

## NOTICE OF EXEMPTION

**TO:** Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044  
Email – [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

**FROM:** CalRecycle  
P.O. Box 4025  
Sacramento, CA, 95812-4025

**Project Title:** New Solid Waste Facilities Permit (SWFP) for the Divert Recovery Facility, Turlock, SWIS Number 50-AA-0052, Stanislaus County

**Project Applicant:** Divert, Inc.

**Project Location – Specific:** 415 South Soderquist Road,

**Project Location – City:** Turlock, CA 95380

**Project Location – County:** Stanislaus

**Description of Nature, Purpose and Beneficiaries of Project:** Issuance of a New Solid Waste Facilities Permit (SWFP) for the Divert Recovery Facility, Turlock, SWIS Number 50-AA-0052, as a large volume transfer/processing facility to receive and process up to 250 tons of food waste within an existing warehouse.

**Name of Public Agency Approving Project:** Department of Resource Recycle and Recovery (CalRecycle)

**Name of Person or Agency Carrying Out Project:** CalRecycle

**Exempt Status:** Categorical Exemption. Class 1 Section 15301 - Existing Facility, and Class 32 Section 15332 - Infill Development

**Reason why project is exempt:**

An Environmental Analysis and Documentation for CEQA Categorical Exemptions, dated May 15, 2020 (attached), and CalRecycle staff has determined: that the facility site is located in an Industrial zone, and is consistent with Stanislaus County's General Plan policies and zoning designation; is consistent with the industrial land uses previously operating at the project site; on less than five acres; on a site with no habitat value for endangered, rare or threatened species; adequately served by public utilities and services; the project would not result in any new significant traffic, noise, air quality, or water quality effects; and would involve only minor alterations and no expansion of an existing or former use and meets specific criteria and examples set forth in 14 CCR 15301, subdivision (a), (e) and (f) – Existing Facility and 14 CCR, Section 15332 – In-Fill Development.

**Lead Agency Contact Person and Phone Number:** Joy Isaacson, (916) 341-6772

**Date:** August 31, 2020



Joy Isaacson  
Permits and Assistance Branch  
Waste Permitting, Compliance and Mitigation Division  
**CalRecycle**

Governor's Office of Planning & Research

**Aug 31 2020**

**STATE CLEARINGHOUSE**

# **DIVERT TURLOCK FOOD RECOVERY AND REUSE FACILITY: ENVIRONMENTAL ANALYSIS AND DOCUMENTATION FOR CEQA CATEGORICAL EXEMPTIONS**

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## **PROJECT BACKGROUND**

The Proposed Project, proposed by Divert, Inc. (Divert), consists of a new recovery facility and operation that will allow food retailers in California to more easily recover nutrients and green energy from their unsold organic material. The Proposed Project will be located at a site in the City of Turlock (City) currently developed with industrial buildings and previously used for industrial uses, most recently as a wholesale hardware store (Inland Wholesale Hardware). The facility will receive organic material directly from its clients (i.e., retail grocers and parent companies) and process this material for them to create a product that is then further processed by permitted third-party anaerobic digestion facilities for reuse. The 2.42 acre project site is located at 415 S. Soderquist Road, Turlock, California, in Stanislaus County (Assessor Parcel Number 050-001-007-000).

Additional details regarding the Proposed Project are found in the project description of the Transfer Processing Report (TPR) included as part of Divert's application for a solid waste facility permit (SWFP) from the Department of Resources, Recycling and Recovery (CalRecycle). The analysis in this paper is based on the TPR project description incorporated by reference and as summarized herein. Pursuant to the TPR, The Proposed Project would comply with State Minimum Standards for a SWFP for design and operation and all other applicable regulations.

## **PERMITTING AND ENVIRONMENTAL REVIEW**

While the Proposed Project does not require a discretionary land use permit from the City of Turlock, it will require the following:

- Solid Waste Facility Permit (CalRecycle)
- Industrial Waste Discharge Permit (City of Turlock)

The issuance of a SWFP is a discretionary approval of a "project" as those terms are defined by the California Environmental Quality Act (CEQA). Public Resources Code Section 21084 requires that the CEQA Guidelines include a list of classes of projects which have been determined to not have a significant effect on the environment and therefore are exempt from the provisions of CEQA. CEQA Guidelines Sections 15301 through 15333 describe 33 Classes of Categorical Exemptions (referred to as Class 1, Class 2, etc.).

The Public Resources Code and CEQA Guidelines provide additional detail as to when a categorical or statutory exemption may apply to a project. For many of the exemptions, the CEQA Guidelines also provide non-exhaustive examples of the general types of projects that would fall within the exemption class. For all categorical exemptions, it is the responsibility of the Lead Agency to demonstrate and determine that the proposed action falls within an exempt category, and support this determination with

factual evidence. Agencies may identify and rely on more than one categorical exemption that applies to a project.

The Proposed Project is an infill project in a developed portion of the City of Turlock, and will be located on a site previously developed and used for industrial uses. Additionally, the Proposed Project will be operated in the existing industrial building at the project site and using the existing site facilities. Therefore, as described below and based on substantial evidence in the record, the Proposed Project may be found to be exempt from environmental review under CEQA pursuant to the Class 32 (Infill Development) exemption (CEQA Guidelines section 15303), and the Class 1 (Existing Facilities) exemption (CEQA Guidelines section 15301).

## **CLASS 32: INFILL DEVELOPMENT PROJECTS (CEQA GUIDELINES §15332)**

### **CHARACTERISTICS OF THE PROJECT AND PROJECT THAT QUALIFY THE PROJECT AS EXEMPT AS AN INFILL DEVELOPMENT**

The CEQA Class 32 exemption consists of projects characterized as infill development that meet the following conditions, each addressed substantively below:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  - (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
  - (c) The project site has no value as habitat for endangered, rare or threatened species.
  - (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  - (e) The site can be adequately served by all required utilities and public services.
- (CEQA Guidelines Section 15332)

#### **a) General Plan and Zoning**

The project site is designated as Industrial (I) on the Turlock General Plan Land Use Diagram and is located within the area defined by the Westside Industrial Specific Plan (WISP), which was adopted in November 2006. The project site also is zoned I General Industrial. The Turlock General Plan Land Use Element (p. 2-14) describes the Industrial designation as follows:

Industrial (I) This designation provides for large and small scale industrial, manufacturing, distributing and heavy commercial uses such as food processing, fabricating, motor vehicle service and repair, truck yards and terminals, warehousing and storage uses, wholesale uses, construction supplies, building material facilities, offices, contractors' yards and the like. The majority of Industrial uses are found in the Turlock Regional Industrial Park (TRIP), encompassing approximately 2,500 acres west of S.R. 99 between Fulkerth Road and Linwood Avenue. Incidental retail and services may also be permitted provided they are primarily oriented

to employees and businesses within the area. Development in the designation shall not exceed a FAR of 0.6.

The WISP designates the project site as Industrial (WISP, Section 3.5, Land Use Diagram). The WISP describes uses allowed in the Industrial designation as follows:

The industrial land use will accommodate a wide range of industrial uses including those that require rail access;

Light Industrial and Small Businesses include a wide range of suppliers and services, such as printers, welding shops, electrical shops and other vendors that would serve the agri-science businesses; and

Heavy Industrial would include all manufacturing and processing facilities associated with agricultural processing, food products, agricultural and food processing equipment and repair, materials and product handling, warehousing and cold storage.

The Turlock Municipal Code (TMC) Section 9-3-401 (d)(2) describes the specific purpose of the I General Industrial District as follows:

I General Industrial District. To provide for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Turlock; and to protect Turlock's general industrial areas from competition for space from unrelated uses that could more appropriately be located elsewhere in the City.

### **Conclusion**

The City of Turlock found the Proposed Project consistent with the applicable Industrial (I) general plan designation and all applicable general plan policies as well as with applicable I General Industrial zoning designation and regulations and issued a Zoning Certificate on December 13, 2019 for the Proposed Project after review by several City divisions (see attachments for Certificate and Predevelopment Review Check List).

### **b) Project Site Size and Location**

The project site is 2.42 acres and lies entirely within the city limits of the City of Turlock, as shown in Exhibit A of the attachments. Also, as shown in Exhibit A, the project site, which itself is already developed with urban uses and structures, is surrounded by existing urban uses, including industrial uses, food processing uses, residential uses, and rail lines.

### **Conclusion**

The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

### **c) Habitat**

The project site is urban in nature and consists of an existing parking lot and industrial building/development surrounded by other urban uses, as described above, major roadways, and a railway. Vegetation on the project site is nearly absent, with the exception of a few frontage trees that will not be removed as part of the Proposed Project. The project site, therefore, has no value as habitat for endangered, rare or threatened species.

For the purpose of this analysis, special-status species is defined to include those species that qualify as rare, threatened, or endangered, or eligible for listing as such under federal, state, or local regulations. The following informational sources were queried in order to determine those special-status species with the potential to occur at the project site.

- U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation list of federally listed special-status species with the potential to occur in the vicinity of the project site, obtained April 24, 2020 (USFWS, 2020a);
- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database list of special-status species known to occur in the Turlock U.S. Geological Service topographical quadrangles (quads), obtained April 24, 2020 (CDFW, 2020); and
- California Native Plant Society (CNPS) list of special-status plants known to occur in the Turlock quad, obtained April 24, 2020 (CNPS, 2020).

Results of the above database searches are included in Attachment BIO-1. Species with no potential to occur on the project site were ruled out based on indicators such as lack of suitable habitat, soils, wetlands, elevation, or necessary substrate. Based on the overall lack of habitat present on the project site and habitat requirements for regionally occurring special-status species, the project site does not contain suitable habitat for special-status species (see attachments for site photos). No sensitive habitats or wildlife movement corridors occur on the project site. Additionally, no USFWS designated or proposed Critical Habitat occurs on the project site (USFWS, 2020b).

### **Conclusion**

Due to the existing urban nature of the project site, there is no sensitive habitat type, Critical Habitat, or characteristics necessary to support special-status species. Therefore the project site has no value as habitat for endangered, rare or threatened species.

### **d) Traffic**

The project site is located on South Soderquist Road in the City of Turlock. Project site access would predominately occur via State Route 99 (SR-99) and West Main Street to South Soderquist Road. The City of Turlock General Plan classifies South Soderquist Road as a two-lane collector roadway. West Main Street is classified as a four-lane arterial roadway. In the vicinity of the project site, SR-99 is designated as a major six-lane freeway.

Operation of the Proposed Project will result in a maximum of 20 two-way truck trips per day. On average, 8 to 10 trucks per day will deliver material to the facility. Approximately 4 to 6 tankers of organic slurry,

and 2 to 3 trucks of non-beneficial material, will exit the facility each day. Additionally, operation of the facility is anticipated to require a maximum of 20 full-time equivalent employees, of which only 12 individual employees would be onsite on any given 24-hour period of operation, when operating at full capacity. Therefore, the maximum estimated increase in trips would be approximately 80 one-way trips per day, based on the conservative approximation of 20 workers and 20 truck trips.

The City estimated the average daily trips on this section of West Main Street to be approximately 16,708 total daily trips (Turlock, 2015). The projected maximum number of trips due to the Proposed Project represents approximately 0.48 percent of the City's total daily trips on West Main Street. This percentage share of trips is not substantial and would result in fewer trips than occurred with the prior business that operated at the project site.

The prior business was a wholesale hardware facility that both received and delivered products via large trucks, with daily trips from both employees and customers who shopped onsite. The number of trips generated by the previous land use can be estimated using rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10<sup>th</sup> Edition (2017)*. The previous land use would be best described by the Hardware/Paint Store (ITE 816) land use designation. Based on the ITE 816 trip rate of 9.14 weekday trips per 1,000 square feet, the previous land use could have resulted in approximately 366 weekday trips. Compared to prior business operations, the Proposed Project could result in a significant reduction in trips to the project site.

The Proposed Project would only result in truck trips and employee trips, not customer trips. Additionally, there will be no increase in parking facilities with the Proposed Project, only some minor re-paving and restriping to add City-required ADA-compliant parking. Therefore, the Proposed Project would not cause a significant change to the roadway's level of service, which, in any event, is no longer required to be considered under CEQA. (See *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, 625-626 [challenge to LOS analysis deemed moot per SB 743].)

### **Conclusion**

Because the project would be located on an existing developed site in a developed area that has been environmentally assessed for a certain amount of traffic, and because the Proposed Project would result in no, or negligible, increase in trips on existing roadways over the existing and approved conditions, in which the project site and facilities currently are unused but where the prior use produced a comparable number of vehicle trips, the Proposed Project would not result in significant impacts related to traffic.

### **d) Noise**

The project site is zoned as industrial and is primarily surrounded by other industrial land uses. Typical noise sources for industrial areas include, as here, vehicular traffic and machinery associated with industrial activities. The nearest noise-sensitive receptors are single-family residences, located immediately adjacent to the project site along South Soderquist Road. The nearest high capacity roadway, SR-99, is located approximately 1,000 feet from the project site. Therefore, existing average ambient noise levels in the vicinity of the project site are expected to be relatively high. The TMC (Chapter 5-28) establishes standards for acceptable noise levels at different land uses.

Construction activities associated with the Proposed Project would be limited to minor interior modifications, and would not be conducted during weekday hours of 7:00 p.m. and 7:00 a.m. (or 8:00 p.m. and 9:00 a.m. on weekends or holidays) in accordance with TMC Section 5-28-110.

Operational activities, including processing and forklift operation, would occur entirely within the enclosed warehouse. Additionally, the office and employee parking areas of the proposed facility will face South Soderquist Road, which provides an increased buffer between the proposed industrial operations and existing residential land uses. The primary source of noise from operation of the Proposed Project would come from heavy-duty trucks bringing material to and from the facility. However, truck trips are common within this industrial zone, and therefore taken into consideration by the City when establishing exterior noise limits for industrial areas, which allows up to 75 dBA (TMC Section 5-28-108 (a)). Moreover, truck trips associated with the Proposed Project would occur predominantly within normal business hours and would be spread out throughout the day. The relative few that might occur after business hours are not expected to exceed noise limits and would nevertheless be subject to the City's enforcement of its noise limits. Although vehicle trips are expected to decrease overall from prior use, any increase in truck trips would not result in an incremental significant increase in ambient noise, which is already elevated as a result of SR-99. Therefore, operational noise levels are not expected to exceed the exterior noise limits specified in TMC Section 5-28-108 (a).

### ***Conclusion***

The Proposed Project would not result in significant impacts related to noise because its noise levels would fall within the parameters of the City's noise ordinance, which is regularly enforced by the City.

### **d) Air Quality**

Operation of the Proposed Project will include mechanical conveying and processing, as well as, use of forklifts for loading and unloading. The Proposed Project includes use of proprietary processing technology that is designed to not generate odors in the same manner as other food processors throughout the State of California, and will occur entirely indoors in a confined space. Similar Divert operations in California and throughout the US have had no nuisance complaints and operate to the highest standards. Therefore, no objectionable odors are expected at the sensory limits of the site.

As a part of the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the SJVAPCD has developed the Small Project Analysis Level (SPAL) screening tool to streamline the process of assessing significance of criteria pollutant emissions from commonly encountered projects (SJVAPCD, 2019). Using project type and size, the District has pre-quantified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. The latest SPAL screening tables indicate that a project classified as General Light Industry and under 510,000 square feet, or heavy Industry and under 920,000 square feet would not exceed applicable thresholds of significance for criteria pollutants (SJVAPCD, 2012). Therefore, with a footprint below this threshold, operation of the Proposed Project will not result in any impacts to air quality.

## **Conclusion**

Based on the local Air District's standards and due to the Proposed Project's type and size, it would not result in any significant impacts related to air quality.

## **d) Water Quality**

The facility was previously used as a wholesale hardware facility that operated several trucks and tractor trailers and received smaller customer trailers on a routine basis. The Proposed Project would operate at the site and within the existing structures. No construction of new structures is proposed.

The Proposed Project is anticipated to use approximately 7,000 gallons of water a day and discharge the same 7,000 gallons per day of wash water to the existing sanitary sewer, which connects to the City's sewer system. The City's sewer system conveys wastewater for treatment, as described in the Turlock General Plan, Figure 3-13, Existing Storm Drainage Infrastructure, to the Turlock Regional Water Quality Control Facility (TRWQCF) a tertiary treatment facility designed to treat 20 mgd, as stated on the City's website (Turlock, 2020). The Proposed Project would cause a slight increase in the volume of discharge to the City's sewer and wastewater system, however, updates to the TRWQCF allowed for future growth in the residential, commercial, and industrial sectors described in the Turlock General Plan Land Use Element (p. 2-50) and the TRWQCF currently treats an average of 8.5 mgd, substantially below its maximum capacity. Additionally, the Divert facility will be regulated under a City Industrial Waste Discharge Permit during operation.

To meet the City's requirements, a grease trap will be installed and placed between the process sewer drain in the process area, and where the connection ties to the existing sanitary sewer line. The main sewer connection is large enough to accommodate the service. The conversion of the business from a wholesale hardware facility to a food waste processor will not include the generation of any new hazardous materials on-site. The facility's new uses will require the operation of heavy machinery, and will utilize fuels, lubrication oils, diesel exhaust fluids, and generate waste oils, similar to the facility's previous use as a building zoned for industrial use. However, coverage under the Industrial Waste Discharge Permit and proper conveyance to the TRWQCF will prevent contamination to water sources.

The facility also connects to the City's storm water conveyance system via onsite storm drains. This system is regulated under City of Turlock's Phase II Small Municipal Separate Storm Sewer System (MS4) Program Permit, which provides detailed regulations to prevent storm water discharges and urban runoff which may affect aquatic life and public health. The Proposed Project will not add any impervious surfaces, therefore there will be no increase in stormwater runoff. Runoff will be captured and conveyed, as it was with prior site uses, pursuant to City requirements. The Proposed Project is also required to comply with applicable requirements in the TMC, Chapter 6-8, Stormwater Management and Urban Runoff Pollution Control. Sections 6-8-301 to 6-8-304 require the facility to comply with the applicable NPDES stormwater discharge permit, and also implement best management practices (BMPs) to control the volume, rate and potential pollutant load of stormwater runoff, and also where feasible, cover any non-impervious surfaces with either landscaping or stabilizer to prevent erosion and runoff.



### **Conclusion**

Compliance with the City's Wastewater Discharge Permit, NPDES MS4 Permit, and City of Turlock Municipal Code, in conjunction with the fact that there will be no increase in stormwater runoff or change in drainage facilities from prior use, would prevent any effect on surface water quality and groundwater quality.

### **e) Utilities and Public Services**

Typical pole mounted power lines from Turlock Irrigation District (TID), provide both water and power to the existing building and serve the property from the east on Soderquist Road. Additionally, below grade storm water, sewer and water lines to/from TID serve the site. Natural gas is also piped to the site underground, however, it is capped before entering the building. There is no natural gas usage on site.

The Proposed Project requires an upgrade to the building's electrical service from 220V to 480VAC. A second electrical service/meter has been designed and installed by TID to provide this upgrade. The site will continue to be serviced by TID, which is capable of providing the necessary power.

Additional drains to the existing sanitary sewer connection will be installed in the processing area of the facility, but no new sewer connection will be required. The discharge into the sanitary sewer will be wash water associated with cleaning gaylords and equipment. Project operational design will result in an even flow rate, so no peaking demands will occur.

As stated in the project description associated with Divert's CalRecycle application, an overhead fire sprinkler system exists in the building per the fire code. In addition, fire extinguishers will be located per the requirements of the Fire Marshal. Existing fire hydrants are located on-site. The project site is located in an existing developed industrial area already served by City police and fire, and does not include any unusual elements or operations that would require unusual demand on police and fire services.

### **Conclusion**

Because the project would be located on an existing developed site, well provided with existing utilities and services, and would result in no to very small increases in demands for utilities and public services, the Proposed Project would not result in significant impacts related to utilities and public services.

## **CLASS 1: EXISTING FACILITIES (CEQA GUIDELINES § 15301)**

Characteristics of the Project Site and the Project that Qualify the Project as Exempt as an Existing Facility

CEQA Guidelines Section 15301 states, in relevant part that:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use...Examples include...

- (a) Interior or exterior alternations involving such things as interior partitions, plumbing, and electric conveyances;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or (2) 10,000 square feet...
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices...

The Proposed Project would consist of operation of an industrial use at an existing industrial facility, and would involve only minor permanent alterations to the existing facilities, such as construction of interior partitions to create an office space, some additional plumbing and electric work, and installation of mechanical equipment, as described in Divert's application to CalRecycle and as explicitly allowed under this exemption (subdivisions (a) and (f)). No additions would be made to the existing building structure, thereby falling well below any exterior modifications that are explicitly allowed under this exemption (subdivision (e)). There would be no change in the existing zoning or land use designation and no change in use of the facility from its current, and prior, industrial land uses. Further, substantial evidence shows that there would be no increase in traffic and noise (discussed above) beyond existing and prior uses and what is allowable under existing regulations and codes, no increase in parking, no increase in impacts to water quality, etc. Essentially, while the functional use of the facility may change, that change does not expand its use in any meaningful environmental manner beyond what has been previously considered, approved, and realized at the site consistent with the City General Plan and the WISP (See *World Business Academy v. California State Lands Commission* (2018) 24 Cal.App.5th 476, 493–497 [stating that the “key consideration” when “determining whether the existing facilities exemption applies” is “whether the project involves negligible or no expansion of an existing use” and that “findings of an administrative agency [on a Class 1 exemption] can be informal;” holding that a use that “fits squarely into one of the listed examples” is persuasive as to the applicability of Class 1]; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810, 824 [upholding reliance on Class 1 exemption for parole office to be sited in an existing office building]; *North Coast Rivers Alliance v. Westlands*, (2014) 227 Cal.App.4th 832, 867–868 [holding that the Class 1 exemption applied to water districts' actions entering into two-year interim water contracts where no new facilities would be required to continue long-standing water deliveries].)

### **Conclusion**

Based on the facts described above, the Class 1 categorical exemption applies to the Proposed Project.

## **EXCEPTIONS TO RELIANCE ON CATEGORICAL EXEMPTIONS (CEQA GUIDELINES § 15300.2)**

CEQA Guidelines Section 15300.2 identifies exceptions - conditions under which Categorical Exemptions do not apply. Of the exceptions listed, the exceptions that are relevant to consideration under the Class 32 and Class 1 Categorical Exemptions are:

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

## **EVIDENCE THAT EXCEPTIONS DO NOT APPLY**

The following discussion presents facts and substantial evidence that none of the exceptions to the Class 32 or Class 1 Exemptions would apply to the Proposed Project.

### **b) Cumulative Impact**

The Proposed Project would be operated in an existing facility previously used for industrial uses on a site zoned and designated for industrial uses (see section above on “General Plan and Zoning”). The project site and its industrial use were contemplated in the WISP environmental impact report (EIR) (SCH #2003102067) along with other nearby industrial uses (aka, “successive projects of the same type in the same place”) by analyzing the impacts of full buildout of the WISP. All required CEQA issue areas were considered in this EIR in relation to industrial uses at and around the project site, mitigation measures were presented, and the EIR was subsequently certified and the WISP adopted by the City. Further, as discussed above and below, it has been demonstrated with substantial evidence that the Proposed Project, specifically, would not have a significant impact on several environmental resources areas relevant to CEQA: air quality, biological resources, cultural resources, water quality, traffic, utilities and service systems, and hazards/hazardous materials, thereby it would not make a considerable contribution to any cumulative effects related to these issue areas. The Proposed Project would not increase industrial activity over that planned and approved in the WISP and environmentally evaluated and certified in its EIR. As shown, there are no significant cumulative impacts associated with the Proposed Project, and, therefore, this exception does not apply.

### **c) Significant Effect, aka “Unusual Circumstances”**

Unusual circumstances occur when “the project has some feature that distinguishes it from others in the exempt class, such as its size or location” (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105). If these unusual circumstances result in a project having a significant effect on the environment, then an exemption cannot be relied upon. The exempt class in question here consists of industrial facilities that are zoned and designated for industrial use within the WISP’s boundaries.

The Proposed Project would be operated in an existing facility previously used for industrial uses. The project site is located in the adopted WISP, under which the City has planned for industrial development for a large area of the City. The site's parcel is zoned and designated for industrial uses (see "General Plan and Zoning" section above), is primarily surrounded by industrial uses, and does not present any unusual characteristics in size or location that make it any different from other industrial parcels within WISP boundaries.

As shown, there are no unusual circumstances related to the Proposed Project that would result in significant impacts on the environment, and, therefore, this exception does not apply.

#### **d) Scenic Highways**

As stated in the Turlock General Plan Draft EIR Section 3.7, no scenic highways are located in Turlock. No structures would be modified as a part of the Proposed Project and no trees removed. The WISP EIR (pp. 7-5 and 7-14 to 7-15) identified one historic resource in the WISP Study Area, a segment of the Tidewater Southern Railway (WISP EIR, p. 7-6). The Proposed Project would not affect this resource, which is not located on or adjacent to the project site. As shown, the Proposed Project will not result in damage to scenic resources or designated scenic highways, and, therefore, this exception does not apply.

#### **e) Hazardous Waste Sites**

According to 14 CCR 15300.2(e), "[a] categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code." According to the California Department of Toxic Substances Control (DTSC), the only hazardous waste site near the proposed project site is located at 107 South Kilroy Road in Turlock, California, approximately 0.75 miles west of the project site (refer to Attachment HAZ-1). There are no other listed hazardous waste sites within 5,000 feet of the project site (refer to Attachment HAZ-2). As shown, the Proposed Project would not take place on a listed hazardous waste site and would have no impact to hazardous waste remediation activities, and, therefore, this exception does not apply.

#### **f) Historical Resources**

No structures would be modified as a part of the Proposed Project, as only minor interior modifications would be done for the Proposed Project. No excavation or new construction will be required for the Proposed Project, therefore no unknown buried historical resources will be affected.

The WISP EIR (p. 7-6) identified one historic resource in the WISP Study Area, a segment of the Tidewater Southern Railway. The Proposed Project would not affect this resource, which is not located on or adjacent to the project site. As shown, the Proposed Project would not result in any changes to historical resources, and, therefore, this exception does not apply.

## **OVERALL CONCLUSION**

As demonstrated in this documentation and its attachments, the Proposed Project is exempt from the need to conduct environmental review under CEQA pursuant to the provisions of both the Class 1 and Class 32 categorical exemptions. The Project meets all the criteria listed by the respective CEQA Guidelines and substantial evidence supports a finding that none of the exceptions to the categorical exemptions apply.

## REFERENCES

- CDFW, 2020. RareFind 5, California Natural Diversity Database (CNDDDB). Available online at: <https://map.dfg.ca.gov/rarefind/Login.aspx?ReturnUrl=/%2frarefind%2fview%2fRareFind.aspx> Accessed April 24, 2020.
- CNPS, 2020. List of special-status species with the potential to occur within the “Turlock” 7.5-minute topographic quad. Available online at: <http://www.rareplants.cnps.org/> Accessed April 24, 2020.
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## **DOCUMENT PREPARERS**

### **AES**

Ryan Sawyer, AICP – CEQA Review

Sally Lyn Zeff, AICP – Land Use, Public Services and Utilities, CEQA analysis

Kelli Raymond – Habitat

Kelly Phang – Water Quality

Marcus Barrango – Traffic, Noise, Air Quality





SOURCE: Stanislaus County aerial photograph, 4/7/2017; Stanislaus County GIS 2020; ESRI 2020; AES, 4/29/2020

Divery White Paper / 220516 ■

## Exhibit A

### Aerial Site and Vicinity



# Zoning Certificate and Predevelopment Meeting



**City of Turlock**  
**Development Services Department**  
**156 S Broadway, Turlock CA 95380**  
**(209)668-5560 Fax (209)668-5107**

2019-00000130

## Building Occupancy / Zoning Certificate

Address of Business Requested: 415 S SODERQUIST RD TURLOCK, CA 95380

APN: 050-001-007-000

Zoning: I

Occupancy Use Requested: Food Rescue Recycling Fac

Past Use: Wholesale Hardware Distrct

Business Name: Divert, Inc.

Phone #: (774) 249-1400

Applicant's Name: Ryan Begin

Phone #: (774) 249-1400

Applicant's Mailing Address: 23 Bradford St 3rd Floor CONCORD, MA 01742

Total Fee: \$ 90.00

Inspection Date: NONE  
Inspection Time: NONE

This certificate is issued based upon your representation for the type of business you will be operating. The issuance of this form stipulates that the business is compatible with the zoning designation for the identified location, and that based upon the information you provided, the business does not require a use permit from the City of Turlock Planning Division. Failure to accurately disclose information necessary to make this determination could result in action to revoke this certification. In addition, an Occupancy Inspection shall be performed by the City of Turlock Building & Safety Division and Fire Department to further determine and approve the proposed occupancy use. Other City Divisions and/or County offices may have requirements as well. **NOTE: A sign permit is required prior to the installation of any signs. Please contact the Planning Division for additional information.**

Applicant's Signature [Signature]

Date 12-11-2019

Planning Division Signature [Signature]

Date 12/13/19

Building Division Signature [Signature]

Date 12-13-19

### -Inspection Status -

☐ Inspection NOT Required

☐ Building Permit Required

☐ Corrections Required

☐ Approved

Date

Use Classification

Building & Safety Div. \_\_\_\_\_

Inspector Signature

Fire Department \_\_\_\_\_

Inspector Signature/Date

Municipal Services \_\_\_\_\_

Signature/Date

COMMENTS: Zoning approval only, building permits required prior to occupying the building

To comment on this process you may send a confidential email to [DSD@turlock.ca.us](mailto:DSD@turlock.ca.us) or [planning@turlock.ca.us](mailto:planning@turlock.ca.us). Thank you.

# PREDEVELOPMENT REVIEW CHECK LIST

The purpose of the predevelopment meeting is to provide initial comments to a proposed site plan / development concept and identify important issues early in the review process to allow time for adjustments before either a formal application or building plan is submitted. It is important to recognize that the comments provided on this checklist are PRELIMINARY and are not necessarily a complete list of City comments or requirements. Staff does, however, make every attempt to address all known issues as early as possible in the process. As the project changes or as additional information regarding the project is received, staff may identify other issues or have additional requirements, comments, and recommendations.  
**\*\*THIS CHECKLIST IS INFORMATIONAL ONLY AND DOES NOT CONSTITUTE A PERMIT APPROVAL\*\***

Predevelopment Meeting Date: September 25, 2019 Interested Party: Bryan Saint

APN: 050-001-007 Site Address: 415 S. Soderquist Zoning: I GP: WSP

Development / Project Proposal: Food Rescue Recycling Facility

PLANNING PERMIT REQUIRED: Zoning Certificate

TMC INFORMATION PROVIDED TO CUSTOMER: \_\_\_\_\_

PLANNING DIVISION COMMENTS (668-5520) <u>Late Quintana</u>	Req'd	ADDITIONAL COMMENTS
1. Zoning Certificate		Zoning Certificate, Comply with Noise ordinance for night truck trips Need to control any odor
2. Set Backs		
3. Landscaping (WELO)		
4. Parking		
ENGINEERING DIVISION COMMENTS (668-5520) <u>Anthony Orsco</u>	Req'd	ADDITIONAL COMMENTS
1. Street Trees		caddis- fixture units would require payment of fees Repair any out of repair sidewalk
2. Curb, gutter, sidewalk		
3. Encroachment permit required		
4. Grading permit required		
FIRE DIVISION COMMENTS (668-5580) <u>Mark Gomez</u>	Req'd	ADDITIONAL COMMENTS
1. Sprinklers	X	will have to have the building fire sprinklers surveyed, need to look at height of containers to store, there will be no cardboard, maintain a 20' wide access lane to back of building for fire access
2. Fire hydrant		
3. Other		
BUILDING DIVISION COMMENTS (668-5560) <u>Eric Picciano</u>	Req'd	ADDITIONAL COMMENTS
1. Building permit	X	Plans: building permit required prepared by licensed architect/engineer, equipment if all listing than just anchoring electronic plans, need to evaluate structural ROA upgrades
2. Code Analysis required		
3. Occupancy Inspection		
4. Other		
<u>Kevin VanPatten</u>		ADDITIONAL COMMENTS
<u>Municipal Services</u>		would need some sort of pre-treatment device sand/oil interceptor for wash water



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office  
Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:

April 24, 2020

Consultation Code: 08ESMF00-2020-SLI-1714

Event Code: 08ESMF00-2020-E-05306

Project Name: Divert CEQA Exemption

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

---

Attachment(s):

- Official Species List

# Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Sacramento Fish And Wildlife Office**

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

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## Project Summary

Consultation Code: 08ESMF00-2020-SLI-1714

Event Code: 08ESMF00-2020-E-05306

Project Name: Divert CEQA Exemption

Project Type: FILL

Project Description: Urban infill, re-development

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/37.48947838983848N120.86347443629157W>



Counties: Stanislaus, CA

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## Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Fresno Kangaroo Rat <i>Dipodomys nitratooides exilis</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5150">https://ecos.fws.gov/ecp/species/5150</a> Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/37/office/11420.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/37/office/11420.pdf</a>	Endangered

## Reptiles

NAME	STATUS
Blunt-nosed Leopard Lizard <i>Gambelia silus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/625">https://ecos.fws.gov/ecp/species/625</a>	Endangered
Giant Garter Snake <i>Thamnophis gigas</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4482">https://ecos.fws.gov/ecp/species/4482</a>	Threatened

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## Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a> Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf</a>	Threatened
California Tiger Salamander <i>Ambystoma californiense</i> Population: U.S.A. (Central CA DPS) There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2076">https://ecos.fws.gov/ecp/species/2076</a>	Threatened

## Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a>	Threatened

## Insects

NAME	STATUS
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7850">https://ecos.fws.gov/ecp/species/7850</a> Habitat assessment guidelines: <a href="https://ecos.fws.gov/ipac/guideline/assessment/population/436/office/11420.pdf">https://ecos.fws.gov/ipac/guideline/assessment/population/436/office/11420.pdf</a>	Threatened

## Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/498">https://ecos.fws.gov/ecp/species/498</a>	Threatened
Vernal Pool Tadpole Shrimp <i>Lepidurus packardii</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2246">https://ecos.fws.gov/ecp/species/2246</a>	Endangered

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



# Selected Elements by Scientific Name

## California Department of Fish and Wildlife

### California Natural Diversity Database



Query Criteria: Quad<span style='color:Red'> IS </span>(Turlock (3712047))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Agelaius tricolor</i></b> tricolored blackbird	ABPBXB0020	None	Threatened	G2G3	S1S2	SSC
<b><i>Anniella pulchra</i></b> northern California legless lizard	ARACC01020	None	None	G3	S3	SSC
<b><i>Bombus crotchii</i></b> Crotch bumble bee	IIHYM24480	None	Candidate Endangered	G3G4	S1S2	
<b><i>Buteo swainsoni</i></b> Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
<b><i>Dipodomys heermanni dixonii</i></b> Merced kangaroo rat	AMAFD03062	None	None	G3G4T2T3	S2S3	
<b><i>Lasiurus cinereus</i></b> hoary bat	AMACC05030	None	None	G5	S4	
<b><i>Monardella leucocephala</i></b> Merced monardella	PDLAM180C0	None	None	GH	SH	1A
<b><i>Oncorhynchus mykiss irideus pop. 11</i></b> steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
<b><i>Vireo bellii pusillus</i></b> least Bell's vireo	ABPBW01114	Endangered	Endangered	G5T2	S2	

Record Count: 9

\*The database used to provide updates to the Online Inventory is under construction. [View updates and changes made since May 2019 here.](#)

## Plant List

2 matches found. [Click on scientific name for details](#)

### Search Criteria

Found in Quad 3712047

[Modify Search Criteria](#)
[Export to Excel](#)
[Modify Columns](#)
[Modify Sort](#)
[Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
<a href="#">Eryngium racemosum</a>	Delta button-celery	Apiaceae	annual / perennial herb	Jun-Oct	1B.1	S1	G1
<a href="#">Monardella leucocephala</a>	Merced monardella	Lamiaceae	annual herb	May-Aug	1A	SH	GH

### Suggested Citation

California Native Plant Society, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 24 April 2020].

#### Search the Inventory

[Simple Search](#)

[Advanced Search](#)

[Glossary](#)

#### Information

[About the Inventory](#)

[About the Rare Plant Program](#)

[CNPS Home Page](#)

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#### Contributors

[The Calflora Database](#)

[The California Lichen Society](#)

[California Natural Diversity Database](#)

[The Jepson Flora Project](#)

[The Consortium of California Herbaria](#)

[CalPhotos](#)

#### Questions and Comments

[rareplants@cnps.org](mailto:rareplants@cnps.org)

REGIONALLY OCCURRING SPECIAL-STATUS SPECIES

SCIENTIFIC NAME COMMON NAME	FEDERAL/STATE /CNPS LIST	DISTRIBUTION	HABITAT REQUIREMENTS	PERIOD OF IDENTIFICATION	POTENTIAL TO OCCUR ON-SITE
PLANTS					
<i>Eryngium racemosum</i> Delta button-celery	--/--/1B.1	Endemic to California. Known to occur in central California within freshwater wetlands and adjacent riparian habitats.	Wetland and riparian habitats	June-October	<b>No.</b> Suitable habitat for this species not present on site.
<i>Monardella leucocephala</i> Merced monardella	--/--/1A	Believed to be extinct. Historically known to occur within central and south central California.	Historically found in open valley grassland habitats.	May-August	<b>No.</b> Suitable habitat for this species not present on site.
ANIMALS					
Invertebrates					
<i>Bombus crotchii</i> Crotch bumble bee	--/CCE/--	Known to occur in the Mediterranean region, Pacific Coast, Western Desert, Great Valley, and adjacent foothills throughout most of southwestern California. This species was historically common in the Central Valley of California, but now appears to be absent from most of it, especially in the center of its historic range.	Found in open grassland and scrub habitats.	Unknown	<b>No.</b> Suitable habitat for this species not present on site.
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT/--/--	Vernal pool fairy shrimp are known from a total of 32 populations located in an area extending from Shasta County through most of the length of the Central Valley to Tulare County, and along the central coast range from northern Solano County to Pinnacles in San Benito County. Five additional, disjunctive populations exist near Soda Lake in San Luis Obispo County, in the mountain grasslands of northern Santa Barbara County, on the Santa Rosa Plateau in Riverside County, near Rancho California in Riverside County.	Vernal pools in the Central Valley, coast ranges, and a limited number of sites in the Transverse Ranges and Riverside County, California.	December-May	<b>No.</b> Suitable habitat for this species not present on site.

SCIENTIFIC NAME COMMON NAME	FEDERAL/STATE /CNPS LIST	DISTRIBUTION	HABITAT REQUIREMENTS	PERIOD OF IDENTIFICATION	POTENTIAL TO OCCUR ON-SITE
<i>Desmocerus californicus dimorphus</i> Valley elderberry longhorn beetle (VELB)	FT/--/--	Restricted to the Central Valley from Redding to Bakersfield. Counties include Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern, Madera, Mariposa, Merced, Napa, Placer, Sacramento, San Joaquin, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba counties; 0-762 meters elevation.	Riparian forest communities. Exclusive host plant is elderberry ( <i>Sambucus</i> species), which must have stems $\geq$ 1-inch diameter for the beetle.	Year-round	<b>No.</b> Suitable habitat for this species not present on site.
<i>Lepidurus packardii</i> Vernal pool tadpole shrimp	FE/--/--	Known from 18 populations in the Central Valley, ranging from east of Redding in Shasta County south to the San Luis National Wildlife Refuge in Merced County, also from a single vernal pool complex on the San Francisco Bay National Wildlife Refuge in the City of Fremont.	Life cycle within vernal pools and valley foothill grassland swales.	December-May	<b>No.</b> Suitable habitat for this species not present on site.
<b>Fish</b>					
<i>Hypomesus transpacificus</i> Delta smelt	FT/CE/--	Occurs almost exclusively in the Sacramento-San Joaquin estuary, from the Suisun Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties. May also occur in the San Francisco Bay.	Estuarine waters. Majority of life span is spent within the freshwater outskirts of the mixing zone (saltwater-freshwater interface) within the Delta.	Consult Agency	<b>No.</b> Suitable habitat for this species not present on site.
<i>Oncorhynchus mykiss irideus</i> pop. 11 Steelhead-Central Valley DPS	FT/--/--	Spawn in the Sacramento and San Joaquin rivers and tributaries before migrating to the Delta and Bay Area.	Found in cool, clear, fast-flowing permanent streams and rivers with riffles and ample cover from riparian vegetation or overhanging banks. Spawning: streams with pool and riffle complexes. For successful breeding, require cold water and gravelly streambed.	Consult Agency	<b>No.</b> Suitable habitat for this species not present on site.
<b>Amphibians</b>					

SCIENTIFIC NAME COMMON NAME	FEDERAL/STATE /CNPS LIST	DISTRIBUTION	HABITAT REQUIREMENTS	PERIOD OF IDENTIFICATION	POTENTIAL TO OCCUR ON-SITE
<i>Rana draytonii</i> California red-legged frog	FT/CSC/--	Known to occur along the Coast from Mendocino County to Baja California, and inland through the northern Sacramento Valley into the foothills of the Sierra Nevada mountains, south to eastern Tulare County, and possibly eastern Kern County. Currently accepted range excludes the Central Valley.	Occurs in permanent and temporary pools of streams, marshes, and ponds with dense grassy and/or shrubby vegetation. Elevations range from 0-1160 meters.	November – March (breeding)  June - August (non-breeding)	<b>No.</b> Suitable habitat for this species not present on site.
<i>Ambystoma californiense</i> California tiger salamander	FT/CT/--	Occurs in Alameda, Butte, Contra Costa, Fresno, Glenn, Kern, Madera, Merced, Monterey, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, Stanislaus, Tulare, and Yolo counties.	Occurs in vernal pools, ephemeral wetlands, and seasonal ponds, including constructed stockponds, in grassland and oak savannah plant communities. Elevations; 0-460 meters.	November- February (adults) March 15-May15 (larvae)	<b>No.</b> Suitable habitat for this species not present on site.
<b>Reptiles</b>					
<i>Anniella sp. 1</i> California legless lizard	--/CSC/--	Known to occur mainly in Monterey, San Luis Obispo, and Santa Cruz counties, although may occur in the central and southern portions of the Central Valley and in Southern California.	Burrows in loose soil, especially in shrubby semi-stabilized sand dunes near beaches; also in washes and other areas with sandy soil, in areas vegetated pine-oak woodland, chaparral, or grass.	May-November	<b>No.</b> Suitable habitat for this species not present on site.
<i>Gambelia silus</i> Blunt-nosed leopard lizard	FE/CE/--	Endemic to California. Inhabits the San Joaquin Valley and nearby valleys and foothills, from extreme northwest Santa Barbara County and western Kern County north to southern Merced County.	Semiarid grasslands, desert scrub habitats, alkali flats, washes arroyos, canyons and low foothills. Prefers flat areas with open space for running, avoiding densely vegetated areas.  Elevation 30 to 730 m (100 to 2,400 ft). Do not appear to use slopes >30-40 degrees.	All year	<b>No.</b> Suitable habitat for this species not present on site.

SCIENTIFIC NAME COMMON NAME	FEDERAL/STATE /CNPS LIST	DISTRIBUTION	HABITAT REQUIREMENTS	PERIOD OF IDENTIFICATION	POTENTIAL TO OCCUR ON-SITE
<i>Thamnophis gigas</i> Giant garter snake	FT/CT/--	Endemic to the San Joaquin and Sacramento Valley floors. Counties include Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Madera, Merced, Sacramento, San Joaquin, Solano, Sutter, Yolo, and Yuba.	Inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands. Requires adequate water during its active season (early spring through mid-fall) to provide food and cover, emergent, herbaceous wetland vegetation for foraging and cover, grassy banks and openings in waterside vegetation for basking, and higher elevation uplands for cover and refuge from flood waters during its dormant season (winter). Inhabits small mammal burrows and other soil crevices with sunny exposure along south and west facing slopes, above prevailing flood elevations when dormant.	March-October	<b>No.</b> Suitable habitat for this species not present on site.
<b>Birds</b>					
<i>Agelaius tricolor</i> Tricolored blackbird	--/CT/--	California and Baja California, Mexico.	Nests in dense thickets of cattails, tules, willow, blackberry, wild rose, and other tall herbs near fresh water.	All Year	<b>No.</b> Suitable habitat for this species not present on site.
<i>Buteo swainsoni</i> Swainson's hawk	--/CT/--	In California, breeds in the Central Valley, Klamath Basin, Northeastern Plateau, Lassen County, and Mojave Desert. Very limited breeding reported from Lanfair Valley, Owens Valley, Fish Lake Valley, Antelope Valley, and in eastern San Luis Obispo County.	Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah. Requires adjacent suitable foraging areas such as grasslands, alfalfa, or grain fields supporting rodent populations.	March – October	<b>No.</b> Suitable habitat for this species not present on site.
<i>Vireo bellii pusillus</i> Least Bell's vireo	FE/CE/--	Known to occur in Butte, Fresno, Imperial, Inyo, Kern, Los Angeles, Mariposa, Merced, Monterey, Orange, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Stanislaus, Sutter, Tehama, Ventura, Yolo, and Yuba counties. However some counties only have one occurrence.	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite. Found in riparian forest, riparian scrub, and riparian woodland.	All Year	<b>No.</b> Suitable habitat for this species not present on site.
<b>Mammals</b>					

SCIENTIFIC NAME COMMON NAME	FEDERAL/STATE /CNPS LIST	DISTRIBUTION	HABITAT REQUIREMENTS	PERIOD OF IDENTIFICATION	POTENTIAL TO OCCUR ON-SITE
<i>Dipodomys nitratoides exilis</i> Fresno kangaroo rat	FE/CE/--	Known on the San Joaquin Valley floor, from about the Merced River, Merced County, on the north, to the northern edge of the marshes surrounding Tulare Lake, Kings County, on the south, and extending from the edge of the Valley floor near Livingston, Madera, Fresno, and Selma, westward to the wetlands of Fresno Slough and the San Joaquin River.	Grassland, chenopod scrub, and alkali desert scrub communities. Prefer nearly level, light friable soils.  Recently, only been found in alkali sink communities from 200 to 300 ft.	All year	<b>No.</b> Suitable habitat for this species not present on site.

**SOURCES:** USFWS, 2020; CDFW, 2020; CNPS, 2020

**STATUS CODES:**

FEDERAL: United States Fish and Wildlife Service

FE Federally Endangered

FT Federally Threatened

FC Candidate for Federal Listing

STATE: California Department of Fish and Game

CE California Listed Endangered

CT California Listed Threatened

CSC California Species of Special Concern

CNPS: California Native Plant Society (California Rare Plant Rank [CRPR])

1A Plants Presumed Extinct in California

1B Plants Rare, Threatened, or Endangered in California and Elsewhere

2B Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3 Plants About Which We Need More Information – A Review List

4 Plants of Limited Distribution – A Watch List

CNPS Threat Ranks:

0.1 Seriously Threatened in California (Over 80% of occurrences threatened/high degree and immediacy of threat)

0.2 Fairly Threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)

0.3 Not Very Threatened in California (<20% of occurrences threatened/low degree and immediacy of threat or no current threats known)



## Site Photos



**Exterior of Existing Building**



**Interior of Existing Building**



**Area Surrounding Existing Building**





## Sites and Facilities

### Cleanup Sites

- ☒ Federal Superfund
- ☒ State Response
- ☒ Voluntary Cleanup
- ☒ School Cleanup
- ☒ Evaluation
- ☒ School Investigation
- ☒ Military Evaluation
- ☒ Tiered Permit
- ☒ Corrective Action
- ☐ Field Points

### STATUS

All Statuses

### Permitted Sites

- ☒ Operating
- ☒ Post-Closure
- ☒ Non-Operating

### Other Sites

### GIS Layers

### Tools

- ☒ Measure a Distance

Site Quick Search

Right-click or perform a long

**BANQUET FOODS (50200002)**  
107 S KILROY RD  
TURLOCK, CA 95380

**SITE TYPE: STATE RESPONSE**  
**STATUS: CERTIFIED**

4143ft

4143ft

## Sites and Facilities

### Cleanup Sites

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### STATUS

All Statuses

### Permitted Sites

- ☒ Operating
- ☒ Post-Closure
- ☒ Non-Operating

### Other Sites

### GIS Layers

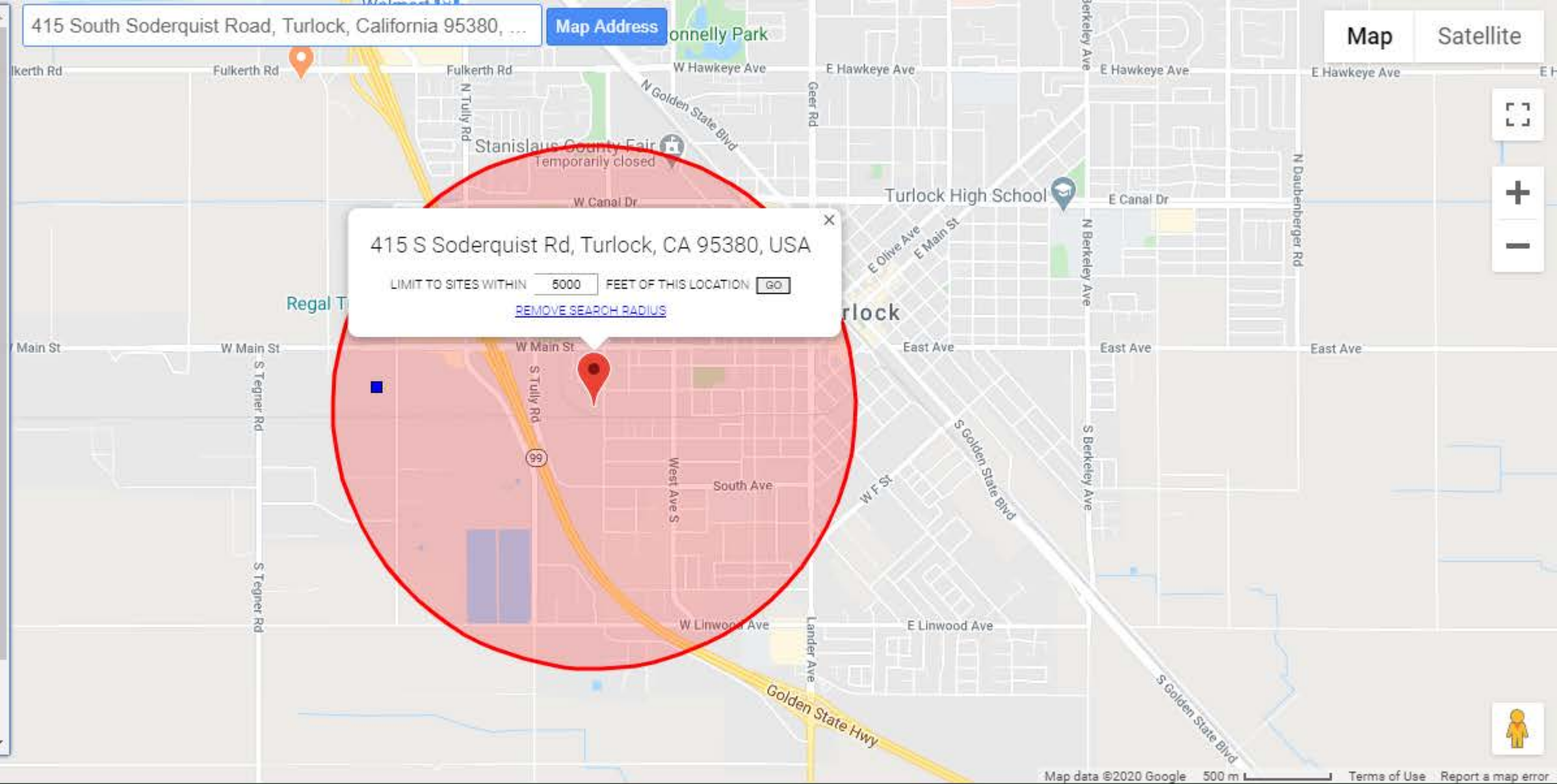
## Tools

☐ Measure a Distance

Site Quick Search

Right-click or perform a long

Left-click on the map to access additional



415 S Soderquist Rd, Turlock, CA 95380, USA

LIMIT TO SITES WITHIN 5000 FEET OF THIS LOCATION GO

[REMOVE SEARCH RADIUS](#)

## SITES FOUND IN SEARCH RADIUS

1 SITES LISTED

[EXPORT THIS LIST TO EXCEL](#)

PROJECT NAME	STATUS	PROJECT TYPE	ADDRESS	CITY
BANQUET FOODS	CERTIFIED	STATE RESPONSE	107 S KILROY RD	TURLOCK