements or other facilities owned and operated by FID. (MRP 1)

12.3 Impact: Improper destruction of existing wells on the site can allow pollutants to enter the groundwater supply.

Mitigation Measure:

12.3 Upon development of the property, any existing water well(s) not intended for use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Community Health, Environmental Health System prior to commencement of work. The contractor hired to destroy any existing wells shall possess a valid C-57 license. (MRP 1)

13.1 Impact: The project will result in a need for wastewater collection facilities.

Mitigation Measures:

13.1(a) The District shall extend wastewater collection facilities from the nearest City of Fresno sewer main(s) capable of accepting the wastewater flows from the project. The extent of the sewer facilities that will need to be constructed will be determined by the City of Fresno and they may vary depending on the timing, phasing and location of the educational facilities on the site and other developments in the City of Fresno's Southeast Growth Area. The District shall be responsible for funding its proportionate share of improvements by mutual agreement and to the extent required by law and shall be reimbursed by the City for sewer collection facilities installed by the District that have capacity to serve other developments. (MRP 1)

13.1(b) The District shall pay Sewer Facility charges as determined by Fresno Municipal Code. (MRP 1)

13.2 Impact: Wastewater generated by the project will require wastewater treatment and disposal service.

Mitigation Measures:

13.2(a) The availability of wastewater treatment facilities to serve the project site shall be determined by the City of Fresno. Such treatment capacity availability may vary depending on the timing and phasing of the educational facilities on the site and other developments in the City of Fresno's Southeast Growth Area. The project site will not be developed without the City of Fresno having wastewater treatment capacity available to serve the site. (MRP 1)

13.2(b) The District shall pay Sewer Facility charges as determined by Fresno Municipal Code. (MRP 1)

14.1 Impact: The project will result in increased stormwater runoff.

Mitigation Measures:

14.1(a) The District shall enter into a mutually acceptable agreement with FMFCD for the development of the master-planned storm drainage facilities. The agreement would identify storm drainage fee obligations of the District for development of the site and/or fee credits and/or future reimbursements for the District's construction of any of the master-planned storm drainage facilities. If permanent facilities are not available or feasible at the time of project construction, the District shall have the option to construct temporary on-site ponding facilities until permanent facilities are constructed or available. (MRP 1 & 3)

14.1(b) The District shall construct the FMFCD Master Plan Storm Drainage Facilities that would connect the site to the FMFCD drainage basin DS and excavate adequate storage volume within that basin to provide for the storage of the runoff generated from the Educational Center site. If the basin is not fenced at the time of school construction, the District shall fence the portion of the basin site used for drainage service. (MRP 1)

14.1(c) The District shall dedicate storm drainage easements related to the construction of any of the master-planned storm drainage pipelines that would occur on the site, outside of the street right-of-way areas, including along Clinton Avenue once abandoned by either FMFCD or the District. (MRP 1)

14.1(d) The grading of the project site shall be designed to facilitate storm water flows from Highland Avenue to Drainage Basin DS. (MRP 1)

14.1(e) The District shall submit all improvement plans for grading, street improvements and storm drainage to FMFCD for review and approval. (MRP 1)

14.2 Impact: Stormwater runoff from project construction activities may pollute natural watercourses and aquifers.

Mitigation Measures:

14.2(a) Project construction documents shall include (1) measures to prevent the disposal of wastes, effluent, chemicals, or other noxious substances on the project site during construction and (2) procedures to contain and properly clean up any accidental spillage or disposal. (MRP 1)

14.2(b) The District shall comply with Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) permit requirements, administered by the State Water Resources Control Board (SWRCB), as follows: (MRP 1)

- (1) File a Notice of Intent (NOI) for discharge from the project site in accordance with NPDES requirements prior to commencing construction;
- (2) Require that the project contractor or District prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with guidelines adopted by the SWRCB and institute the SWPPP during construction of the project. The SWPPP shall provide a best management plan for the source control of any pollutants that may be mobilized by runoff generated on the construction site and which may enter the public drainage system; and
- (3) File a Notice of Completion of Construction for the project site identifying that pollution sources were controlled during construction and implement a closure SWPPP for the site.

14.3 Impact: Development within a flood prone area may result in a portion of the site being subject to periodic flooding.

Mitigation Measures:

14.3(a) Construction documents for the Educational Center are to include grading and drainage plans. These plans shall be prepared in a manner that specifies the filling and grading of the Zone A flood prone area such that no drainage water will be retained on the site. All grading and drainage plans shall be prepared consistent with FMFCD's drainage master plan and shall be reviewed and approved by FMFCD. (MRP 1)

14.3(b) Based on the project's grading and drainage plan, the District shall file a Letter of Map Revision (LOMR) with FEMA. With FEMA's approval of the LOMR, the Zone A flood prone designation will be removed from the Flood Insurance Rate Maps and the project will no longer have a portion of the site designated as flood prone. (MRP 1)

19.1 Impact: The project will consume electrical energy and natural gas.

Mitigation Measures:

19.1(a) The District shall design all on-site facilities and equipment to exceed Title 24 requirements by 20 percent. (MRP 1)

19.1(b) The District shall incorporate an energy control and management system in the project design. (MRP 1)

19.1(c) The District shall incorporate the following energy reducing measures in the design of the project as recommended in the LEED for Schools and Collaborative for High Performance Schools programs to the extent feasible and subject to financial limitations: optimum building orientation for energy efficiency, daylighting (designing the buildings to maximize the use of natural light); energy efficient lighting with automatic shutoff and dimming, the use of cool reflective roofing materials; and the landscaping and shading of parking, hardscape and building areas to keep ambient temperatures down. (MRP 1)

20.1 Impact: Pesticide application or product disposal associated with agricultural use could have materially impacted the project site.

Mitigation Measures:

20.1 Prior to site development and in accordance with Education Code Section 17213.1, the site shall be tested for persistent agricultural chemicals, residential pesticides and other potential contaminants in accordance with the Preliminary Environmental Assessment. Should such contaminants be identified in the soil in concentrations that would be detrimental to human health, appropriate remediation of site soils, or other effective mitigation, shall take place prior to site development in accordance with Education Code Section 17213.2. (MRP 1)

Cumulative Impacts

The cumulative impacts evaluation in Chapter 22 of this EIR is based upon the cumulative impacts analysis presented in the City of Fresno's *Master Environmental Impact Report No. 10130 – 2025 Fresno General Plan* (MEIR). The MEIR identified the following significant and unavoidable cumulative impacts related to implementation of the *2025 Fresno General Plan*: increased traffic congestion, increased air quality degradation, increased demand for water, loss of productive agricultural resources, and increased noise generation. The analyses presented in this EIR determined that the proposed project would not change the conclusions presented in the MEIR. No significant cumulative impacts identified in the MEIR would be increased because of the project and no new significant cumulative impacts would result from the project.

Significant Irreversible Environmental Changes

Implementation of the project would result in the use, or consumption, of nonrenewable resources including agricultural land and some construction materials and energy resources.

Summary of Alternatives Addressed

In accordance with CEQA, this EIR addresses two “no project” alternatives and three alternative site locations. The first “no project” alternative assumes the project study area would remain in agricultural use because this is the current site condition. The second “no project” alternative assumes the project study area would be developed as planned by the *2025 Fresno General Plan*. Under the general plan, the study area is conceptually planned for medium density residential development.

The evaluation of alternative locations is based on the *Fourth Educational Center Site Selection Study (revised)* (December 2006), which is incorporated in this EIR as Appendix I-1. This report identified and evaluated four possible locations for the project, including the proposed project site, all of which are addressed in Chapter 24 and summarized below:

- The No Project/Agricultural and Rural Residential Use Alternative would achieve none of the project’s objectives because the project would not be developed. It would avoid or substantially lessen all but two of the project’s significant effects and increase one (pesticide application).
- The No Project/Medium Density Residential Use Alternative would achieve none of the project’s objectives because the project would not be developed. It would avoid or substantially project impacts related to land use conflicts and would not result in noise and light impacts due to a stadium. This alternative would substantially increase water consumption and the generation of wastewater.
- Development of the project on Alternative Site B would not achieve all of the project’s objectives. Development on Site B would require the elementary school to be developed on a parcel separated from the main site by a major street. This would not meet the project objective of having an educational center on one site. In addition, this alternative would result in an increase in prime agricultural land conversion because the project contains substantially more prime agricultural land than the project site.
- Development of the project on Alternative Site C would not achieve all of the project objectives. Site C is too small to accommodate a stadium or elementary school. Site C is in the middle of a permanent rural residential area and the project would not be compatible in such an area. The alternative site would result in the conversion of more prime agricultural land but would have less of an impact with respect to agricultural conflicts on adjacent land.

- Development of the project on Alternative Site E would achieve all of the project's objectives. However, this alternative would result in an increase of the project's effects related to land use conflicts, prime agricultural land conversion, and agricultural conflicts. This is because the project would be within an area that is adjacent to land planned to remain in agricultural use and the site contains substantially more prime agricultural land than the project site. Site E also has very limited street access, which would not be able to handle the traffic and access needs of the project. Trip length and air quality emissions would increase due to the location of the site on the eastern edge of the planned urban area.

State CEQA Guidelines Section 15126(c)(2) requires that "if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." As demonstrated by Table 24-7, the No Project/Agricultural Use alternative would avoid or substantially lessen all but one of the project's significant environmental effects. It is, therefore, the environmentally superior alternative, although it would achieve none of the project objectives.

Based on the alternatives analysis, none of the alternatives would be environmentally superior to the project. Therefore, notwithstanding the "no project" alternatives, the project would be the environmentally superior alternative.

Areas of Controversy and Unresolved Issues

No project-related areas of controversy or unresolved issues were identified during the preparation of this EIR.

Mitigation Reporting Program

Introduction

This Mitigation Reporting Program (“MRP”) is adopted by the Clovis Unified School District for the project in accordance with the requirements of the Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097. The purpose for the MRP is to ensure implementation of all mitigation measures that have been adopted to mitigate or avoid significant effects on the environment, as identified in the EIR.

Mitigation Reporting Coordinator

To effectively implement the mitigation reporting program for the project, the District Board shall designate the Assistant Superintendent, Facility Services, or his designee, as the Project Mitigation Reporting Coordinator (“Coordinator”). The Coordinator shall be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation and for reporting said compliance to the Board.

Mitigation Reporting Procedures

The following mitigation reporting procedures shall be used to ensure implementation of the project mitigation measures. The reporting procedures are divided into three classifications: (1) those that are applicable to project design and construction-related mitigation measures that can be directly implemented by the District, (2) those that are applicable to operational mitigation measures that can be directly implemented by the District, and (3) those that are applicable to mitigation measures that are the responsibility of other agencies. The appropriate mitigation reporting procedure (MRP) abbreviation for each mitigation measure is listed after each measure appearing in Chapter 1 of this Final EIR (i.e. MRP 1, MRP 2, MRP 3 or a combination thereof).

1. Design and Construction-Related Mitigation Measures (MRP 1)

The reporting procedures for that are applicable to project design and construction-related mitigation measures shall be as follows:

- (a) The Coordinator shall submit a copy of the design and construction-related mitigation measures to the project architect, engineer, and contractor, for incorporation in the project plans, construction specifications, permits and contracts, as appropriate.

- (b) Prior to starting construction on each phase of the project, the Coordinator shall determine and report to the Board that all design and construction-related mitigation measures under the District's control have been incorporated in the project plans, construction specifications, permits and contracts, as appropriate.
- (c) During construction, the Coordinator shall inspect the project site regularly to ensure that all work complies with the design and construction-related mitigation measures. If a discrepancy is identified and is not corrected within a reasonable period, the Coordinator shall report the discrepancy to the Board for final disposition. The Coordinator may order the work to cease until the Board has addressed the discrepancy.
- (d) Prior to the District accepting the improvements for each phase of the project, the Coordinator shall determine and report to the Board that the project has been designed and constructed in accordance with the mitigation measures.

2. *Operational Mitigation Measures (MRP 2)*

The reporting procedures for that are applicable to operational mitigation measures shall be as follows:

- (a) Before each phase of the project becomes operational, Coordinator shall determine and report to the Board that all operations-related mitigation measures have been incorporated in the project operational plans and procedures.
- (b) Following one year of operation of each phase of the project, the Coordinator shall submit a report to the Board documenting the status of all operational mitigation measures. The report shall address the effectiveness of the mitigation measures and any changes that should be made by the Board if a measure is less than effective.

3. *Other Agency Mitigation Measures (MRP 3)*

The reporting procedures for mitigation measures that are the responsibility of other agencies shall be as follows:

- (a) The Coordinator shall refer all applicable mitigation measures to the other agencies responsible for implementing the measures and coordinate with the agencies to effectuate the measures.
- (b) The Coordinator shall report to the Board on the actions taken by the agencies to implement the measures.

Notification

The persons, organizations, and public agencies that were sent copies of the Draft EIR or were notified of the availability of the Draft EIR for public review are listed in this chapter. Those who received the Draft EIR and Notice of Availability are indicated in **bold** type. All others on the list received the Notice of Availability only.

A copy of the Notice of Availability is included at the end of this chapter. The Notice of Availability appeared in the Fresno Bee on April 28, 2008 and was posted in the Fresno County Clerk's office. A copy of the Draft EIR was made available at the Fresno County Library Reference Desk, 2420 Mariposa Street, Fresno and on the internet at www.cusd.com.

<p>Alan Autry, Mayor Fresno City Hall 2600 Fresno Street Second Floor Fresno, CA 93721-3600</p>	<p>Larry Westerlund, Councilmember District 4 Fresno City Hall 2600 Fresno Street, Second Floor Fresno, CA 93721-3600</p>	<p>Andrew T. Souza City Manager Fresno City Hall 2600 Fresno Street, Second Floor Fresno, CA 93721-3600</p>
<p>Nick Yovino, Director City of Fresno Planning and Development Dept. 2600 Fresno Street Fresno, CA 93721</p>	<p>Keith Bergthold, Assistant Director City of Fresno Planning and Development Dept. 2600 Fresno Street Fresno, CA 93721</p>	<p>Rene Ramirez, Director City of Fresno Public Utilities Department 2600 Fresno Street, Third Floor Fresno, CA 93721</p>
<p>City of Fresno Police Department Southeast Area Command 2323 Mariposa Mall Fresno, CA 93721</p>	<p>Scott Mozier, Assistant Director City of Fresno Public Works Department 2600 Fresno Street Fresno, CA 93721</p>	<p>Mike Schmidt City of Fresno Fire Prevention Bureau 450 M Street Fresno, CA 93721</p>
<p>Bob Waterston Supervisor, District 5 Fresno County Board of Supervisors 2281 Tulare Street, Room 301 Fresno, CA 93721</p>	<p>Bart Bohn County Administrative Officer Hall of Records 2281 Tulare Street, Room 301 Fresno, CA 93721-2198</p>	<p>Jerry Prieto Agricultural Commissioner/Sealer Fresno County Department of Agriculture 1730 S. Maple Avenue Fresno, CA 93702</p>
<p>Glenn Allen, R.E.H.S. Environmental Health Analyst III Fresno Co. Dept of Community Health P.O. Box 11867 Fresno, CA 93775</p>	<p>Theresa Acosta-Mena, Sr. Staff Analyst Fresno Co. Public Works & Planning Development Services Division 2220 Tulare Street, Sixth floor Fresno, CA 93721</p>	<p>Alan Weaver, Director Fresno Co. Public Works & Planning 2220 Tulare Street, Sixth floor Fresno, CA 93721</p>
<p>Stan Nakagawa Fresno County Public Works & Planning Design Division 2220 Tulare Street, Sixth floor Fresno, CA 93721</p>	<p>Fresno County Public Works & Planning, Road Maintenance & Operations Attn: Robert Palacios 2220 Tulare Street, Sixth Floor Fresno, CA 93721</p>	<p>Louis Hernandez Area 2 – Lieutenant Fresno County Sheriff’s Department 5717 E. Shields Avenue Fresno, CA 93727</p>
<p>Fresno County Fire Protection District Sanger Headquarters 210 S. Academy Avenue Sanger, CA 93657</p>	<p>John Wright, AICP, Director Planning & Development Services City of Clovis 1033 Fifth Street Clovis, CA 93612</p>	<p>Gary R. Serrato General Manager Fresno Irrigation District 2907 South Maple Avenue Fresno, CA 93725</p>
<p>Rick Ballantyne, AICP Executive Officer Fresno Local Agency Formation Comm. 2115 Kern Street, Suite 310 Fresno, CA 93721</p>	<p>San Joaquin Valley Air Pollution Control District 1990 E. Gettysburg Ave Fresno, CA 93726-0244</p>	<p>Southern San Joaquin Valley Information Center, CSU Bakersfield 9001 Stockdale Hwy Bakersfield, CA 93311-1099</p>
<p>Bob Van Wyk Fresno Metropolitan Flood Control Dist. 5469 E. Olive Avenue Fresno, CA 93727</p>	<p>U.S. Fish & Wildlife Service 2800 Cottage Way Room W-2605 Sacramento, CA 95825</p>	<p>Patricia Penn, Ed.D. CA Dept of Education School Facilities Planning Division 1430 N Street, Suite 3207 Sacramento, CA 95814</p>
<p>Barbara Goodwin Executive Director Council of Fresno County Governments 2100 Tulare Street, Suite 619, Fresno, CA 93721</p>	<p>CA State Clearinghouse (15 copies) Office of Planning & Research 1400 Tenth Street, Room 222 Sacramento, CA 95814</p>	<p>Don Triplett Land Department Pacific Gas & Electric 650 O Street Fresno, CA 93760-0001</p>

<p>David E. Fey, AICP, Deputy City Planner Planning & Development Services City of Clovis 1033 Fifth Street Clovis, CA 93612</p>	<p>310 310 39 Bryan & Michelle Beekman 2660 N Leonard Ave Fresno, CA 93727</p>	<p>Robert Hillison, Attorney at Law Caswell, Bell & Hillison, LLP. 5200 N. Palm Ave, Suite 211 Fresno, CA 93704</p>
<p>309 150 44 CJ Investment Group LLC PO Box 25430 Fresno, CA 93729</p>	<p>309 200 20 S Fred Curtis & Bobbe Jean Ede Jr. 2516 N Highland Ave Fresno, CA 93727</p>	<p>309 200 47 Mark Luallen 2768 N Highland Ave Fresno, CA 93727</p>
<p>309 210 02 S Russell & C Alison Moon 2346 N Highland Ave Fresno, CA 93727</p>	<p>309 210 03 Mike & Verna Mae Dobrinin 2212 N. Highland Ave Fresno, CA 93727</p>	<p>309 210 33 S Lawrence Kellom 9263 E. Clinton Ave Fresno, CA 93727</p>
<p>310 170 15 Donna Ataide PO Box 5302 Carmel, CA 93921</p>	<p>310 310 08 Mike & Nancy Kay Lankford 8725 E. Shields Ave Fresno, CA 93727</p>	<p>310 310 09 Robert Anthony & Phyllis Juarez 8785 E. Shields Ave Fresno, CA 93727</p>
<p>310 310 12 Richard & June Belardinelli 2879 Mckelvy Ave. Clovis, CA 93611</p>	<p>310 310 16 Keith & Lillian Levitt 2683 N. Leonard Ave Fresno, CA 93727</p>	<p>310 310 27 Phyllis Ernestine Juarez 8785 E. Shields Ave Fresno, CA 93727</p>
<p>310 310 28 Robert Anthony Juarez 8785 E. Shields Ave Fresno, CA 93727</p>	<p>310 310 30 Tommy Lee & Va Vue 2737 N Leonard Ave Fresno, CA 93727</p>	<p>310 310 38 Earl & Betty Smith 2764 N. Leonard Ave Fresno, CA 93727</p>
<p>310 310 45 Patagonia Ltd Lp 2739 N. Leonard Ave Fresno, CA 93727</p>	<p>310 310 47 John Joseph & Gina Louise Armanino II 2856 N. Leonard Ave Fresno, CA 93727</p>	<p>310 310 50 Richard & Gwen Smith 2826 N. Leonard Ave Fresno, CA 93727</p>
<p>310 310 51 Wimer Blanche Life Estate 2826 N. Leonard Ave Fresno, CA 93727</p>	<p>310 320 02 S Eugene Marzette 5707 Sycamore Ave Rialto, CA 92377</p>	<p>310 320 03 S Bobby & Elizabeth Armer 1118 Mount Lowe Dr Altadena, CA 91001</p>
<p>310 320 04 S Dennis & Sharon Kelley 2255 N. Highland Ave Fresno, CA 93727</p>	<p>310 320 05 S Monty Ray & Deborah Maureen Saffell 2243 N. Highland Ave Fresno, CA 93727</p>	<p>310 320 11 Gary & Linda Sharp Goorigian 2151 N. Highland Ave Fresno, CA 93727</p>
<p>310 320 14 Soua & Phoua Xiong Cha 1798 Gettysburg Ave Clovis, CA 93611</p>	<p>310 320 15 Takeo & Yasuko Kagawa 2138 N. Leonard Ave Fresno, CA 93727</p>	<p>310 170 15 Current Resident 2165 N. Leonard Ave. Fresno, CA 93727</p>

<p>310 310 12 Current Resident 2781 N. Highland Ave Fresno, CA 93727</p>	<p>310 320 01 S Current Resident 2433 N. Highland Ave Fresno, CA 93727</p>	<p>310 320 06 S Current Resident 2245 N. Highland Ave Fresno, CA 93727</p>
<p>310 320 07 S Current Resident 8821 E. Clinton Ave Fresno, CA 93727</p>	<p>310 320 08 S Current Resident 8739 E. Clinton Ave Fresno, CA 93727</p>	

Clovis Unified School District
NOTICE OF AVAILABILITY
Draft Program Environmental Impact Report
Fourth Educational Center Project

The Clovis Unified School District has completed a Draft Program Environmental Impact Report (EIR) for the Fourth Educational Center project. Notice is hereby given that the Draft EIR is available for public review and comment. The 45-day public review period required by law will begin on Monday April 28, 2008 and end on Wednesday, June 11, 2008.

Project Description and Location: The project consists of the acquisition of 160.46 gross acres by the Clovis Unified School District (District) and the development and operation of an educational center on the site. The project site is located between N. Leonard and N. Highland Avenues on the north and south sides of the E. Clinton Avenue alignment, Fresno County, California. The Fresno County Assessor's Parcel Numbers for the site are 310-310-14T, 310-310-39, 310-052-10T, and 310-320-01S through 08S. The educational center will include a high school (2,900-student capacity), intermediate school (1,400-student capacity), elementary school (700-student capacity) and related athletic/recreational facilities, including an 8,000-seat football stadium.

Construction of the facilities is expected to begin in approximately 5-7 years. The duration of construction is typically about 2 years; therefore, the facilities are anticipated to be completed and operational in approximately 7-9 years. The actual timing of construction will be dependent upon enrollment growth and funding availability.

Potential Project Impacts: Based on the Draft EIR, the project could have significant environmental effects related to: Land Use and Public Land Use Policy; Agricultural Resources; Biological Resources; Cultural Resources; Aesthetics; Traffic; Air Quality; Noise; Water Supply and Quality; Wastewater Collection and Treatment, Drainage and Flooding; Law Enforcement and Fire Protection; Energy Resources; and Hazardous Materials and Conditions. The Draft EIR found that most of the potentially significant project impacts could be reduced to insignificance by mitigation measures presented in the Draft EIR. The exceptions included significant unavoidable impacts related to agricultural resources, changes to the existing rural environment, air quality and potential stadium noise.

Opportunity to Review and Comment on Draft EIR: Copies of the Draft EIR may be reviewed or obtained in the office of Bill McGuire, Associate Superintendent, Administrative Services, Clovis Unified School District, 1450 Herndon Avenue, Clovis, CA 93711, telephone (559) 327-9110. The Draft EIR may also be reviewed online at www.cusd.com or at the Fresno County Library, Reference Desk, 2420 Mariposa Street, Fresno, CA 93721.

Any interested person may submit written comments on the Draft EIR prior to the **comment deadline: Wednesday, June 11, 2008 at 5:00 P.M.** Please submit written comments to Bill McGuire at the above address or by facsimile to (559) 327-9129. All comments addressing environmental issues will be responded to in the Final EIR.

Project Decision-Making Process: After the Final EIR is prepared, the Clovis Unified Governing Board will consider certification of the Final EIR and approval of the project at a regularly scheduled board meeting. The public will have an opportunity to address the Board at the meeting. Formal notice of the meeting will be given prior to the meeting.

Comments Received and Responses to Comments

This section includes the comments received on the Draft EIR and the responses of the Clovis Unified School District to the comments. Each comment within the letters has been assigned a reference number that corresponds to the number assigned to each response. For reference, a list of the comment letters is presented below (date of letter in parentheses).

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11.	City of Clovis Department of Planning and Development Services (June 11, 2008)	4-64
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NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 284
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-6390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



April 28, 2008

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STATE CLEARING HOUSE

Mr. Bill McGuire, Associate Superintendent
CLOVIS UNIFIED SCHOOL DISTRICT
 1450 Herndon Avenue
 Clovis, CA 93611-0599

Re: SCH#2005101054; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Fourth Education Center, Clovis Unified School District, Fresno County, California

Dear Mr. McGuire:
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e:

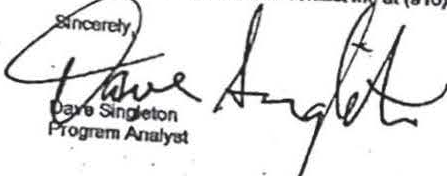
The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." 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) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/853-7278) <http://www.ohp.parks.ca.gov>. 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 that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological 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.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resources.

1-1

- 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 California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.
- √ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

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

Sincerely,

 Dave Singleton
 Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

**Response to California Native American Heritage Commission, Dave Singleton,
Program Analyst**

Response 1-1

As indicated in the Draft EIR, a record search was conducted at the Southern San Joaquin Valley Information Center of the California Historical Resources Information System at Cal State Bakersfield to identify areas previously surveyed and identify known cultural resources present within or in close proximity to the project site. According to the Information Center records, no cultural resources have been identified within the project site, nor has the project site been previously surveyed. Six surveys have been conducted within a ½-mile radius of the present project site. No cultural resources have been identified within a ½-mile radius of the project site.

There are no known resources within or immediately adjacent to the project site that are listed on the National Register of Historic Places, California Points of Historical Interest, State Historic Landmarks, or the California Inventory of Historic Resources. A request was sent to the Native American Heritage Commission asking for a review of information on file pertaining to Native American sacred sites that may be within or in close proximity to the project site. A search of the sacred land files failed to indicate the presence of Native American cultural resources in the immediate project site.

In the unlikely event that buried archaeological deposits or human remains are encountered during development-related activities, the Draft EIR contains the following mitigation measures:

Mitigation Measure 7.1(a)

All contractors and subcontractors for the project shall be informed, in writing, of the possibility that cultural or paleontological resources may be discovered during project activities. If any cultural or paleontological materials are uncovered during project activities, work in the area or any area reasonably suspected to overlie adjacent remains shall halt until a professional evaluation and/or data recovery excavation can be planned and implemented. Appropriate measures to protect remains from accidents, looting, and vandalism shall be implemented immediately.

Mitigation Measure 7.1(b)

After they have been professionally recorded in their place of discovery, archaeological or paleontological materials shall be transferred to an appropriate regional repository for preservation, research, and/or use in interpretive exhibits.

Mitigation Measure 7.1(c)

If human remains are discovered, the Fresno County Coroner must be notified immediately. The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission (NAHC) if the remains

are Native American (Health and Safety Code Section 7050.5). Once the NAHC is notified, the procedures set forth in CEQA Guidelines Section 15064.5(d) and Public Resources Code Section 5097.98 shall be followed.



County of Fresno

Department of Public Health

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

April 30, 2008

SLS77

999999999
LU0013050
PE 2600

Bill McGuire, Associate Superintendent
Administrative Services
Clovis Unified School District
1450 Herndon Avenue
Clovis, CA 93711

Dear Mr. McGuire:

SUBJECT: DEIR for Clovis Unified School District 4th Educational Center
LOCATION: North Leonard Avenue between East Shields and East McKinley Avenues

Thank you for the opportunity to review the above noted document. The Fresno County Department of Public Health, Environmental Health Division concurs with the information contained therein and has no further comments at this time but requests that a copy of the final Environmental Impact Report be provided to this department upon circulation.

2-1

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

Clovis Unified DEIR 4th ED Center

**Response to County of Fresno Department of Public Health, Glenn Allen, R.E.H.S,
Environmental Health Scientist III**

Response 2-1

No response required. The County of Fresno Department of Public Health (Department) concurs with the information contained in the Draft EIR and has no further comments. A copy of the Final Environmental Impact Report will be mailed to the Department when it becomes available.

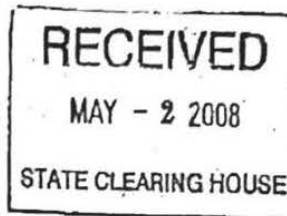
DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
 P. O. BOX 12616
 FRESNO, CA 93778-2616
 PHONE (559) 445-5868
 FAX (559) 488-4088
 TTY (559) 488-4066



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April 30, 2008



Clear
 6-9-08
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2131-IGR/CEQA
 6-FRE-180-67.590+/-
 DRAFT EIR
 C.U.S.D. (FOURTH ED. CENTER)
 SCH #2005101054

Mr. Bill McGuire, Associate Superintendent

C.U.S.D.
 1450 Herndon Avenue
 Clovis, CA 93611

Dear Mr. McGuire:

We have completed our review of the draft EIR for the "Fourth Educational Center" project proposed by the Clovis Unified School District. The site is located between North Leonard and North Highland Avenues, north and south of the East Clinton Avenue alignment. The educational center would consist of a high school (2,900 student capacity), intermediate school (1,400 student capacity), elementary school (700 student capacity) and related athletic/recreational facilities. The site would also include an 8,000-seat football stadium. Caltrans has the following comments:

Mitigation Measure 9.1 indicates that the project shall be required to perform a project-specific Traffic Impact Study (TIS) prior to submitting improvement plans prior to each phase of development. This approach was adopted since construction is not anticipated to take place for 5-7 years and site plan preparation was determined to be premature at this time. The mitigation measure further indicates that C.U.S.D. shall consult the City of Fresno, City of Clovis, County of Fresno and Caltrans prior to any new construction to determine the requirements for the TIS. This mitigation measure is acceptable to Caltrans.

If you have any questions, please contact me at (559) 445-5868.

Sincerely,

MICHAEL NAVARRO
 Office of Transportation Planning
 District 06

C: SCH

"Caltrans improves mobility across California"

3-1

Responses to California Department of Transportation, Michael Navarro, Office of Transportation Planning, District 6

Response 3-1

No response required. Caltrans concurs with Mitigation Measure 9.1, which will require the preparation of a project-specific Traffic Impact Study (TIS) prior to submitting improvement plans prior to each phase of development.



Fresno Local Agency Formation Commission

May 12, 2008

Bill McGuire, Associate Superintendent
Administrative Services
Clovis Unified School District
1450 Hemdon Avenue
Clovis, CA 93711

Dear Mr. McGuire:

Subject: Draft Program Environmental Impact Report - Clovis Unified School District
Fourth Educational Center, SCH# 2005101054

We have reviewed the Clovis Unified School District's (CUSD) Draft Environmental Impact Report (DEIR) for the District's Fourth Educational Center, which proposes construction of a high school, middle school, elementary school, and associated athletic/recreational facilities including an 8,000-seat football stadium on 160.46 acres of land. We offer the following comments in response to the DEIR:

1. The DEIR correctly states that annexation of the project site to the City of Fresno will require review and approval of the Fresno Local Agency Formation Commission (LAFCo). It should be noted that LAFCo is charged by the State of California with encouraging orderly growth and development, discouraging urban sprawl, preserving open space and agricultural lands, and efficiently extending urban services. LAFCo's review of the annexation proposal will consider the project's potential effects as they relate to these factors. 4-1

2. The DEIR correctly states that LAFCo's approval of expansion of the City of Fresno's Sphere of Influence to include the Southeast Growth Area (SEGA) included a condition that the City must prepare or adopt a community or specific plan for the SEGA before LAFCo will approve such an annexation. It should be noted that two additional conditions are also required to be met prior to annexation of any land within the SEGA. These conditions require the City to: 4-2
 - "Prepare and adopt a Master Service Delivery Plan for the Southeast Growth Area."

LAFCo Office: 2115 Kern Street, Suite 310, Fresno, CA 93721

Phone: (559) 495-0604 • Fax: (559) 495-0655 • E-mail: cfleming@co.fresno.ca.us

- "Prepare, adopt and begin to implement a program for annexing the designated open space areas in the approach corridor of the Fresno Air Terminal... and for rural residential neighborhoods within the City's existing Sphere of Influence in the vicinity of the Southeast Growth Area."

4-

The City will be required to address additional specific requirements related to these conditions as identified in Resolution No. USOI-144 prepared for the SEGA Sphere of Influence expansion. (A copy of this resolution is enclosed for your reference.)

3. At the time CUSD is considering annexation of the project site, it should consider jointly meeting with LAFCo staff, Fresno County staff, and City of Fresno staff to discuss the specific annexation proposal. Depending on how adjacent and/or nearby City boundaries are configured at that time, it may be necessary to annex properties in addition to the project site in order to ensure logical and orderly City boundaries and efficient provision of City services to the project site and neighboring parcels. If annexation of additional parcels is required, a supplemental CEQA environmental review may be required in order to ensure all potential impacts of the annexation have been considered.
4. The Draft EIR has identified lands in and around the project site as Prime Farmland, Farmland of Statewide Importance and Farmland of Local Importance. In addressing potential impacts the project may have on agriculture, the Draft EIR should also consider the definition of "Prime Agricultural Land" listed in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act). This definition differs from the California Department of Conservation's (DOC) definition of Prime Farmland and may be considered to be more inclusive than the DOC's definition. For LAFCo purposes, the environmental document must consider loss of Prime Agricultural Land as defined by the Act (Government Code Section 56064), below:

4-

"Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

4-

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

4-4

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

5. Twenty acres of the project site are under a Williamson Act Contract. In order for this land to be included within the annexation, LAFCo must make specific findings pursuant to Government Code Section 56856.5.

4-5

6. Please note, if for any reason CUSD determines that extension of City of Fresno water, sewer, and/or other services to the project site is necessary before annexation of the project site to the City becomes feasible, submittal of an extension of services request to LAFCo will be required (Government Code Section 56133).

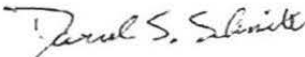
4-6

7. At the time annexation is proposed, one hard copy and one electronic copy (on compact disc) of the Final EIR and Notice of Determination should be submitted with your formal application to the LAFCo Executive Officer. It should also be noted that Fresno LAFCo will be serving as the "responsible agency" when it considers this Final EIR for the annexation request.

4-7

We appreciate the opportunity to provide comments on the Draft EIR for CUSD's Fourth Educational Center. If you have any questions, please contact me at (559) 495-0604.

Sincerely,



Darrel Schmidt, Deputy Executive Officer
Fresno Local Agency Formation Commission

Enclosure

- C. Nick Yovino, Director, City of Fresno Planning and Development Department
Keith Bergthold, Assistant Planning Director, City of Fresno Planning and Development Department
Bruce Barnes, Project Manager, City of Fresno Planning and Development Department
Bernard Jimenez, Manager, Fresno County Development Services Division

RESOLUTION NO. USOI-144

FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

REQUEST FOR REVISION TO THE)
CITY OF FRESNO SPHERE OF)
INFLUENCE)

ADOPTED FINDINGS AND APPROVED
WITH CONDITIONS

WHEREAS, in order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities, this Commission has the authority under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act") to develop and determine the sphere of influence of each local governmental agency within the County and enact policies designed to promote the logical and orderly development of areas within the sphere (California Government Code Section 56425(a); and

WHEREAS, this Commission has the authority to establish spheres of influence, or to revise or amend adopted spheres of influence of local governmental agencies after a noticed public hearing called and held for that purpose (California Government Code Section 56427); and

WHEREAS, a proposal for a revision to a local government's adopted sphere of influence may be made by the adoption of a resolution of application by the legislative body of an affected local agency (California Government Code Section 56654(a); and

WHEREAS, the City Council of the City of Fresno, California, adopted a resolution of application (Resolution No. 2005-507) on the 6th day of December 2005, applying to the Fresno Local Agency Formation Commission (LAFCo) for consideration of an amendment (hereafter referred to as the "Proposal" or "proposed SOI revision") to the City's Sphere of Influence to include the "Southeast Growth Area", consisting of approximately 8,863 acres, as identified in the Fresno 2025 General Plan; and

WHEREAS, the City of Fresno filed a certified copy of said resolution of application with the Executive Officer pursuant to California Government Code Section 56756; and

WHEREAS, the affected territory is generally described as an area bounded on the north by the Gould Canal, to the east by McCall, Highland and Temperance Avenues, on the south by Jensen, and North Avenues, and on the west by the existing Fresno Sphere of Influence boundary along Minnewawa, Temperance, and Locan Avenues, as depicted in "Exhibit A" attached to this resolution and made a part hereof; and

WHEREAS, said resolution of application (Resolution No. 2005-507) stated that Article VI of the City / County Amended and Restated Memorandum of Understanding (hereafter referred to as the "MOU" or "tax sharing agreement") requires the City to meet various conditions before proceeding with development within the Southeast Growth Area; and

WHEREAS, said resolution of application states that the City has met all the conditions identified in Article VI of the MOU with the exception of the preparation and approval of the Southeast Industrial Growth Area Business Park Specific Plan and attainment of the 60% residential development build-out in selected Community Plan Areas, and that provided the SOI amendment is approved, the City will move forward with the preparation and adoption of various Community and Specific Plans; and

WHEREAS, at its March 16, 2005 hearing the Local Agency Formation Commission requested more detailed environmental analysis, especially with respect to issues related to the preservation of agricultural lands; and

WHEREAS, in response to the request for more detailed environmental information, the City caused to be prepared a more detailed initial study to support a new Environmental Assessment (No. SOI-05-01, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130) dated September 29, 2005); and

WHEREAS, the City Council reviewed the more detailed environmental information and found that the information supports and reaffirms the original finding and made a new finding based on the new information that there is no substantial evidence in the record that the "Southeast Growth Area SOI Amendment" may have an adverse impact on the environment; and

WHEREAS, as commended by Section 56425 (b) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City of Fresno presented the proposal to the Fresno County Board of Supervisors and requested them to support and concur with the City's request; and

WHEREAS, at its January 31, 2006 hearing, by a vote of three to two, the Board of Supervisors approved its support of a resolution of reapplication to LAFCo for an amendment to the City's SOI to include the Southeast Growth Area; and

WHEREAS, pursuant to Section 56425 (b), when there is an agreement between the County and a city seeking an SOI amendment the Commission shall give great weight to the agreement in its final determination of the city's SOI; and

WHEREAS, said application for an SOI revision was deemed complete and accepted for filing by the Interim Executive Officer and a Certificate of Filing was issued pursuant to California Government Code Sections 56651 and 56658(g), and accordingly Commission proceedings were deemed initiated; and

WHEREAS, the Executive Officer set this matter for hearing on April, 12, 2006, at the hour of 1:30 p.m., and caused notice of said hearing to be published in accordance with California Government Code Section 56153 in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be amended; and

WHEREAS, pursuant to Government Code Section 56665 the Executive Officer reviewed said application and all supporting materials and prepared a report to this Commission, including a recommendation for approval with specified conditions, said report having been mailed to the Commission, the officers or persons designated in the application, each local agency whose boundaries or sphere of influence would be changed by the Proposal, and each affected local

agency that has filed a request for a report with the executive officer, at least five days before said hearing; and

WHEREAS, this Commission reviewed the Executive Officer's report and recommendation and all supporting materials, including Initial Study No. SOI-05-01, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130) dated September 29, 2005, the Master Environmental Impact Report, and all other documents that were incorporated by reference into said report, pursuant to Government Code Section 56665(d), which report was duly considered by this Commission pursuant to State law; and

WHEREAS, said Proposal was considered by this Commission at said hearing on the 12th day of April, 2006, at which the Executive Officer presented staff's report and recommended approval of the Proposal with specified conditions, and testimony was presented in favor and against the Proposal; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all affected agencies and interested parties wishing to speak on said application; and

WHEREAS, as Responsible Agency, this Commission independently reviewed and considered the information in the Draft and Final MEIR for the Fresno 2025 General Plan and the City's subsequent "Environmental Assessment / Initial Study" and the City's "Finding of Conformity" issued pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") prior to taking its action, and determined that the City's finding is appropriate, pursuant to State law, and that the Proposal is consistent with these documents and that these documents are sufficient on which to make a determination on the proposed sphere of influence revision.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does **HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER** as follows:

SECTION #1 – This Commission hereby adopts the findings required by the California Environmental Quality Act (CEQA) listed below:

1. Acting as a Responsible Agency under CEQA Guidelines, the Final Master Environmental Impact Report prepared for the 2025 Fresno General Plan by the Lead Agency, the City of Fresno, has been prepared in accordance with the requirements of CEQA Guidelines (Public Resources Code, Section 21000 *et seq.*) and the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines – California Code of Regulations, Title 14, Section 15000 *et seq.*).
2. This Commission considered the information in the Final Master Environmental Impact Report and the Initial Study upon which the Lead Agency determined said project to be within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan, prior to making a determination about the Proposal, together with any and all comments received during the public review process pursuant to the California Environmental Quality Act (CEQA), and finds on the basis of the whole public record before the Commission, including the Final Master Environmental Impact Report and the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Lead Agency's determination pursuant to Section 21151.1 of the California Public Resources

Code (California Environmental Quality Act "CEQA") reflects the Lead Agency's independent judgment and analysis pursuant to CEQA Section 15074, *et seq.* (Public Resources Code Sections 21083 and 21087).

3. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, the Commission hereby finds that the Lead Agency's determination is appropriate, pursuant to Section 21151.1 of the California Public Resources Code (California Environmental Quality Act "CEQA"), and finds that that Final Master Environmental Impact Report and the subsequent Initial Study are sufficient on which to make a determination on the proposed change of organization.

SECTION #2 – This Commission hereby finds that the proposed change of organization is consistent with LAFCo Policies, Standards and Procedures Section 330, "Sphere of Influence Updates and Revisions," and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

SECTION #3 – This Commission hereby finds that the April 12, 2006 public hearing and consideration of the proposed SOI revision were legally noticed pursuant to California Government Code sections 56427 and 56153, and that all notices related to this matter were duly given in accordance with State law, including, but not limited to, the Act and CEQA Guidelines and governing laws.

SECTION #4 – This Commission finds that, pursuant to California Government Code section 56426.5(b)(1)(2) the proposed SOI revision will facilitate planned, orderly, and efficient patterns of land use and provision of services. The public interest in the change of organization substantially outweighs the public interest in the continuation of existing Williamson Act Contracts in the affected territory beyond the current expiration date of said Contracts. Additionally, the change of organization is not likely to adversely affect the continuation of said Contracts beyond their current expiration date. In making this determination, the Commission considered all relevant factors pursuant to California Government Code section 56426.5(b)(2)(A-C).

SECTION #5 - This Commission Determines that the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN dated December 2005 prepared by the City of Fresno conforms to the requirements of Section 56430 of the California Government Code, and hereby adopts the proposed Written Determinations contained therein with the following addition:

Government Structure Options (Page 61) – Add: 4. *As the provider of a full range of urban services the City is the logical agency to provide these services in the subject area.*

SECTION #6 – This Commission hereby makes the following determinations pursuant to Government Code Section 56425(e):

1. The proposed Sphere of Influence expansion will accommodate anticipated growth needs of the City of Fresno in the affected area, and, with certain recommended conditions for future annexations therein, will provide for all existing and planned uses.
2. The present and probable needs for public facilities and services in the area will be provided for as identified in the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN

prepared by the City of Fresno. The need for additional facilities will be identified and addressed during the preparation and adoption of the Community or Specific plan for the Southeast Growth Area as required in conditions 1 and 2 of Section 8, below.

3. The present capacity of public facilities and adequacy of public services that the City provides or is authorized to provide have been adequately identified in the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN prepared by the City of Fresno, and additional facilities needs will be identified and addressed during the preparation and adoption of the Community or Specific Plan for the Southeast Growth Area as required in conditions 1 and 2 of Section 8, below.
4. No social or economic communities of interest have been identified in the subject area that are deemed relevant to the Commission.

SECTION #7 – This Commission hereby approves the proposed revision to the City of Fresno Sphere of Influence to include the “Southeast Growth Area” (approximately 8,863 acres) within the City’s adopted sphere of influence (LAFCo File No. USOI -144), as depicted in Exhibit “A”.

SECTION #8 – If and when the City submits an application for annexation for any affected parcels within the amended SOI, the City shall complete the following plans and programs prior to the Commission’s approval of such an application:

1. Prepare and adopt a Community or Specific Plan for the Southeast Growth Area, including the preparation, public review, and certification of environmental documents and findings pursuant to CEQA. This plan shall include, but not be limited to, policies to address the requirements of Section 56426.5 of the California Government Code for lands subject to Williamson Act contracts.
2. Prepare and adopt a Master Service Delivery Plan for the Southeast Growth Area.
3. Prepare, adopt and begin to implement a program for annexing the designated open space areas in the approach corridor of the Fresno Air Terminal (areas designated with an “R” on the 2025 General Plan map), and for rural residential neighborhoods within the City’s existing Sphere of Influence in the vicinity of the Southeast Growth Area. This program shall provide for logical and reasonable development, discourage urban sprawl, preserve open-space and prime agricultural lands, efficiently provide for government services, and encourage orderly development.

The rural residential neighborhood annexation program should emphasize the retention of characteristics that make the neighborhoods desirable places to live, while making provisions for appropriate improvements needed to incorporate such characteristics into the urban landscape. The program should include an outreach effort demonstrating to residents that annexation into the City would provide for an enhanced living environment preferable to staying in an unincorporated enclave, surrounded or substantially surrounded by the City. This program shall also be applicable within the Southeast Growth Area, and shall be reflected in the Specific Plan prepared by the City as required by condition 1, above.

The annexation program for the designated Open Space areas in the Fresno Air Terminal approach corridor should be undertaken as a means to preserving open space lands that would otherwise not be proposed for annexation; thereby providing for the efficient extension of government services to areas beyond the approach corridor, and providing for orderly boundaries that will facilitate annexation of other properties proposed for urban development.

SECTION #9 - The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by state law.

ADOPTED THIS 12th DAY OF APRIL, 2006, BY THE FOLLOWING VOTE:

AYES: Commissioners Lopez, Rodriguez, Fortune, Alternate County Commissioner Larson, and Waterston.

NOES: None

ABSENT: Anderson

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

CERTIFICATION OF CHAIRMAN

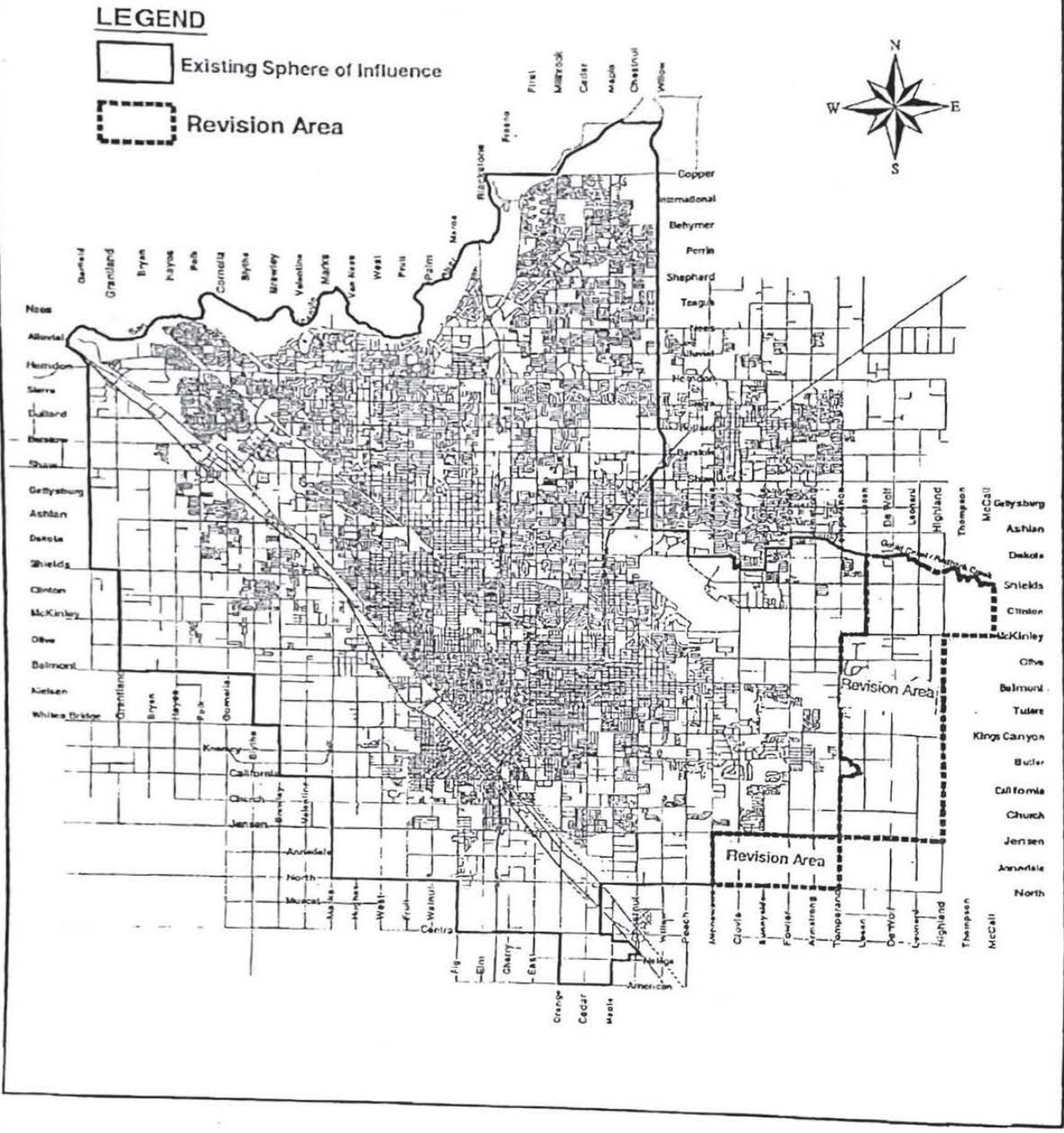
I, Bob Waterston, Chairman of the Fresno Local Agency Formation Commission, Fresno County, State of California, certify that the foregoing resolution was adopted by the Commission at a regular meeting held on the 12th day of April, 2006.



Bob Waterston, Chairman
Fresno Local Agency Formation Commission



EXHIBIT "A"

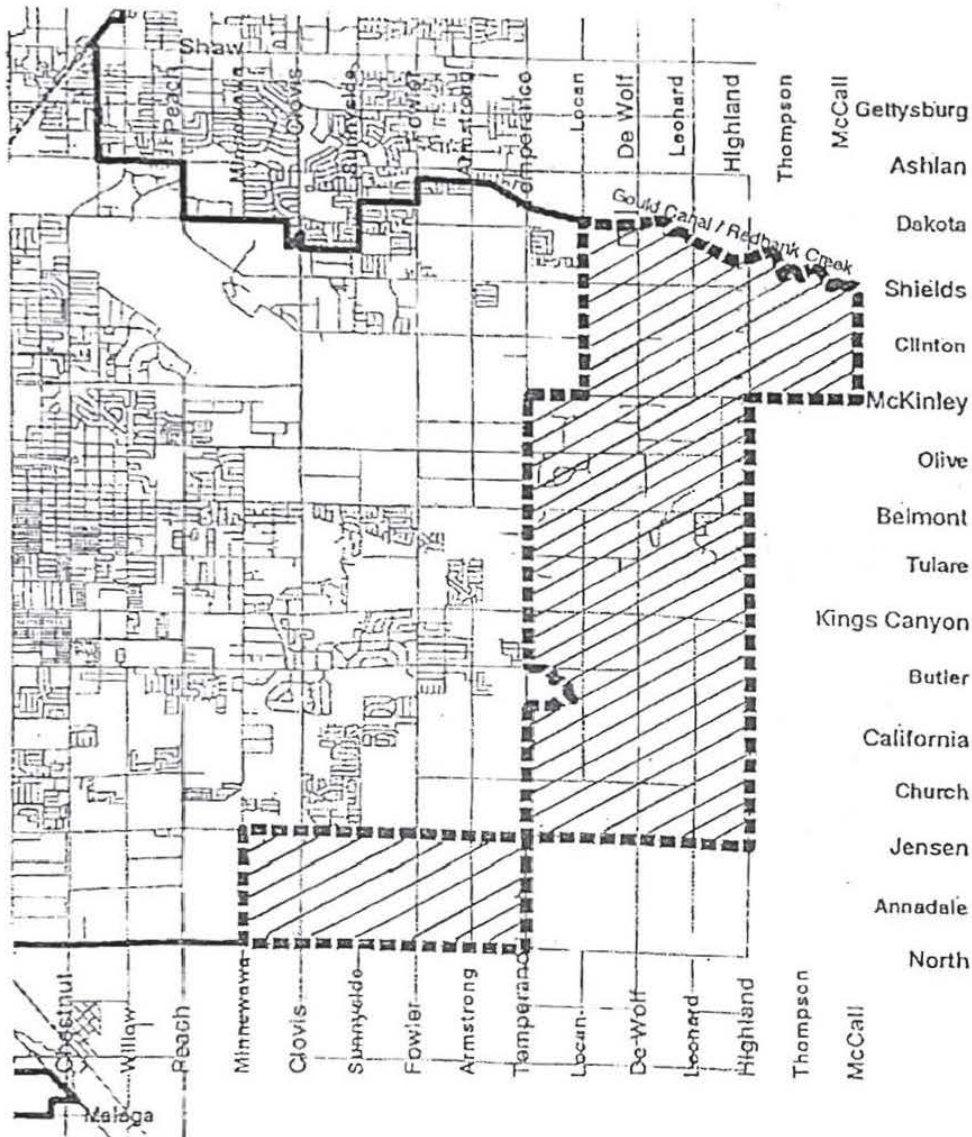
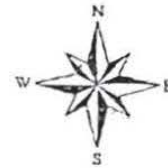
RESOLUTION NO. USOI-144



Revision To The City Of Fresno Sphere of Influence

LEGEND

-  Existing Sphere of Influence
-  Revision Area



Responses to Fresno Local Agency Formation Commission, Darrel Schmidt, Deputy Executive Officer

Response 4-1

Comments regarding LAFCo's role in the review and approval of annexations are noted.

Response 4-2

The comment that the City of Fresno must prepare, adopt and implement a Master Service Delivery Plan and a program for annexing the designated open space areas in the approach corridor of the Fresno Air Terminal is noted. These items and others consist of conditions of approval for the City's Sphere of Influence expansion approved by LAFCO on April 12, 2006.

Response 4-3

The District has no objection to meeting with the County of Fresno, City of Fresno and LAFCO staffs prior to annexation of the project site. The District understands that the annexation of intervening parcels may be required in order to facilitate logical and orderly City boundaries, and that supplemental environmental review for the additional parcels may be required.

Response 4-4

The comment regarding "Prime Agricultural Land" is noted. The following paragraph has been added to page 5-3 of the Draft EIR (added text is underlined):

Prime Agricultural Land (pursuant to the Cortese-Knox-Hertzberg Act)

Based on the Cortese-Knox-Hertzberg Act (Gov't Code Section 56064) definition of "Prime Agricultural Land", it appears that 20 acres of the 160 acre project site could be classified as Prime Agricultural Land. The 20 acres are located in the northwest portion of the project site and currently consists of a one acre home site and a 19 acre almond orchard.

Response 4-5

The District acknowledges that LAFCo must make findings pursuant to Government Code Section 56856.5 prior to annexing land under Williamson Act contract.

Response 4-6

The District acknowledges that an extension of services request, as provided under Government Code Section 56133, will be necessary if the extension of City of Fresno services to the site are necessary before it is feasible of annex.

Response 4-7

The EIR submittal requirements for annexation are noted. LAFCo's role as a responsible agency is noted on page 2-6 of the Draft EIR.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Scott

May 13, 2008

Mr. Bill McGuire
Associate Superintendent, Administrative Services
Clovis Unified School District
1450 Herndon Avenue
Clovis, CA 93711

Dear Mr. Bill McGuire:

Enclosed are my comments for Draft EIR for the Fourth Educational Center Project.

Sincerely,

Daniel Gibbs
Daniel Gibbs
Supervising Engineer

DG:ame

Enclosure: Draft EIR

MAINTENANCE AND OPERATIONS DIVISION
2220 Tulare Street, Eighth Floor / Fresno, California 93721 / Phone (559) 262-4240 / FAX (559) 262-4166
Equal Employment Opportunity • Affirmative Action • Disabled Employer

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Where is discussion on circulation, road, improvement, widening, extension, signals etc. ?

5.

8.3 **Impact:** The project will increase light and glare in the project vicinity.

Mitigation Measure:

8.3(a) Stadium field lighting shall be designed in accordance with the Illuminating Engineering Society's Recommended Practice for Sports and Recreational Area Lighting, in effect at the time of design.

8.3(b) Stadium field lighting, recreation facility lighting and security lighting for the buildings and parking areas shall be designed and oriented to minimize any impacts on adjacent property. Light spill resulting from any project lighting shall not exceed 1.5 footcandles at the property line.

8.3(c) All parking area lighting shall be full cut-off type fixtures. A full cut-off type fixture is a luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the fixture. Full cut-off type fixtures must be installed in a horizontal position as designed.

8.3(d) All external signs and lighting shall be lit from the top and shine downward except where uplighting is required for safety or security purposes. The lighting shall be shielded to prevent direct glare and/or light trespass. The lighting shall also be, as much as physically possible, contained to the target area.

8.3(e) Exterior building lighting for building or security or aesthetics shall be full cut-off or a shielded type designed to minimize any upward distribution of light.

9.1 **Impact:** The project will cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

Mitigation Measure:

9.1 The project shall be required to perform a project-specific traffic impact study prior to submitting improvement plans for each phase of development, including the proposed stadium, in accordance with City of Fresno and County of Fresno requirements in place at that time. The City of Fresno currently requires any project expected to generate 100 or more peak-hour trips to perform a traffic impact study. The County of Fresno currently requires a traffic impact study for all intersections at which a project will generate 10 or more peak-hour trips or 100 or more daily trips. In addition, Caltrans may require analysis of state facilities. CUSD shall consult with the City of Fresno, County of Fresno, City of Clovis, and Caltrans prior to any new construction project to determine the requirements for a traffic impact study. The project shall be required to mitigate traffic impacts to the level of service and queuing requirements of the affected agencies current at the time the traffic study is performed. The future traffic impact studies shall not be based on the trip generation data or traffic counts presented herein, but shall be based on the best and most recent data available at the time the study is performed.

*LCS "C" for County
not "D" like City!
1-9*

5-2

14.2 Impact: Stormwater runoff from project construction activities may pollute natural watercourses and aquifers.

Mitigation Measures:

14.2(a) Project construction documents shall include (1) measures to prevent the disposal of wastes, effluent, chemicals, or other noxious substances on the project site during construction and (2) procedures to contain and properly clean up any accidental spillage or disposal.

14.2(b) The District shall comply with Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) permit requirements, administered by the State Water Resources Control Board (SWRCB), as follows:

- (1) File a Notice of Intent (NOI) for discharge from the project site in accordance with NPDES requirements prior to commencing construction;
- (2) Require that the project contractor or District prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with guidelines adopted by the SWRCB and institute the SWPPP during construction of the project. The SWPPP shall provide a best management plan for the source control of any pollutants that may be mobilized by runoff generated on the construction site and which may enter the public drainage system; and
- (3) File a Notice of Completion of Construction for the project site identifying that pollution sources were controlled during construction and implement a closure SWPPP for the site.

14.3 Impact: Development within a flood prone area may result in a portion of the site being subject to periodic flooding.

Mitigation Measures:

14.3(a) Construction documents for the Educational Center are to include grading and drainage plans. These plans shall be prepared in a manner that specifies the filling and grading of the Zone A flood prone area such that no drainage water will be retained on the site. All grading and drainage plans shall be prepared consistent with FMFCD's drainage master plan and shall be reviewed and approved by FMFCD.

14.3(b) Based on the project's grading and drainage plan, the District shall file a Letter of Map Revision (LOMR) with FEMA. With FEMA's approval of the LOMR, the Zone A flood prone designation will be removed from the Flood Insurance Rate Maps and the project will no longer have a portion of the site designated as flood prone.

8/1

5-3

TABLE 2-1 (Cont'd) REQUIRED APPROVALS	
City of Fresno	<ul style="list-style-type: none"> Annex project site Approve sewer and water connections and any street improvements in incorporated area
County of Fresno	<ul style="list-style-type: none"> Approve any street improvements in unincorporated area

5-4

Sources

Fresno, City of, Planning and Development Department. *Draft Environmental Impact Report No. 10130, 2025 Fresno General Plan*. Environmental consultant: URS Corporation. May 2002.

United States Geological Service. Clovis, Calif. 7.5 Minute Series USGS Quadrangle. 1964.

Geology, Soils, Seismic Conditions, and Mineral Resources

Setting

Introduction

This chapter evaluates the potential impacts related to geologic, soils and seismic conditions. The evaluation is based primarily upon a report prepared by Technicon Engineering Services, Inc. (*Preliminary Geotechnical Report Proposed Fourth Educational Center west of Highland and Clinton Avenues Clovis, California*. April 2, 2008).

Geologic Setting

The project site is located in the east central portion of the San Joaquin Valley. The valley is bordered on the east by the Sierra Nevada and on the west by the Coast Ranges. The valley fill consists of a sequence of marine and overlying continental sediments, Jurassic to Holocene in age, that reach a thickness of as much as 28,000 feet on the southwest side of the valley. The project site is situated on Holocene fan deposits from the Sierra Nevada mountains to the east.

Soil borings taken from the project site exposed soils consisting of surface silty sand with varying silt and clay content underlain by laterally discontinuous lenses and layers of clayey sand, sandy silt, sandy clay, and poorly graded sand with silt to the depth explored, 51.5 feet below surrounding grade (bsg). The granular soils generally had a relative consistency of medium dense to dense. The fine grained soil had a relative consistency of medium stiff to hard.

Groundwater was encountered at two boring locations at depths of 44 and 45 feet. In addition, groundwater elevation data from California Department of Water Resources were reviewed and the shallowest historical water levels in the area have occurred at a depth of 9 feet.

Surface Fault Rupture

The project site and its vicinity are located in an area traditionally characterized by relatively low seismic activity. The site is not located in an Alquist-Priolo Earthquake Fault Zone. Table 4-1 identifies the primary sources of seismic shaking for the project site and presents the fault type, distance from the site, magnitude, and ground acceleration based on published sources. Faults with the greatest potential to produce strong ground motion at the project site are: (1) the Great Valley Fault Zone (also known as the Coast Ranges Sierran Block), which produced the 1983 Coalinga Earthquake and the 1985 North Kettleman Hills Earthquake; (2)

- Existing Conditions;
- Cumulative Conditions Without Project (Year 2025); and
- Cumulative Conditions With Project (Year 2025).

For existing conditions, this chapter defines the existing street and traffic conditions in the project vicinity, the conceptually planned major street system, and existing traffic volumes.

For project impacts, this chapter provides projected trip generation and distribution information. Since the site plan for the project is not defined and the site driveway locations are not known, this chapter does not evaluate access to the project site.

Existing and Planned Lane Configurations

Table 9-1 presents the study road segments, identifies the City sphere of influence in which the road segment is located, the County and City road designation, the number of existing lanes, and the number of planned lanes. The information presented in Table 9-1 is based on Figure TR-1b of the Fresno County General Plan, Appendix G Concept Land Use and Circulation Map for the Southeast Growth Area of the City of Fresno General Plan, and the Circulation Plan of the City of Clovis General Plan.

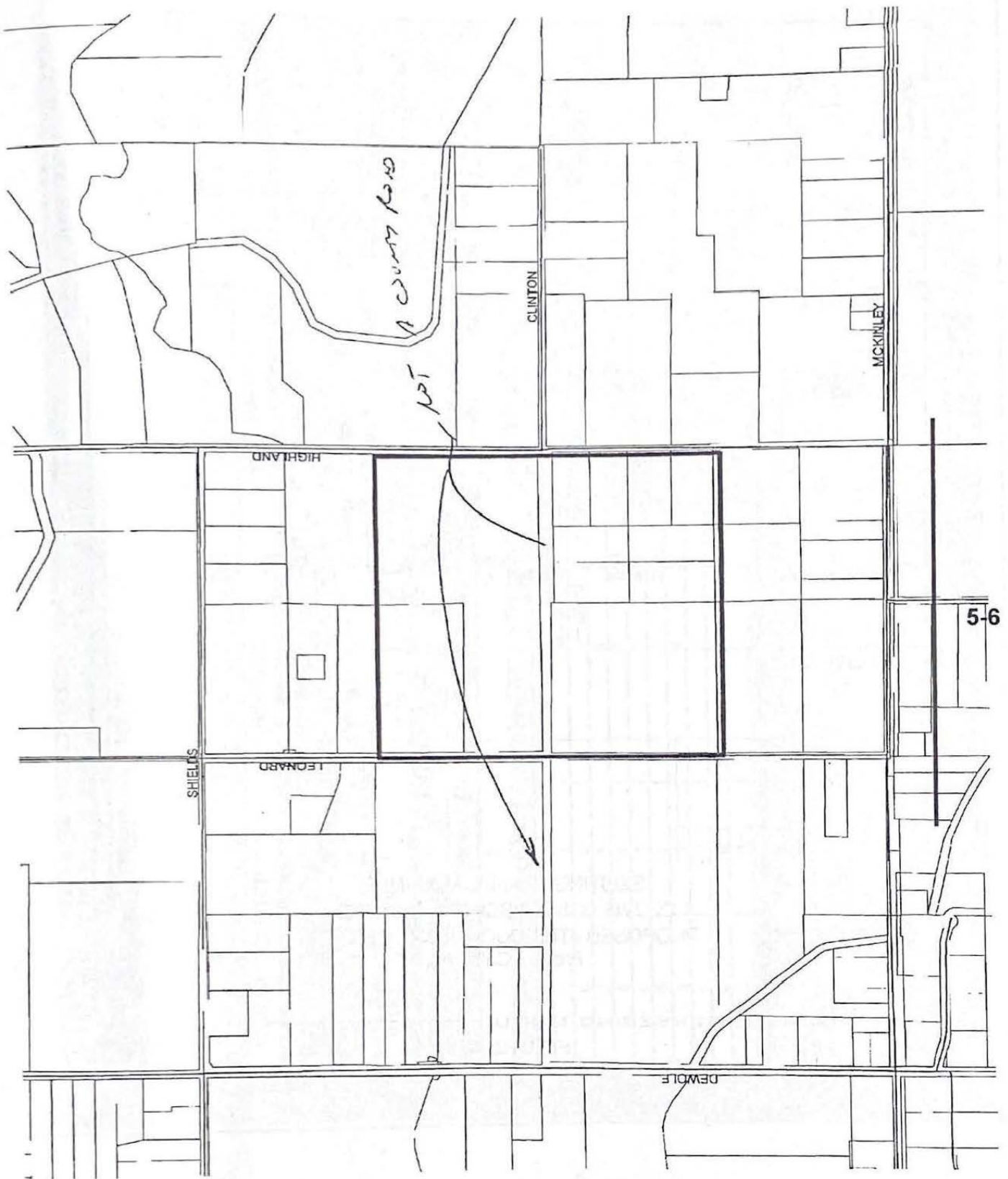
Table 9-1 Existing and Planned Lane Configurations

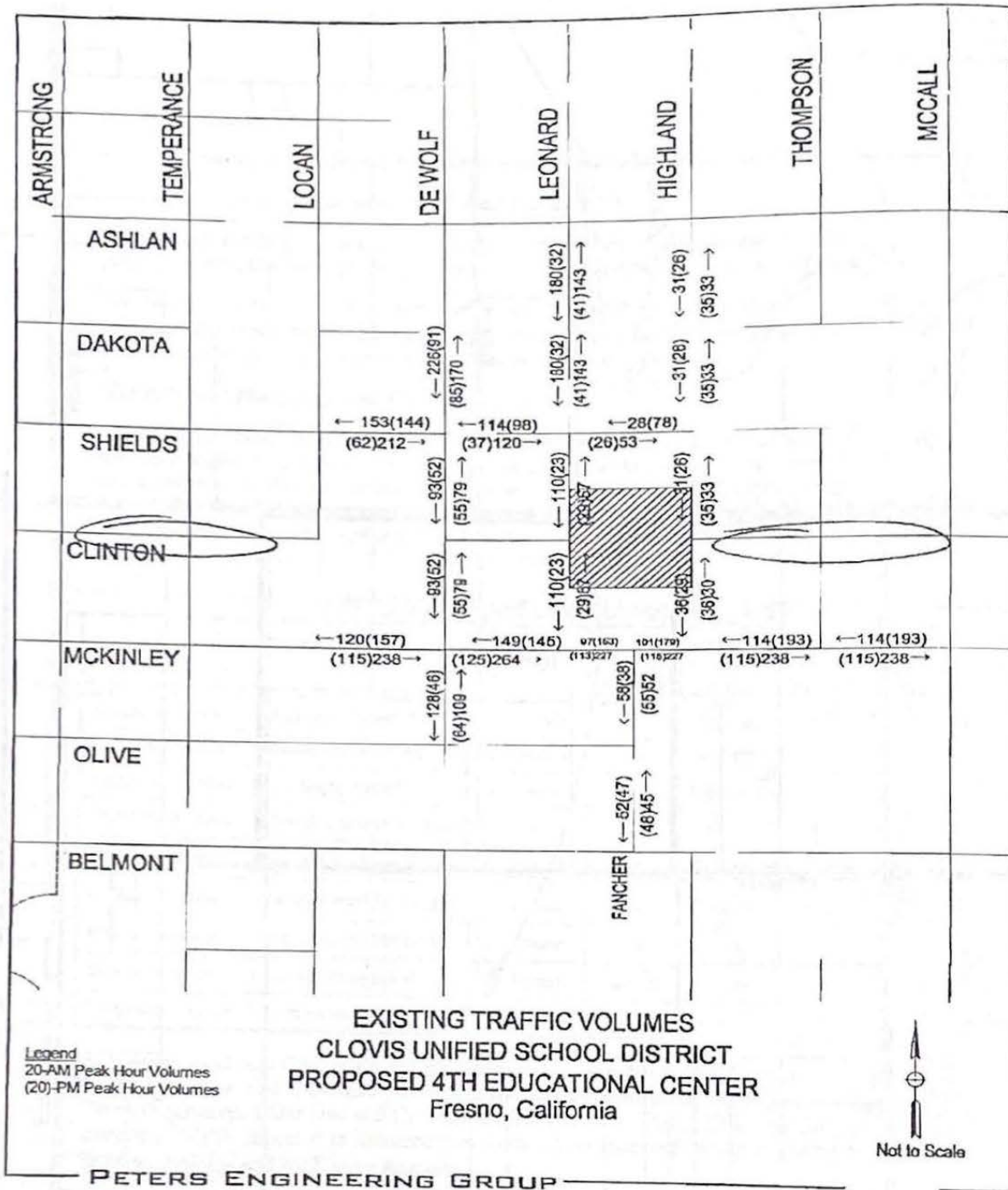
Road	Segment	SOI	Designation		Number of Lanes	
			County	City	Existing	Planned
Leonard Avenue	Ashlan to Gould Canal	Clovis	n/a	Arterial	2 U	4 D
Leonard Avenue	Gould Canal to McKinley	Fresno	n/a	Arterial	2 U	4 D
Highland Avenue	Ashlan to Gould Canal	Clovis	n/a	Collector	2 U	4 U
Highland Avenue	Gould Canal to McKinley	Fresno	n/a	Collector	2 U	4 U
DeWolf Avenue	Dakota to Gould Canal	Clovis	n/a	Collector	2 U	4 U
DeWolf Avenue	Gould Canal to Olive	Fresno	n/a	Collector	2 U	4 U
Fancher Avenue	McKinley to Belmont	Fresno	n/a	Collector	2 U	4 U
Shields Avenue	Locan to Highland	Fresno	Arterial	Arterial	2 U	4 D
McKinley Avenue	Temperance to McCall	Fresno	n/a	Arterial	2 U	4 D

It is understood that City of Fresno staff does not expect that a diagonal roadway connecting Leonard Avenue and DeWolf Avenue will actually be constructed as illustrated in the City of Fresno's Concept Land Use and Circulation Map for the Southeast Growth Area. Instead, for purposes of this report it is assumed that Leonard Avenue will be designated as an arterial between Shields and McKinley Avenues.

(E) Clinton to east?

(F) Clinton to west?







Department of Public Works & Planning

Pavement Management System Detail Form

PMS Lookup Report

Close Form

Road Lookup By Name

Road Lookup By SIN

LOCATION

SIN	Road Name	Start	End	Direction	District
1756.00	CLINTON	HIGHLAND	END MAINT RD	E	5

ROAD SEGMENT INFORMATION

Segment Length	Pavement Width	ADT	Maintenance Area	City	Map Page	Right of Way	Lane	Road Classification			
								EC	NHS	CI	CI2
0.483	19.8	200	8	False	10N44	0	2	9			R

MAINTENANCE HISTORY

Year Constructed	Thickness	Type	Base Thickness	Base Type	SB Thickness	SB Type
0	0		0		0	

History of Previous Treatments

Year	Thickness	Type
1975	0.05	RMS
0	0	
0	0	
0	0	
0	0	
0	0	
0	0	
0	0	
0	0	
0	0	

PRESENT CONDITION

PCI	Assessment Date	DISTRESSES (click to view types)			
88.0	4/30/2007	ALL	ECL	DSL	BKL



Department of Public Works & Planning

Pavement Management System Detail Form

PMS Lookup Report

Close Form

Road Lookup By Name

Road Lookup By SIN

LOCATION

SIN	Road Name	Start	End	Direction	District
1755.00	CLINTON	TEMPERANCE	LOCAN	E	5

ROAD SEGMENT INFORMATION

Segment Length	Pavement Width	ADT	Maintenance Area	City	Map Page	Right of Way	Lane	Road Classification				
								FC	NHS	CI	CI2	
0.503	17.6	200	8	False	10N44	40	2	9				R

MAINTENANCE HISTORY

Year Constructed	Thickness	Type	Base Thickness	Base Type	SB Thickness	SB Type
0	0		0		0	

History of Previous Treatments

Year	Thickness	Type	Notes
2001	0	CHIP	01CHIPS
1997	0.04	RMS	
1988	0.08	AC	
1983	0.04	RMS	
1972	0	CHIP	
0	0		
0	0		
0	0		
0	0		
0	0		
0	0		

PRESENT CONDITION

PCI	Assessment Date	DISTRESSES (click to view types)			
97.7	11/18/2002	ECL			



Department of Public Works & Planning

Pavement Management System Detail Form

PMS Lookup Report

Close Form

Road Lookup By Name

Road Lookup By SIN

LOCATION			
SIN	Road Name	Start	End
1754.75	CLINTON	0.255 W/O TEMPERANCE	TEMPERANCE
			Direction: E
			District: 5

ROAD SEGMENT INFORMATION						
Segment Length	Pavement Width	ADT	Maintenance Area	City	Map Page	Right of Way
0.255	19.6	1500	8	False	10N44	40
						Lane: 2
						FC: 19
						Road Classification: U

MAINTENANCE HISTORY

Year Constructed	Thickness	Type	Base Thickness	Base Type	SB Thickness	SB Type
0	0		0		0	

History of Previous Treatments

1999	0.08	AC
1994	0	CHIP
1988	0.08	AC
1983	0.04	RMS
1972	0	CHIP
0	0	
0	0	
0	0	
0	0	
0	0	
0	0	

PRESENT CONDITION

PCI	Assessment Date	DISTRESSES	(Click to view types)
99.4	6/10/2002	LTL	ECL

Road Segment Level of Service Analysis

Road segment analyses were based on the Florida Department of Transportation's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas (Non-State Roadways, Major City/County Roadways). The table is presented in Appendix 9-3. Peak-hour level-of-service characteristics for road segments are presented in Table 9-3. Table 9-4 presents the specific peak-hour volume thresholds used in the analyses.

Table 9-3 Level of Service Characteristics for Roadways

Level of Service	Description
A	Primarily free flow operations
B	Reasonably unimpeded operations, ability to maneuver only slightly restricted
C	Stable operations, ability to maneuver and select operating speed affected
D	Unstable flow, speeds and ability to maneuver restricted
E	Significant delays, flow quite unstable
F	Extremely slow speeds

Reference: 1998 *Highway Capacity Manual*, Transportation Research Board

Table 9-4 Peak-Hour Volume Thresholds for Roadway Levels of Service

Lanes	Divided	A	B	C	D	E	F
1	Undivided	-	-	<480	481 - 760	761 - 810	>810
1	Divided	-	-	<504	505 - 798	799 - 850	>851
2	Undivided	-	-	<1,064	1,065 - 1,539	1,540 - 1,634	>1,634
2	Divided	-	-	<1,120	1,121 - 1,620	1,621 - 1,720	>1,720
3	Divided	-	-	<1,740	1,741 - 2,450	2,451 - 2,580	>2,580

Reference: Florida Department of Transportation Table 4-7, Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas

The City of Fresno, City of Clovis, and County of Fresno require that a level of service D or better be maintained within the sphere of influence of the City of Fresno and City of Clovis to comply with the 2025 *General Plan, Transportation and Streets and Highways, Policy E-1-f*. Tables 9-5 and 9-6 present the results of the peak-hour road segment analyses.

City for water facilities installed by the District that have capacity to serve other developments.

- 12.1(c) Subject to agreement by the Fresno Irrigation District and the City of Fresno, landscape irrigation water for the project shall be obtained from Fresno Irrigation District surface water supplies. The Kutner Colony Number 329 ditch currently supplies the site with irrigation water. Arrangements will need to be made with the Fresno Irrigation District to determine the quantity of water to be used for the site and the periods of delivery.
- 12.1(d) If a water supply well is determined to be needed on the project site, the District will offer a well lot to the City of Fresno for purchase, sized appropriately to allow for the inclusion of well head treatment facilities.
- 12.1(e) The water supply at the campus shall meet City of Fresno fire flow requirements.
- 12.1(f) The District shall pay Water related charges as determined by Fresno Municipal Code.

Level of Significance

This impact will be less than significant with the incorporation of the mitigation measures.

(Note: Please refer to Chapter 14, Drainage and Flooding, Impact 14.2, for a discussion of potential impacts to water quality resulting from stormwater runoff.)

Impact 12.2:

Development of the project may damage existing Fresno Irrigation District facilities within the area of the project.

There are a number of Fresno Irrigation District pipelines within the area of the project. The pipes were not designed for use within non-agricultural areas. In order to maintain the integrity of the FID pipelines they will need to be reconstructed with pipe materials that can withstand urban development on the ground surface above the pipes.

Mitigation Measures

includes County roads ...

- ✓ 12.2 (a) All existing Fresno Irrigation District pipelines within the area of the project shall be removed and replaced with rubber gasket reinforced concrete pipe in accordance with FID standards and the District shall enter into an mutually acceptable agreement with FID for that purpose.
- 12.2(b) Should the replacement pipelines be placed in a different alignment than presently exists, the District shall dedicate an easement to FID for the pipeline as required by FID.
- 12.2(c) The District shall submit all project improvement plans to FID for review and approval relative to how such improvements may endanger the structural integrity of pipelines, easements or other facilities owned and operated by FID.

Drainage and Flooding

Setting

This chapter was prepared based on information provided by Blair, Church & Flynn Consulting Engineers.

The proposed project is located within the Fresno Metropolitan Flood Control District (FMFCD). FMFCD's responsibilities include planning, constructing and maintaining the stormwater drainage collection and disposal facilities necessary for urban development within the Fresno metropolitan area. FMFCD is divided into numerous drainage zones that have (or are planned to have) a system of underground gravity flow pipelines that drain to stormwater retention basins or drainage outfalls.

The project site is located within proposed FMFCD Drainage Zone "DS". The Master Plan for Drainage Zone DS is preliminary in nature and has not been adopted by FMFCD. The Drainage Zone DS master plan will be finalized and adopted as a part of the City of Fresno's Southeast Growth Areas Specific Plan process. None of the proposed drainage collection system and disposal facilities for Drainage Zone "DS" have been constructed. The retention basin for Drainage Zone "DS" has been acquired by FMFCD and it is located immediately west of the project site, between Leonard and DeWolf Avenues (FMFCD, 2007).

Significance Criteria

Appendix "G" of the State of California CEQA Guidelines provides that a project may be determined to have a significant effect on the environment if it would (a) substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial on- or off-site erosion or siltation; (b) substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; (c) create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; (d) place within a 100-year flood hazard area structures that would impede or redirect flood flows; or (e) expose people or structures to significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

*200 year
upgrade*

Verify - may increase by time of construction too low -

Significant Impacts and Mitigation Measures

Impact 14.1:

The project will result in increased stormwater runoff

Storm water runoff from the project site will increase as a result of converting the site from existing agricultural and rural residential use to an Educational Center. Utilizing the FMFCD design event of storing the site runoff generated from 0.5 feet of rainfall and utilizing an overall coefficient of runoff, C-factor, of 0.55, the 160 gross acre campus site would generate approximately 49.5 acre-feet of storm water runoff (Blair, Church & Flynn, 2007).

The FMFCD has a preliminary Storm Drainage Master Plan for Drainage Zones "DS" (FMFCD, 2007). The master plan for the drainage zone will be finalized and adopted by FMFCD in conjunction with the City of Fresno's Southeast Growth Areas Specific Plan process.

Full development of Educational Center will require the construction of the FMFCD master planned storm drainage collection system pipelines and a portion of the proposed storm drainage retention basin, sized appropriately to store the runoff produced from the proposed project based on 0.5 feet of rainfall. The route of the master planned facilities may be modified, upon the approval of FMFCD. Any additional costs imposed on the project by an increase in the length of pipe facilities, not included in the route established in the FMFCD Master Plan, are to be paid for as a part of the project development.

Mitigation Measures

- 14.1(a) The District shall enter into a mutually acceptable agreement with FMFCD for the development of the master-planned storm drainage facilities. The agreement would identify storm drainage fee obligations of the District for development of the site and/or fee credits and/or future reimbursements for the District's construction of any of the master-planned storm drainage facilities. If permanent facilities are not available or feasible at the time of project construction, the District shall have the option to construct temporary on-site ponding facilities until permanent facilities are constructed or available.
- 14.1(b) The District shall construct the FMFCD Master Plan Storm Drainage Facilities that would connect the site to the FMFCD drainage basin DS and excavate adequate storage volume within that basin to provide for the storage of the runoff generated from the Educational Center site.
- 14.1(c) The District shall dedicate storm drainage easements related to the construction of any of the master-planned storm drainage pipelines that would occur on the site, outside of the street right-of-way areas.

Level of Significance

This impact will be less than significant with the incorporation of the mitigation measures.

Impact 14.2:

Stormwater runoff from project construction activities may pollute natural watercourses and aquifers

Construction activities can ultimately pollute natural watercourses and aquifers by (1) disturbing vegetation and soils, which causes erosion and siltation, and (2) through the use of various construction materials and equipment, which may release fuel, oils, solvents, paints and other pollutants onto the ground. These pollutants, carried in storm drainage, can find their way to watercourses, drainage basins and groundwater. Construction of the project, therefore, could result in pollution of natural watercourses or underground aquifers in the area.

Mitigation Measures

- 14.2(a) Project construction documents shall include (1) measures to prevent the disposal of wastes, effluent, chemicals, or other noxious substances on the project site during construction and (2) procedures to contain and properly clean up any accidental spillage or disposal.
- 14.2(b) The District shall comply with Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) permit requirements, administered by the State Water Resources Control Board (SWRCB), as follows:
- (1) file a Notice of Intent (NOI) for discharge from the project site in accordance with NPDES requirements prior to commencing construction;
 - (2) require that the project contractor or District prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with guidelines adopted by the SWRCB and institute the SWPPP during construction of the project. The SWPPP shall provide a best management plan for the source control of any pollutants that may be mobilized by runoff generated on the construction site and which may enter the public drainage system; and
 - (3) file a Notice of Completion of Construction for the project site identifying that pollution sources were controlled during construction and implement a closure SWPPP for the site.

Level of Significance

This impact will be less than significant with the incorporation of the mitigation measures.

Impact 14.3:

Development within a flood prone area may result in a portion of the site being subject to periodic flooding.

A small portion of the project site is identified as being within a Zone A flood prone area [100-year flood hazard area] as designated on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (Blair, Church & Flynn, 2007). FEMA defines a Zone A flood prone area as those areas having a 1% annual chance of flooding. Because detailed analyses are not performed for such areas; no flow depths or base flood elevations are shown on the Flood Insurance Rate Maps within the Zone A areas. The Zone A area on the project site appears to be a

Responses to County of Fresno, Department of Public Works and Planning, Daniel Gibbs, Supervising Engineer

Response 5-1

As indicated on page 9-1 of the Draft EIR, the agreed upon approach by the reviewing agencies for the traffic impact study was to provide baseline information and evaluations of the project in the Draft EIR and to prepare full project-specific traffic impact studies once the City of Fresno has defined the land uses and major street system for the Southeast Growth Area and once the project development phases are near initiation. The reviewing agencies consisted of the County of Fresno, City of Fresno, City of Clovis, and Caltrans.

Response 5-2

It appears the comment writer is indicating that the County of Fresno's level of service standard is LOS "C" as compared to the City of Fresno's LOS standard of "D." As written, Mitigation Measure 9.1 does not indicate the specific level of service standard that needs to be achieved, but rather states that project shall be required to mitigate traffic impacts to the level of service requirements of the affected agencies current at the time the traffic study is performed.

Response 5-3

It appears the comment writer is in agreement with the mitigation measure proposed. No further response is required.

Response 5-4

It appears the comment writer is in agreement that the County of Fresno would be required to approve any street improvements in the unincorporated area. No further response is required.

Response 5-5

The comment writer has underlined the depths at which groundwater was encountered by recent borings performed on the site and the depths indicated by the California Department of Water Resources. It is unclear as to the comment writer's intent but it stands to reason that the historical depths to groundwater would be less than the current depths due to area's reliance on groundwater supplies.

Response 5-6

The comment writer appears to be questioning why Clinton Avenue east and west of the site was not included in the traffic analysis. Since Clinton Avenue will be proposed for abandonment through the project site and since Clinton Avenue east of the project site is

a low volume rural road providing access to agricultural/rural residential uses, it was not included in the initial traffic analysis for the project. As required by Mitigation Measure 9.1, full project-specific traffic impact studies are required once the City of Fresno has defined the land uses and major street system for the Southeast Growth Area and once the project development phases are near initiation. The required subsequent traffic studies will address Clinton Avenue east of the project site. West of the project site, Clinton Avenue does not exist until one mile west of the project site at Locan Avenue. If any agencies believe this section of Clinton Avenue will be significantly affected by the project, it can also be included in the required subsequent analyses.

Response 5-7

The level of service standard "C" for County of Fresno roadways is noted. Therefore, Page 9-13 of the Draft EIR has been modified in this Final EIR as follows (added text is underlined, deleted text is strikethrough):

The City of Fresno and ~~City of Clovis, and County of Fresno~~ require that a level of service D or better and the County of Fresno requires that level of service C or better be maintained within the sphere of influence of the City of Fresno and City of Clovis to comply with the *2025 General Plan, Transportation and Streets and Highways, Policy E-1-f*. Tables 9-5 and 9-6 present the results of the peak-hour road segment analyses.

Response 5-8

Replacement of FID facilities would include public right-of-way abutting the project site.

Response 5-9

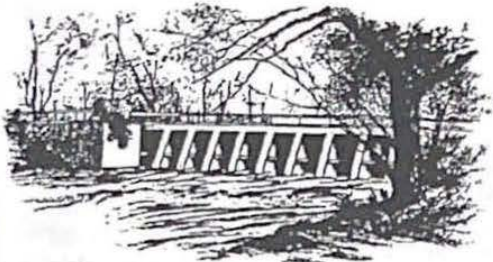
The 100 year flood reference is directly from the State CEQA Guidelines, and in lieu of any other adopted standard, is used in this EIR.

Response 5-10

The .55 C-factor and 0.5 feet of rainfall have been used on past educational center projects with the approval of FMFCD. Since this project will not be constructed and operational for approximately seven to nine years, the flood control factors used for the project can be negotiated with FMFCD when a site plan is prepared.

Response 5-11

The definition of a flood prone area used in the EIR is the same definition used by FEMA.



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June 10, 2008

Mr. Scott B. Odell, AICP
Paoli & Odell, Inc.
School Facility, Environmental & City Planners
925 N Street, Suite 150
Fresno, CA 93721

RE: Draft Program Environmental Impact Report (DPEIR)
Fourth Education Center Project – Clovis Unified School District
State Clearinghouse No. 2005101054

Dear Mr. Odell:

We appreciate the opportunity to review and comment on the subject document. Your proposed project is a significant development and requires thorough and careful consideration of all of the potential impacts. Our comments on the proposed project DPEIR are as follows:

1. Chapter 12 – This chapter describes the potential water supply and water quality impacts. The proposed development lies within the boundaries of the City of Fresno 2025 Southeast Growth Area General Plan and is considered as Medium Density Residential use. Table 12-1 of the document estimates that water use by the proposed development would be significantly less than the 2025 General Plan designation use. Mitigation Measure 12.1(c) proposes that landscaping irrigation shall be obtained from the Fresno Irrigation District (FID) Kutner Colony No. 329 ditch, subject to agreements by FID and the City of Fresno. It should be noted that this agreement is key to mitigating the water supply impacts. Additionally, as the project site currently does receive surface water supplies, FID will need to evaluate whether the surface water is best provided through the Kutner Colony system as proposed or through the Gould Canal service area system which this development is located within. Once a feasible surface water source location is determined, the project will be able to utilize water during the normal irrigation season to the agricultural users. CUSD will be required to enter into a Water Purchase Agreement and it will be based on actual water usage measured volumetrically. It should also be noted that absent this agreement, impacts to water supply and quality should be considered significant (but avoidable).

6-1

RECEIVED

JUN 11 2008

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PAOLI & ODELL, INC.

2. Chapter 12 – Impact 12.2 indicates that the development may damage existing FID facilities within the area of the project. Mitigation Measure 12.2(a) proposes that all existing FID pipelines within the area of the project shall be removed and replaced with rubber gasket reinforced concrete pipe in accordance with FID standards. It should be noted that the developer be required to meet with FID staff to determine the extent of this proposal 6-2
3. Chapter 12 – It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse the existing overdraft of the groundwater supply beneath the FID service area. As this project will make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project. 6-3
4. Chapter 12 – The presence of Dibromochloropropane (DBCP) has been found to be present in the area located southeast of the City of Fresno. State EPA discontinued allowing the use of DBCP in 1977. However, any change in groundwater pumping (volume, intensity, magnitude, aquifer depth, etc.) could result in an adverse change in contamination or direction of flow and should be evaluated and considered for potential impacts. 6-4
5. Chapter 14 – Drainage and Flooding. The document states that the retention basin for Drainage Zone DS has been acquired by the Fresno Metropolitan Flood Control District (FMFCD) but that the Master Plan for Drainage Zone DS is still preliminary in nature and has not been adopted by FMFCD. FID recommends that the developer confer with FMFCD to confirm the current status of the basin. 6-5
6. Chapter 21 – This section identifies and discusses ways in which the proposed project could induce urban growth in its vicinity by serving as a community focus or amenity that would attract residential development to the area. This project site is within the City of Fresno's sphere of influence and designated for urban development by the City's 2025 Fresno General Plan as part of the Southeast Growth Area. The project does not provide for mitigation measures and states that this impact will be significant and unavoidable as development of the area will occur with or without the project. The decision-making body must consider this issue along with all of the appurtenant impacts, including those to water supply and quality in the future, before the project is allowed to move forward. Potential mitigation measures should also be identified. 6-6
7. Chapter 22 – This section identifies impacts created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. A "Figure 22-1" is referenced in this chapter on page 22-1, however it was not clear where this figure is located as no figures were included in this chapter. Additionally, significant and unavoidable cumulative impacts to increase transportation and coordination; degradation of air quality; water supply, quality, and hydrology; productive agricultural resources; and noise needs to be seriously considered by the decision-making body before the project is allowed to move forward. 6-7

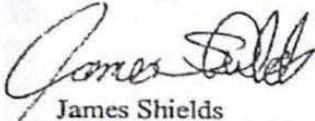
June 10, 2008
Mr. Odell
Page 3 of 3

The proposed project is significant and potentially affects many aspects of growth, development, availability of future resources and the conversion of agriculture to no-agricultural purposes. All of our comments, as well as impacts identified in the DPEIR as significant must be seriously considered and addressed.

6-7

FID appreciates your consideration of these comments. Should you have any questions in regards to the subject matter, please do not hesitate to contact me at jshields@fresnoirrigation.com or at 559-233-6171 ext. 319.

Sincerely,



James Shields
Engineering Technician II

- cc: Bill Stretch, Chief Engineer, FID
Laurence Kimura, Assistant General Manager, FID
Walt Byrd, Clovis Unified School District
Alan Mok, Blair, Church & Flynn

G:\Agencies\Clovis Unified School District\Fourth Education Center\DPEIR - Final comments 06-10-2008.doc

Responses to Fresno Irrigation District, James Shields, Engineering Technician II

Response 6-1

Based on Draft EIR Mitigation Measure 12.1(c) and the content of the FID letter indicating that “. . .the project will be able to utilize [surface] water during the normal irrigation season . . .”, it appears almost a certainty that surface water can and will be used for on-site irrigation. FID is correct in noting that without use of surface water, impacts to water supply and quality would be potentially significant. Since the project applicant must adopt all feasible mitigation measures and since the surface water requirement appears feasible, impacts on water supply and quality related to use of surface water are considered mitigated.

Response 6-2

The District's engineer would be expected to meet with FID staff to work out the extent and details of FID pipeline removal and replacement.

Response 6-3

This project is a relatively small component of a very large specific plan (Southeast Growth Area or SEGA) being prepared by the City of Fresno, along with an Environmental Impact Report. This educational center project would not be constructed and operational for approximately seven to nine years, substantially after the SEGA plan is adopted in 2009. Water supply is one of the most important issues being considered in the planning process and is being addressed with the goal of long-term sustainability with respect to the water supply/overdraft situation.

Response 6-4

Comment noted. The issue of DBCP contamination and other water quality issues will be addressed in the SEGA EIR.

Response 6-5

The land for Basin DS is owned by the Fresno Metropolitan Flood Control District and is located immediately west of the project site. Since the project site is next to the basin location, FMFCD has been able to determine tentative master plan improvements applicable to the project site. However, since Drainage Area DS is substantially larger than the project site and since the specific plan for the SEGA is in process (which will determine the land use pattern in the drainage zone), the Master Plan for Drainage Area DS is still preliminary in nature.

Response 6-6

Draft EIR Chapter 21 concluded that “the project will not have a significant growth inducing effect because any growth induced will be within an area comprehensively planned for urban development, and development of the area will occur with or without the project.” The City of Fresno must adopt a specific plan for the Southeast Growth Area before it can approve and provide services to development within the area.

Please refer also to Response 6-3

Response 6-7

The Draft EIR mistakenly refers to Figure 22-1. No such figure exists. Therefore, page 22-1 of the Draft EIR has been modified in the Final EIR as follows (deleted text is strikethrough).

The geographic area and planned development encompassed by *2025 Fresno General Plan* and evaluated in the MEIR, ~~as shown on Figure 22-1~~, encompasses urban development within the Southeast Growth Area, where the project is proposed. The MEIR, in Chapter III – Project Description, under “General Plan Land Use Changes,” states, “this MEIR addresses the physical impacts anticipated from key changes in land uses proposed in the *2025 Fresno General Plan*.” (p. III-2)

Significant and unavoidable project and cumulative impacts are required to be considered by the District’s Governing Board prior to making a decision on the project.



Planning and Development Department
Nick P. Yovino, Director

2600 Fresno Street, Third Floor
Fresno, California 93721-3604
(559) 498-1591 FAX (559) 498-1012

June 10, 2008

Please reply to:
Mike Sanchez
(559) 621-8040

Mr. Bill McGuire
Administrative Services
Clovis Unified School District
1450 Herndon Avenue
Clovis, CA 93711

Dear Mr. McGuire:

SUBJECT: DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT – CLOVIS UNIFIED SCHOOL DISTRICT FOURTH EDUCATIONAL CENTER, SCH # 2005101054

The Planning and development department has reviewed the Clovis Unified School District's (CUSD) Draft Environmental Impact Report (DEIR) for the District's Fourth Educational Center, which proposes construction of a high school, middle school, elementary school, and an elementary school and associated athletic/recreational facilities including an 8,000-seat football stadium on approximately 160 acres of property. The proposed site is located between North Leonard and North Highland Avenues on both sides of the Clinton Avenue alignment. Staff offers the following comments:

- 1. The proposed location is within the City of Fresno's newest planning area, the Southeast Growth Area (SEGA). As the District is aware, the city is in the midst of developing a comprehensive planning document for this new growth area. This process is not expected to be complete until the Spring of 2009 including public review of the related environmental impact report. In addition, staff is aware that a consistency finding with the City's 2025 General Plan must be made pursuant to Public Resources Code Section 21151.2 and Government Code Section 65402(c). This finding cannot be made until the City Council adopts the SEGA planning document. It is also our understanding that the County of Fresno is taking the lead in this endeavor. 7-1
- 2. The City of Fresno Fire Department has stated that the project site is greater than two miles and less than three miles for Fire Station No. 10. All buildings will be required to be sprinklered unless the future fire station planned for Belmont and Temperance Avenues is constructed prior to the school being developed. Access and water supply will need to be addressed once a site plan is provided to the Fire Department for review. 7-2
- 3. The Department of Public Utilities has submitted comments in their letter dated June 10, 2008 (Attached). 7-3
- 4. CUSD should consult with the City of Fresno Public Works – Traffic Division, to address potential circulation issues with respect to the ultimate design capacity of Leonard and Highland Avenues. The DEIR is proposing a mitigation measure of preparing a traffic impact study for each specific phase of their development in the future. Staff has some concern on this approach since once the EIR is certified, how is Clovis Unified going to mitigate impacts associated with a specific phase of development. Impacts need to be mitigated to a level acceptable by agencies, specifically a level of service D for the City of Fresno. 7-4

If you have any further questions, please contact me at the number listed above.

Regards,

Mike Sanchez
Planning Manager

Responses to City of Fresno, Planning and Development Department, Mike Sanchez, Planning Manager

Response 7-1

The District is aware of and participating in the SEGA planning process. Regarding the Public Resources Code Section 21151.2 and Government Code Section 65402(c) requirements, since the project site and surrounding area are unincorporated, only the County of Fresno is required to respond at this time. Once the SEGA Plan is adopted, if the currently proposed alternatives are any indication, the project will likely be consistent with the SEGA Plan.

Response 7-2

As noted in Chapter 16 of the Draft EIR, the project will comply with City of Fresno fire protection requirements and all permanent buildings will have fire sprinklers. The project will not be constructed and operational for approximately seven to nine years. The City's water system will be extended to the site before the project becomes operational. The District will consult with the Fire Department during the site planning process.

Response 7-3

The Department of Public Utilities letter is being responded to separately (see Responses 8-1 through 8-11).

Response 7-4


Mitigation Measure 9.1 requires the subsequent traffic studies to be prepared in accordance with City of Fresno and County of Fresno requirements in place at that time and that the project be required to mitigate traffic impacts to the level of service and queuing requirements of the affected agencies current at the time the traffic study is performed. (Please refer also to Response 11-2 to the City of Clovis Department of Planning and Development Services)



DEPARTMENT OF PUBLIC UTILITIES

Date: June 10, 2008

To: MIKE SANCHEZ, Supervising Planner
 Planning and Development

From: DOUG HECKER, Supervising Engineering Technician 
 Public Utilities Department, Planning and Engineering Division

Subject: REVIEW OF FOURTH EDUCATIONAL CENTER PROJECT DRAFT EIR (REVISED)

The proposed project site is located between N. Leonard and N. Highland Avenues on the north and south sides of the E. Clinton Avenue Alignment, Fresno County, California. The Educational center will include a high school, intermediate school, elementary school, and related athletic/recreational facilities, including an 8,000 seat football stadium. Construction of Sanitary Sewer and Water facilities shall be planned and designed in compliance with the City of Fresno General Plan and the approved City of Fresno South East Growth Area Master Plan. Currently, Calthorpe Associates have proposed three alternatives for the South East Growth Project Area.

8-1

Water Supply and Quality Mitigation Measures

- Continue water usage from Gould Canal by means of Kutner Colony Number 239 ditch Fresno Irrigation District for landscape irrigation. 8-2
- Comply with Metropolitan Water Resource Management Plan or other mitigation sources as determined necessary. 8-3
- Comply with adopted South East Growth Area Master Plan for City of Fresno Water service.
- Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand, sufficient to serve peak water demand for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well site(s) shall be of a size(s) and at a location(s) acceptable to the Water Systems Manager. 8-4
- Addition on page 12-2 "Within the next" two years "the aforementioned...." 8-5
- Addition to Item 12.1(d) page 12-6 continued... "inclusion of well head treatment facilities" or by mutual agreement, to participate with the City of Fresno on other viable supply options, as noted in 12.1(b). 8-6

- All on-site and off-site landscape irrigation shall be designed and constructed to using reclaimed water (purple pipe system). If the City of Fresno does not have reclaimed water available they shall connect to the City of Clovis system until Fresno's reclaimed water is available. If Clovis' system is unavailable they shall connect to the FID's irrigation system until Fresno's reclaimed water is available. 8-7
- All existing water entitlements shall be transferred to the City of Fresno upon annexation. 8-8

Wastewater Collection and Disposal Mitigation Measures

- City of Fresno Sanitary Sewer facilities are not available at this time. The preliminary sewer design facilities identified on page 13-1 and 13-3 in the Draft EIR for the Fourth Educational Center have not been approved by the Department of Public Utilities. Specific sanitary sewer size(s), length(s), and locations within street right-of-ways have not been determined. 8-9
- Comply with adopted South East Growth Area Master Plan for City of Fresno Sanitary Sewer service or other mitigation sources as determined necessary. 8-1
- Participate and or construct Sanitary Sewer facilities based on adopted South East Growth Area Sewer Master Plan.
- Upon connection of this Project to the City Sewer System the District shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-309 and 6-310. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge. 8-1

**Responses to City of Fresno, Department of Public Utilities, Doug Hecker,
Supervising Engineering Technician**

Response 8-1

As indicated in Draft EIR Chapters 12 and 13, the project will need City water and sewer service and the extent and design of such services will be dependent on the future SEGA land use and infrastructure plans. The District plans to work closely with the City to ensure appropriate District participation in providing the necessary services.

Response 8-2

As provided in Mitigation Measure 12-1(c), the District intends to use surface water for site irrigation. Fresno Irrigation District has noted that it will need to evaluate whether to continue to serve the site through the Kutner Colony No. 329 ditch or through the Gould Canal service area system (see FID comment 6-1).

Response 8-3

This project is within the SEGA specific plan being prepared by the City of Fresno. The project would not be constructed and operational for approximately seven to nine years, substantially after the SEGA plan is adopted in 2009. The District recognizes that the project would need to comply with applicable water resource and service plans developed as part of the SEGA planning and infrastructure process.

Response 8-4

As indicated Mitigation Measure 12-1(b), the District will be required to construct necessary City of Fresno water system improvements to ensure that the site will be adequately served in terms of water quantity and pressure. Mitigation Measure 12-1(d) requires the District to offer a well site to the City for purchase, sized appropriately to allow for the inclusion of well head treatment facilities. Measure 12-1(e) requires the water supply at the campus to meet City of Fresno fire flow requirements.

Response 8-5

In response to this comment, the first full paragraph on page 12-2 has been modified as follows (added text is underlined):

The nearest domestic water mains to the project site include a 12-inch line in Temperance Avenue between Belmont and Clinton Avenues and a 16-inch line in Shields Ave between Temperance and Locan. A City well exists on Armstrong Avenue, south of Shields Avenue. Within the next two years the aforementioned water treatment plant and 3 million gallon water storage facilities will be in operation on the north side of Dakota Avenue, between Armstrong and Temperance Avenues Avenue (Blair, Church & Flynn, 2007).

Response 8-6

In response to this comment, Mitigation Measure 12.1(d) has been modified as follows (added text is underlined):

12.1(d) If a water supply well is determined to be needed on the project site, the District will offer a well lot to the City of Fresno for purchase, sized appropriately to allow for the inclusion of well head treatment facilities, or by mutual agreement, to participate with the City of Fresno on other viable supply options, as noted in 12.1(b).

Response 8-7

In response to this comment, Mitigation Measure 12.1(g) has been added to the Final EIR:

12.1(g) Prior to developing site specific improvement plans for water supply and distribution, the District shall consult with the City of Fresno Department of Public Utilities on the water source to be used for landscape irrigation and design the improvement plans accordingly.

Response 8-8

Relinquishment of water entitlements will be considered at the time of annexation in conjunction with a future agreement with FID and the City of Fresno for the provision of surface water supplies for landscape irrigation.

Response 8-9

Comment noted. The extent of the sewer facilities that will need to be constructed will be determined by the City of Fresno and they may vary depending on the timing, phasing and location of the educational facilities on the site and other developments in the City of Fresno's Southeast Growth Area.

Response 8-10

This project is within the SEGA specific plan being prepared by the City of Fresno. The project would not be constructed and operational for approximately seven to nine years, substantially after the SEGA plan is adopted in 2009. The District recognizes that the project would need to comply with applicable sewer service infrastructure plans developed as part of the SEGA planning and infrastructure process.

Response 8-11

Mitigation Measure 13.1(b) requires the District to pay Sewer Facility charges as determined by Fresno Municipal Code



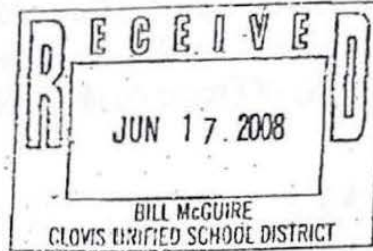
STATE OF CALIFORNIA
 GOVERNOR'S OFFICE of PLANNING AND RESEARCH
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
 GOVERNOR

CYNTHIA BRYANT
 DIRECTOR

June 10, 2008



Bill McGuire
 Clovis Unified School District
 1450 Herndon Avenue
 Clovis, CA 93611-0599

Subject: Fourth Educational Center
 SCH#: 2005101054

Dear Bill McGuire:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 9, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

9-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
 Director, State Clearinghouse

Enclosures:
 cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
 (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2005101054
Project Title Fourth Educational Center
Lead Agency Clovis Unified School District

Type EIR Draft EIR
Description The project consists of the acquisition of 160.64 gross acres and the development and operation of an educational center on the site. The educational center will include a high school (2,900 student capacity), intermediate school (1,400 student capacity), elementary school (700 student capacity), and related athletic/recreational facilities. The project will also include an 8,000-seat football stadium. The buildings to be included on the site will include classrooms, administrative offices, food service facilities, library/media facilities, gymnasiums, locker/shower facilities, shop buildings, and a maintenance area.

Lead Agency Contact

Name Bill McGuire
Agency Clovis Unified School District
Phone (559) 327-9110
Fax
email
Address 1450 Herndon Avenue
City Clovis
State CA **Zip** 93611-0599

Project Location

County Fresno
City Fresno
Region
Lat / Long
Cross Streets Between N. Leonard and N. Highland Avenues, north and south of the E. Clinton Avenue alignment
Parcel No. 310-310-14T, 39; 310-052-10T; 310-320-01S through 08S
Township 13S **Range** 21E **Section** 25 **Base** MDB&M

Proximity to:

Highways
Airports
Railways
Waterways Mill Ditch, Redbank Slough, and Gould Canal
Schools
Land Use 100 acres vacant/pasture, 20 acres almond orchard with residence, 40 acres rural residential (5 acre parcels)
Zoning: Agricultural
General Plan: Agricultural (County); Southeast Growth Area (City of Fresno)

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Parks and Recreation; Native American Heritage Commission; Department of Fish and Game, Region 4; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 6; Caltrans, Division of Aeronautics; Department of Toxic Substances Control; State Lands Commission

Date Received 04/25/2008 **Start of Review** 04/25/2008 **End of Review** 06/09/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, Terry Roberts, Director

Response 9-1

Compliance with State Clearinghouse review requirements is noted. (Note: Only two of the state agencies to which the Draft EIR was distributed by the Clearinghouse responded: California Department of Transportation, District 6 and Native American Heritage Commission. Their letters are included in this chapter, along with the District's responses).



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.301
210.425
310. "DS"

June 11, 2008

Mr. Bill McGuire, Associate Superintendent
Clovis Unified School District
1450 Herndon Ave.
Clovis, CA 93611

Dear Mr. McGuire,

**FMFCD Comments to the Draft EIR - Fourth Educational Center
Drainage Area "DS"**

The District has reviewed the subject Draft Environmental Impact Report and finds that majority of the District's comments, in the letter dated April 6, 2007, have been incorporated in the report and are still applicable.

However, the District requests that the following remaining and/or additional comments be added to the subject Draft Environmental Impact Report" as stated follow:

1. As a property owner, FMFCD may request street abandonment of Clinton Avenue, between Highland Avenue and Leonard Avenue. FMFCD's intent is to sell said portion of the street as a gross property, including the right-of-way, for fair market value. The potential impacts of the abandonment option should be addressed as part of the Environmental Impact Report. 10-1
2. The proposed development of Fourth Educational Center is located in an area that has historically provided a passage for major storm water flows from the areas east of Highland Avenue across the proposed site to the District basin. The grading of the proposed site shall be designed such that there are not adverse impacts to the passage of said major storm water from Highland Avenue to the District basin. 10-2
3. The proposed school shall construct Master Plan facilities shown on Exhibit No. 1 that will provide permanent drainage service to the site. These storm drain facilities are tentative only, and may be subject to change pending Master Plan finalization for this drainage area. A storm drain easement dedication will be needed for the Master Plan storm drain pipelines located along Clinton Avenue between Highland Avenue and Leonard Avenue. FMFCD also requires that the storm drainage patterns conform to FMFCD's Master Plan shown on Exhibit No. 1. 10-3

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JUN-11-2008 11:14AM FROM-

4. Basin "DS" is not yet developed and is not enclosed with a fence. FMFCD will provide fencing for Basin "DS". In the event FMFCD has not installed fencing of Basin "DS" by the time the School District is developing, Clovis Unified School District shall fence a portion of the Basin "DS" to be used for drainage service. In the event excavation by others does not precede the school development, the School District is required to provide excavation and storage in Basin "DS" of approximately 85,000 cubic yards as directed in an excavating permit obtained from FMFCD. FMFCD reserves the right to delete this work prior to the School District initiating work should others provide excavation and storage capacity. 10-4
5. Land use is an important determinant of the function of an area's roads. As land use changes because of development, especially at the urban fringe, road functions also change. For any future improvements, the school district should coordinate with the FMFCD for any conditions or special requirements that might be associated with this drainage area. FMFCD will need to review and approve all improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area. 10-5
6. Chapter 4 should identify and discuss that a significant portion of the site received substantial fills as part of the Redbank Fancher Creeks construction project. Those fills were not placed with the intent of future building construction. As such, compaction may not be adequate for that purpose. It is not made clear under Impact 4.2 whether the soils investigation performed addressed compaction. 10-6
7. Within Chapter 14, the Significance Criteria section identifies 5 areas, (a) through (e), where a project may have significant impacts relative to drainage and flooding. Area (a), alteration of the existing drainage pattern, is not discussed and the site does receive drainage from upstream property that could be altered by project design. This potential impact should be identified, discussed, and any necessary mitigation included. Also, Chapter 14 refers to "Drainage Zone "DS". The FMFCD has numerous watersheds that are referred to as "Drainage Areas". The final document should be revised to refer to "Drainage Area "DS". 10-7
8. The District will be responsible for contributing its pro-rata share of the cost of a drainage system adopted by FMFCD to provide drainage service. This pro-rata share may be through in lieu construction of Master Plan facilities, payment of drainage fees or both. As land use densities have not been officially adopted and one being planned through the City of Fresno's SEGA process, the general makeup of the drainage system and associated costs must still be developed. The FMFCD drainage fee assessment to generate funding for the drainage system may be apportioned differently than in the past to ensure collection of sufficient funds to construct the drainage system. Until formal adoption of the Master Plan for proposed Drainage Area "DS", the apportionment of fees will not be known. The District should be aware that said fee structure may be modified. 10-8

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1-828 P.003/005 P-888

10-11-2008 11:14AM FROM-

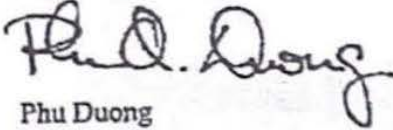
Mr. Bill McGuire
June 11, 2008
Page 3

10-9

The District will need to review and approve the final improvement plans for all development (i.e. grading, street improvement and storm drain) within the Fourth Educational Center to insure consistency with the Storm Drainage and Flood Control Master Plan.

Thank you for the opportunity to comment. Should you have any further questions or need addition information; please contact FMFCD at (559) 456-3292.

Very truly yours,



Phu Duong
Engineer II

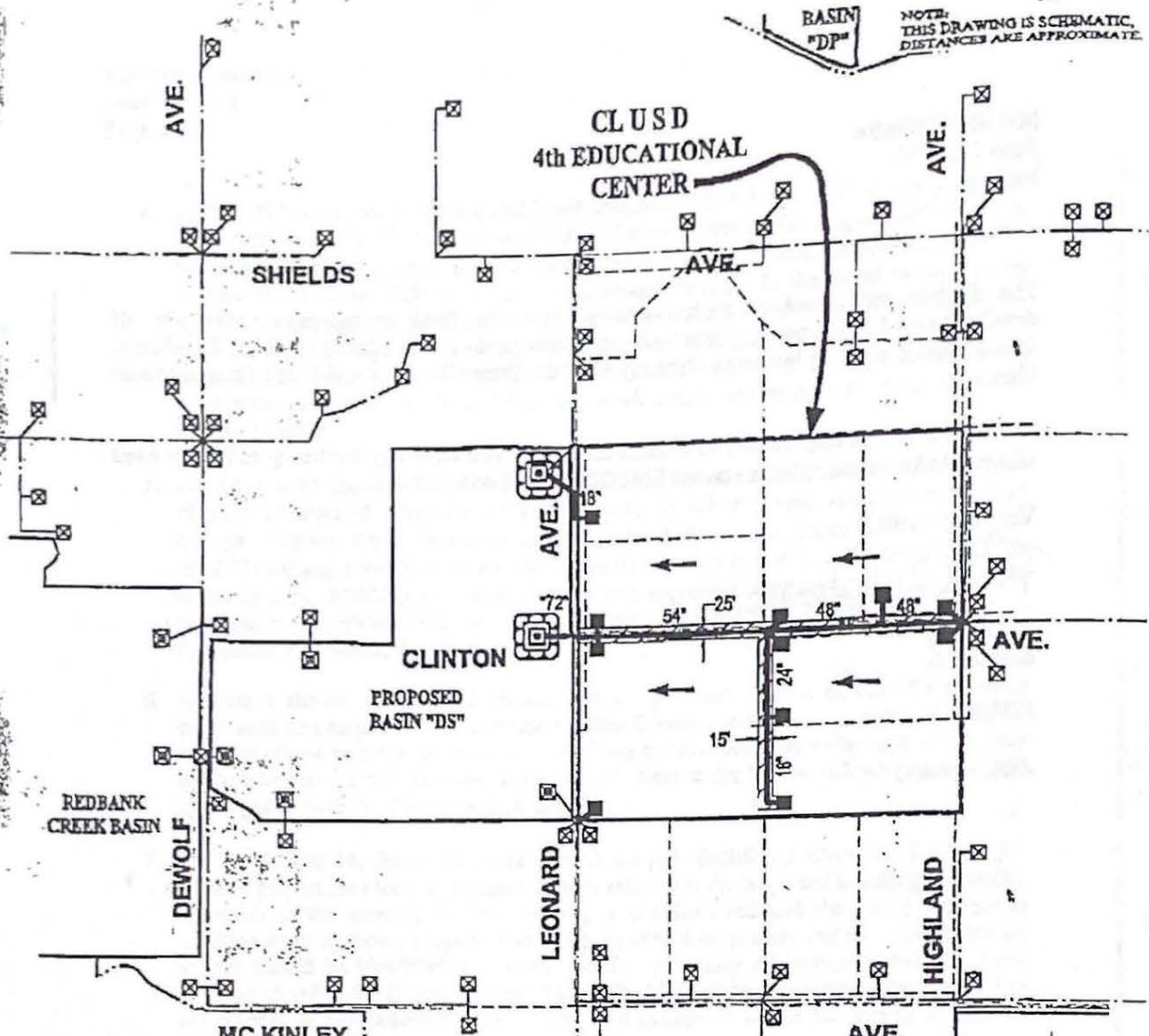
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Attachment(s)

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1-939 P.004/005 F-886

JUN-11-2008 11:15AM FROM-



LEGEND

- 4th Educational Center Location
- Storm Drainage Easement To Be Dedicated To FMFCD
- Master Plan Facilities To Be Constructed By Developer - Outfall, Pipeline (Size Shown) & Inlet - (Eligible For Fee Credit).
- Excavation by Developer
- Inlet Boundary
- Future Master Plan Outfall
- Future Master Plan Facilities
- Direction of Major Storm Breakover
- Drainage Area Boundary
- Storm Drain Sizes Subject To Change

SCALE = 1"=1000'

**CL USD
4TH EDUCATIONAL CENTER
DRAINAGE AREA "DS"**

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

1-838 P.005/005 F-866

JUN-11-2008 11:15AM FROM-

Responses to Fresno Metropolitan Flood Control District, Phu Duong, Engineer II

Response 10-1

Clinton Avenue is a paper street from Leonard Avenue to one quarter mile east of Leonard Avenue and consists of 15 foot wide access way east to Highland Avenue. Since a contiguous 160 acre site is necessary to accommodate the proposed project, the future abandonment of Clinton Avenue is inherently included as part of the project and would have no appreciable environmental effects. The District is acquiring all of the five-acre parcels that have access from Clinton Avenue, and since it does not currently extend through to Leonard Avenue from its existing terminus point approximately one quarter mile west of Highland Avenue, it is not needed for local circulation.

Response 10-2

In response to this comment, Mitigation Measure 14.1(d) has been added to this final EIR, as follows:

14.1(d) The grading of the project site shall be designed to facilitate storm water flows from Highland Avenue to Drainage Basin DS.

Response 10-3

The tentative master plan facilities shown on Exhibit No. 1 are noted. Mitigation Measure 14.1(c) has been modified in this final EIR to address the easement dedication in the Clinton Avenue (added text is underlined):

14.1(c) The District shall dedicate storm drainage easements related to the construction of any of the master-planned storm drainage pipelines that would occur on the site, outside of the street right-of-way areas, including along Clinton Avenue once abandoned by either FMFCD or the District.

Response 10-4

In response to this comment, Mitigation Measure 14.1(b) has been modified this final EIR, as follows (added text is underlined):

14.1(b) The District shall construct the FMFCD Master Plan Storm Drainage Facilities that would connect the site to the FMFCD drainage basin DS and excavate adequate storage volume within that basin to provide for the storage of the runoff generated from the Educational Center site. If the basin is not fenced at the time of school construction, the District shall fence the portion of the basin site used for drainage service.

Response 10-5

Comment noted. Mitigation Measure 14.1(e) has been added to this final EIR, as follows:

14.1(e) The District shall submit all improvement plans for grading, street improvements and storm drainage to FMFCD for review and approval.

Response 10-6

The District acknowledges that a significant portion of the site received substantial fill dirt resulting from excavation of the Redbank/Fancher Creeks project and recognizes that such fill areas must be properly compacted and engineered for building construction. The preliminary geotechnical report provided general recommendations for site preparation, engineered fill/compaction criteria and foundation design. As noted in Chapter 4, detailed geotechnical investigation reports will be required by the state prior to construction, which will assure that proper on-site soil preparation for construction occurs.

Response 10-7

This potential impact has been addressed by the addition of Mitigation Measure 14.1(d) to this final EIR, as noted in Response 10-2.

Response 10-8

Comment noted. The District recognizes that the SEGA planning process currently being undertaken will have significant implications on the drainage system to be designed for the area. The District's future obligations to provide storm drainage improvements for the project are covered by Mitigation Measures 14.1(a), (b) and (c).

Response 10-9

Please see Response 10-5



City of Clovis
 Department of Planning and Development Services
 CITY HALL · 1033 FIFTH STREET · CLOVIS, CA 93612

June 11, 2008

Mr. Scott B. Odell, AICP
 Paoli and Odell Inc.
 925 N Street, Suite 150
 Fresno CA 93721

Dear Mr. Odell,

Subject: Draft Environmental Impact Report for CUSD's 4th Educational Center Project

We are receipt of the subject Draft EIR and have the following comments.

There is a potential for the site's attendance boundaries to change over time, which may result in the need for additional service and environmental analysis. We recommend that the EIR include some discussion to identify what thresholds will be used to trigger additional analysis when attendance boundaries change.

11-1

The EIR only addresses road segments based on the Florida DOT tables. The EIR should discuss timely improvement of key intersections to determine street widening needs sooner rather than later so that retrofitting is avoided. Also, given the District's popular sporting programs, we recommend that event traffic and parking needs be included in the scope of the EIR.

11-2

Thank you for the opportunity to comment on this project. If you have any further questions, please contact me at 559 324-2338.

Sincerely,

David E. Fey, AICP
 Deputy City Planner

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JUN 12 2008

PAOLI & ODELL, INC.

**Responses to City of Clovis, Department of Planning and Development Services,
David E. Fey, AICP, Deputy City Planner**

Response 11-1

Although the actual attendance boundaries for schools are typically not established until approximately two years before the facilities are operational, a probable attendance area boundary was assumed for EIR analysis purposes. Since the project site is located in the southeast portion of the Clovis Unified School District, the existing District boundaries to the east, south and west of the site would form the attendance boundaries for the site and are not expected to change. Given the location of the Reagan Center to the north, the northern boundary would need to be between these two facilities, approximately in the vicinity of Dakota Avenue. Therefore, the attendance area boundaries for this site are not expected to vary substantially in the future.

Even when high school/intermediate school boundaries do change over time, it is unlikely that this would result in significant environmental impacts. It is important to note that when a boundary change occurs, any affected residences are already making trips to an existing school. Boundary changes would affect the direction of traffic flow, and the greatest traffic concentrations for schools occur as one moves closer to the school site. Since most attendance area changes occur at the periphery of an attendance area rather than the core of an attendance area, no significant changes in traffic direction and volume would be expected.

Response 11-2

The project is within the City of Fresno's Southeast Growth Area (SEGA). Before any development can occur in the SEGA, a comprehensive land use plan and EIR must be prepared and adopted. The SEGA Plan and EIR are currently being prepared and will not be completed and adopted until mid 2009. The Educational Center is not expected to be constructed and operational for about seven to nine years. Therefore, the approach used for the Draft EIR traffic study was to provide baseline information and evaluations (trip generation and distribution and evaluation of street segment volumes) and require the preparation intersection-specific traffic analyses once the City of Fresno has defined the land uses and major street system for the SEGA and the project development phases are closer to initiation. (Mitigation Measure 9.1 in the Draft EIR [see below] requires a project-specific traffic impact study be performed prior to each phase of project.) This traffic study approach avoids having to engage in speculation on the future land uses, major street system, and project phasing and provides assurance to affected agencies that traffic studies will be done at appropriate times during the project development process and that the District will be responsible for mitigating project impacts in accordance with established level of service standards.

Mitigation Measure 9.1

The project shall be required to perform a project-specific traffic impact study prior to submitting improvement plans for each phase of development, including

the proposed stadium, in accordance with City of Fresno and County of Fresno requirements in place at that time. The City of Fresno currently requires any project expected to generate 100 or more peak-hour trips to perform a traffic impact study. The County of Fresno currently requires a traffic impact study for all intersections at which a project will generate 10 or more peak-hour trips or 100 or more daily trips. In addition, Caltrans may require analysis of state facilities. CUSD shall consult with the City of Fresno, County of Fresno, City of Clovis, and Caltrans prior to any new construction project to determine the requirements for a traffic impact study. The project shall be required to mitigate traffic impacts to the level of service and queuing requirements of the affected agencies current at the time the traffic study is performed. The future traffic impact studies shall not be based on the trip generation data or traffic counts presented herein, but shall be based on the best and most recent data available at the time the study is performed.

Event traffic and parking needs are addressed by Mitigation Measure 9.2:

Mitigation Measure 9.2

As part of the future site planning process for the project, a traffic and parking analysis shall be prepared that (1) evaluates and addresses potential traffic congestion where driveways intersect with adjoining public streets; (2) ensures that adequate parking is provided for students, faculty, staff, visitors, and athletic facilities, in accordance with accepted standards and practices for school facilities existing at the time of site plan preparation; (3) provides for separate off-street facilities for student drop-offs by parents and bus loading and unloading; and (4) ensures that adequate emergency access is provided to the project in accordance with local fire and law enforcement requirements. The above analysis shall be prepared in coordination with City of Fresno and County of Fresno planning and traffic engineering staffs, and City and County law enforcement and fire departments.